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Senate

The Senate met at 9:30 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 of our hopes, by Your might the mountains are made firm and the roaring seas are still. You have challenged us to ask, to seek, and to knock in order to receive from Your bounty.

So we ask for Your favor upon the Members of this body that they will do Your will. We seek Your wisdom in order to find solutions to challenges that require more than human ingenuity. And we knock on the door of Your sovereignty, believing that in everything that happens, You are working for our good.

Show us how to find Your truth, even in the midst of error. 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 for 1 hour, with the first half of the time being controlled by the majority leader or his designee and the second half of the time controlled by the Democratic leader or his designee.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we have a period of 1 hour for morning business. Following that hour, the Senate will return to the consideration of the Water Resources Development Act. We are considering that bill under a unanimous consent agreement that allows for seven additional amendments. We will finish that bill today, and that will require votes throughout the course of the day. I expect that not all of the debate time will be used on each of the remaining amendments. If we are able to yield back some time today and if some of the amendments don't require rollcall votes, it is possible to finish early this evening. If Senators begin to use all of the time allocated, it will turn into a much later session with votes. In any event, we will finish the bill today.

Tomorrow we have an order to proceed to the Child Custody Protection Act. I am pleased that we are now able to proceed to that bill without any objection, and I hope we can get an agreement to finish that bill in a reasonable period of time as well.

In addition, this week we have some circuit and district court nominations on the Executive Calendar that will require some votes. We will consider those in all likelihood on Thursday.

I thank my colleagues for their assistance. We have had a very good and very productive week, with our debate on stem cell research, including scientific and ethical issues, over the last couple of days.

VIOLENCE IN THE MIDDLE EAST

Mr. FRIST. Mr. President, last week, on the morning of July 12, Hezbollah launched a brazen and unprovoked attack on Israeli soldiers patrolling their side of the border with Lebanon in northern Israel. Hezbollah militants killed seven Israeli soldiers and kidnapped two more in the attack. These two soldiers remain captive, presumably somewhere inside of Lebanon.

This Hezbollah attack followed an earlier attack from the Hamas terrorist groups on June 25. Hamas terrorists entered Israeli territory, attacked an Israeli military base, killed two soldiers, and kidnapped another. CPL Gilad Shalit has yet to be released.

Hezbollah and Hamas are terrorists organizations. They receive military and financial support from terror-sponsoring regimes in Damascus and Tehran, and they refuse to recognize Israel's right to exist. In fact, they call for Israel's destruction.

In June 2000, U.N. Secretary General Kofi Annan deemed Israel in full compliance with Security Council Resolution 425 by completely withdrawing its forces from Lebanon. Yet in the past year alone, Hezbollah has launched at least four separate attacks into Israeli territory using rockets and ground forces. It has blocked implementation of U.N. Security Council Resolution 1559 by refusing to disarm and disband its militia.

Last summer, Israel completely evacuated its forces from the Gaza Strip. Instead of demonstrating a willingness and ability to govern responsibly and improve the lives of the Palestinians living there, Hamas has used Gaza as a base to launch rocket attacks and other assaults on the State of Israel, like the one that led to the capture of Corporal Shalit on June 25.

Let us be clear: Hezbollah and Hamas, with the backing of Syria and Iran, are wholly responsible for the recent outbreak of violence in the Middle East.

While it is important for Israel to proceed carefully, we cannot deny its right to self-defense. Prime Minister Olmert's government has a responsibility to the Israeli people to defend

Israel against terrorist attacks. He has a responsibility to do what he can to prevent similar attacks from occurring in the future.

Israel is an ally—our closest friend in the Middle East. We share its strong commitment to democracy, to the rule of law, and to a peaceful solution to this conflict, a solution that leaves two democratic States, Israel and Palestine, living side by side in peace and security.

Yesterday, the Senate passed a resolution reaffirming its steadfast support for Israel in its fight against these vicious terrorists and other extremists who target Israeli citizens and exploit their own civilian populations as shields.

Hezbollah and Hamas must immediately and unconditionally release the captured Israeli soldiers and cease their rocket attacks against Israel. The state sponsors of these groups in Syria and Iran must be held to account.

Mr. President, I yield the floor.

Mr. ALLARD. Mr. President, may I inquire about the regular order?

The PRESIDENT pro tempore. We are in morning business with the first half of the time of 1 hour under the control of the majority leader or his designee.

Mr. ALLARD. Mr. President, I rise today deeply disturbed after watching the situation in Israel continuing to escalate over the last few days. Israel, over the last 3 years, has acted in a responsible manner and done everything possible, in my view, to reach out to those who desire peace. Unfortunately, there remain those who continue to disregard the Israeli State and refuse to recognize its legitimacy.

Sadly, these terrorist groups such as Hamas and Hezbollah remain committed to their ideology of hatred toward the Jewish people and appear determined to try to bring an end to the State of Israel. As such, I strongly support Israel's response to the unprovoked kidnapping of two Israeli soldiers and the unprecedented rocket bombardment of northern Israel.

The current Israeli action is justified. Action is necessary to stop those who are responsible for these despicable acts of terror. The attempts to defend Israel and rescue its captured soldiers with airstrikes and incursions by Israeli forces are not only appropriate but are absolutely necessary to protect Israeli citizens from future terrorist attacks.

Ultimately, I believe outside actors, such as Syria and Iran, which continue to support terrorist organizations such as Hamas and Hezbollah are the main culprits. These nations have done nothing to promote peace in the region. I believe the United States and the community of nations should put these nations on notice that their support for terrorism is unacceptable and will not be tolerated.

President Bush has likewise called out Syria and Iran for their support of Hezbollah by stating:

> The one way to help heal the Middle East is to address the root causes of the problems there, and the root cause of the problem is Hezbollah and Syria and the Iranian connection.

No one doubts that with the support these nations provide to Hezbollah they could bring an end to the hostilities in the region. Instead, they would rather Hezbollah continue to use innocent citizens as shields while the terrorist organization conducts attacks against a sovereign nation. They need to abide by the already passed United Nations resolution and end support for Hezbollah.

That is why I rise in support of S. Res. 534 condemning Hezbollah and their sponsors, and I also ask to be added as a cosponsor.

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

Mr. ALLARD. Mr. President, our ally, Israel, is entitled to the defense of its land. We as a body should again recognize this act and support Israel's right to self-defense while calling for the Syrians and the Iranians to take responsibility for these open hostilities. They must help immediately to withdraw all terrorist forces from Lebanon and end their support for Hezbollah's action against our allies. We also must ensure that the U.N. Security Council enforces the full implementation of U.N. Security Council Resolution 1559, which in 2004 called for disarming Hezbollah and the removal of all foreign forces from Lebanon. We must use all of the tools at our disposal to discontinue the financial, military, and political support Hezbollah and Hamas receive from these state sponsors of terror.

Of course, during this crisis I would be remiss if I did not mention my grave concern about the loss of innocent life in Israel, Lebanon, and Gaza. During the past week, Hezbollah has continued to fire rockets and mortars into civilian areas, killing multiple Israelis, among others. As much as I believe it is imperative that the United States stand behind Israel in its time of need, we also must provide assistance to those who have been hurt because of this conflict.

It is my strong belief that the United States should do everything in its power to assure Israel's right to exist and right to protect its borders. Israel must be allowed to live without fear within those borders. It is my hope that this conflict will be resolved peacefully in the coming days. The people of Israel have not asked for more than that, and I believe they certainly deserve as much.

Mr. President, I yield the floor.

WORLD SECURITY AND ENERGY

Mr. DEMINT. Mr. President, I have come to the Chamber this morning to talk about energy, an important issue that affects not only our cost of living but our Nation's security. But before I do, I wish to say I was pleased, as my colleague just mentioned, that last night the Senate voted unanimously to recognize the inherent right of our ally, Israel, to defend itself against terrorist aggression. Israel has a responsibility to protect its citizens, just as the United States does, and no nation should have to live under the constant fear of missile attacks or kidnapping.

The recent violence in the Middle East is demonstrating how broad this global war against radical Islamic murderers really is and how much nations such as Iran and Syria are funding these radical extremists. As Israel fights to defend its way of life from Hezbollah and Hamas and other radical Islamic terrorist groups, America will continue to support their efforts to defend their freedom.

As we fight to secure our homeland from future attacks by completing our mission in Iraq and hunting down terrorists around the world, I am proud we took the time last night to recognize Israel's struggle and express our solidarity behind them.

I would like to spend the rest of my time this morning talking about the energy crisis we are facing at home. Americans everywhere are paying the price.

For years, Democrats have complained about high energy prices and blocked the very solutions that would have lowered them and then attempted to blame Republicans for not doing enough.

American businesses, both large and small, are feeling the pinch. Recent estimates show that, since the year 2000, 3.1 million high-wage manufacturing jobs have been eliminated and moved overseas, where energy supplies are plentiful and costs are lower.

American families are struggling to make ends meet. In a recent survey, nearly 80 percent thought the rising cost of energy was hurting our economy and threatening jobs; 90 percent of those polled said that high energy costs were impacting their family budget. Despite having been through the warmest winter on record, heating bills for homes using natural gas went up over 25 percent. Last year, the percentage of credit card bills 30 days or more past due reached the highest level since the American Banking Association began recording this information in 1973. The ABA's chief economist cited high gasoline prices as the major factor.

One letter I received recently from a South Carolinian detailed how his father, who was on a fixed income, was forced to choose between paying for his medicine and putting gas in his car. Another constituent wrote that rising energy costs seriously threatened her family farm, due to the increased cost of vehicle operation, fertilizer, and irrigation.

With all this news, is it any wonder that Americans are discouraged when they see the partisan obstruction coming from Washington Democrats? The American people need answers, not

more obstruction. We recently had good news that Republican tax cuts continue to produce strong economic growth and have helped to create 5.4 million new jobs since 2003. But even as the economy grows and wages rise, family checkbooks still feel the pressure. If you get a $25-a-week raise but you have to spend $50 a week more to fill up your car with gas, you are still $25 worse off than you were when you started. It is no wonder that American's optimism about their economic future has faded as concerns over the cost of living have increased.

There is no quick fix to this dilemma, but there are many things that will work together to secure our economic prosperity. We can address rising health care prices by passing small business health plans to make health insurance more affordable—another item my Democratic colleagues have obstructed this year. We can return more control to patients by ensuring that every American has a health plan that they can own and afford and keep.

We can invest in the flexibility and choice necessary to train the best workforce in the world. It is not going to help to raise the minimum wage a dollar or two. We need to work on maximum wages for Americans by creating more qualified workers.

We can work to increase our natural gas and oil supplies. That will reduce the cost of gas, it will increase America's supply of energy, and encourage conservation. We can reduce the dependence on foreign oil. There is a lot we can do if we can work together in the Congress to pass new energy legislation.

The good news is that Republicans are working, one step at a time, to get these things done. In the next few weeks, the Senate will debate critical legislation to increase America's deep sea exploration in the Gulf of Mexico. This could help, again, to lower energy costs across the Nation. Unfortunately, some Democrats have already threatened to obstruct this important bill that would keep American energy prices competitive and hopefully lower them in the future.

We are still waiting for these same Democrats to offer any immediate solutions on their own. Strong economic growth in America and around the world has greatly increased the demand for already limited supplies of energy. We are now competing with other nations, not just for jobs but for the energy that powers those jobs.

Our energy problems did not occur overnight and they will not be fixed overnight. But if we fail to address rising American energy costs, we will create yet another incentive for businesses to locate overseas and leave American workers behind.

To keep the United States competitive, we must transform our energy policy to meet pressing short-term needs while exploring new alternative solutions to meet long-term needs for abundant, affordable, and emission-free energy. Currently, expensive and time-consuming permitting processes, extensive regulatory burdens, and overly bureaucratic environmental hurdles have made it cheaper to import our oil and natural gas from the Middle East than to use our own domestic resources. This makes no sense. To address the short-term issue of constantly fluctuating energy prices, we must eliminate these Government-imposed regulatory roadblocks in order to increase our energy supply and get these resources to consumers quickly and affordably. We can unshackle American entrepreneurs, the best in the world, and allow them to fully develop our natural resources and still protect our environment.

The long-term policy must focus on creating a diverse energy infrastructure that includes new technologies such as hydrogen, fuel cells, and other alternative forms of energy. Many of these technologies, currently in the early stages of development, have shown great promise and can revolutionize the way we fuel our cars, homes, and businesses.

Energy costs are on the rise and the ball is in the Democrats' court. Republicans have put forth practical solutions, such as the deep sea development that we will be talking about over the next weeks. These will diversify our energy infrastructure and supply affordable, abundant, and environmentally friendly energy, and most important, reduce the cost of living for American families.

I ask my Democratic colleagues to reject their leadership's tired strategy of blocking real solutions and then trying to blame Republicans when the problems don't get solved. Working together, we can bring down the cost of living and improve the quality of life for every American as we reduce the cost of gas and increase America's supply of energy. We can still encourage conservation, while reducing our dependence on foreign oil.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from the great State of Arizona.

Mr. KYL. Mr. President, I thank the majority and minority leaders for setting aside some time today to discuss the situation in the Middle East. While news of Israeli airstrikes and Hezbollah rocket attacks have dominated the airwaves for over a week now, the issue has not been extensively debated on the floor of the Senate. What we have now, today, is an opportunity to stand together as the Senate and send an unequivocal message of support to our Israeli allies in their time of need.

I am speaking about the Senate resolution which was adopted last evening, crafted in a bipartisan way by the majority and minority leaders of the Senate, a resolution which I am proud to cosponsor and which I believe eloquently expresses what I believe to be the true sense of this body and of the American people. It rightly points out that Israel has complied with the relevant Security Council resolutions regarding withdrawal from Lebanon and that, by contrast, Lebanon has failed to follow through on its obligation to disarm Hezbollah. The resolution correctly identifies the nexus of the problem not in Beirut or Gaza but in Tehran and Damascus, where State sponsorship of terrorism has reached new and disturbing levels.

Finally, this resolution encourages continued U.S. support for Israel and renewed international action to end the conflict by eliminating support and freedom of action of Hezbollah. It is, in summary, an important expression by the Senate.

I would like to take a moment now to address some arguments made by some over the years that Americans are too quick to equate our interests with those of Israel. There are recent articles by respected scholars who have argued that the role of the United States should be to push Israel toward an accommodation with these terrorists, the same terrorists bent on her destruction, rather than standing by her as she tries to lay the foundation for a lasting peace.

I think this past week's conflict exposes the utter fallacy of that perspective. Israel is under attack today, not just from Hezbollah and Hamas but from Iran and Syria, the two most active State sponsors of global terrorism. Right now the United States is struggling with these same two countries over their counterproductive roles in Iraq, their WMD programs, and their role in financing and equipping terrorists throughout the world.

The kind of attacks that Israel is enduring today could be visited on the United States or our troops tomorrow. For example, late last week an advanced Israeli warship was hit with an Iranian antiship missile. Despite the high-tech countermeasures on that ship, four sailors are now presumed lost. It is not hard to imagine these very same missiles used against American ships in the future, especially if the Iranians decide to blockade the Strait of Hormuz in response to U.S. pressure over that nuclear program. The attack on that ship can easily be perceived as directed as much against the U.S. Navy as it is against the Israeli Navy.

Those fighting international terrorism are bound at the hip in this conflict. To believe otherwise is the height of foolishness.

William Kristol stated in a editorial yesterday:

> It's our war. For while Syria and Iran are enemies of Israel, they are also enemies of the United States. We have done a poor job of standing up to them and weakening them. They are now testing us more boldly than one would have thought possible a few years ago. Weakness is provocative. We have been too weak, and have allowed ourselves to be perceived as weak.

This conflict, in short, is not just about the interests of the Israeli or Palestinian or Lebanese people. It is

about a broader state-sponsored jihad against Western civilization, a war in which we cannot afford to stumble or waver or appear to be weak. The Senate resolution is a sign that we will not stumble, that we stand by our Israeli allies as they fight on the frontlines of this war against terrorists. That the people of Lebanon have gotten caught in the middle of this war is not simply regrettable, it is criminal. But make no mistake who the perpetrators are: Iran and Syria and the terrorist groups they equip and encourage. This axis of violence cannot be allowed to operate with impunity against the State of Israel.

The solution to this current crisis will not be easy. But the first step was identified by President Bush, in what some have characterized as an overly candid conversation with Tony Blair in Saint Petersburg. Paraphrasing the President, he said the international community must put pressure on Iran and Syria to curb the actions of their terrorist proxy armies.

At the same time, the Government of Lebanon must act swiftly and directly to dismantle the Hezbollah infrastructure that threatens northern Israel. When these processes are in motion and the kidnapped Israeli soldiers have been returned, then is the time to again move toward the end game of this crisis.

Many in the international community have urged restraint on the part of Israel in facing this crisis. They talk about proportionality. I think we can all agree that in international relations, restraint is generally a good thing, but Israeli restraint and forbearance should only be given in response to action on the other side. Israel's response against terrorism cannot be proportionate. It must be effective. Absent action by the international community and the Lebanese Government, restraint will look like weakness to Israel's enemies. And any show of weakness will only bring more bloodthirsty attacks.

This is the experience of the region. This is the history of the region. No sovereign nation would tolerate the type of attacks that Israel has endured, nor would they prioritize restraint above effectiveness in their response.

This is why I come back to the resolution that was passed in the Senate in a bipartisan expression of our support for the State of Israel, our condemnation of this action by terrorists and their State sponsors, and our commitment, as the Government of the United States, to do all we can to see to it that the terrorists are defeated, that the people in the region have an opportunity to live in peace, and that once and for all throughout the world the world can be safe from the threat of those who would attack others and to do so in the most heinous way.

The kind of action that has been taken by these terrorists cannot be justified in any way, shape, or form, and it is altogether fitting for the Senate to have expressed its resolve against this action.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. BROWNBACK. Mr. President, I speak in morning business about the issue that the two prior speakers—the Senator from South Carolina and the Senator from Arizona—spoke about, the Middle East. This is a key time. I hope we continue to stand by Israel very strongly, very resolutely, and recognize what we are experiencing today. We are experiencing a key global war on terrorism, which is the use of terrorist entities sponsored by state sponsors so that there is some sort of deniability by the state sponsor. But, nonetheless, there is real terrorism that is taking place.

There are real threats that are occurring and real attacks that are occurring. There are real responses that are needed.

That is what you have seen Israel doing today. Israel has been attacked. Hezbollah has been launching missiles into Israel, into major cities in Israel. That is what is occurring. Hezbollah is sponsored by the Iranians. Iran is the key sponsor of Hezbollah. Iran is the lead sponsor of terrorism in the world, according to our State Department and, I think, frankly, according to the intelligence entities around the world. They cannot sponsor the terror group and then deny responsibility for it and say they should be left alone and there should be no consequences.

We need to move aggressively against Iran in the United Nations and force the issue on Iran. Here I am talking about economic sanctions and political and diplomatic pressure on the Iranians for their state sponsorship of terrorism.

We are also seeing that in Syria. This body passed the Syrian Accountability Act. I urge the administration to use all tools available toward Syria, which is also a state sponsor of terrorism, in working with Hamas and Hezbollah and other groups in this region.

I get concerned when a lot of people look at it and say Israel shouldn't be doing this or shouldn't respond. Certainly, we want all care to be given in any sort of military response so that innocent civilians are not hurt. We want to urge that sort of restraint, but by the same token, if the United States were attacked by terrorist groups sponsored by other countries operating off foreign soil, the United States would act aggressively and respond. We would not allow this to continue. We would say our citizens are being attacked and we have the right as a sovereign nation to defend our people, as Israel does, and as any nation around the world does.

I hope we view this for what it is—a part of the global war on terrorism. These are terrorist tactics that are being used by terrorist groups, and they have state sponsors behind them.

I wish the situation were different today. I wish we were not here having to talk about the support for Israel in a military engagement in Lebanon. But the facts are what they are. We have to deal with the situation as it is. I believe we should be standing aggressively and firmly with Israel. They are a democratic country in the region. They are a strong ally of the United States. We have worked closely together over many years. They seek peace. They want peace as we want peace. Yet, at some point in time they have to respond to the attacks. That is what they are doing.

I am pleased that this body in a bipartisan fashion has stood with Israel.

ENERGY

Mr. BROWNBACK. Mr. President, the prior speaker from South Carolina talked about energy. We have to engage in energy strategies that pull us off of our addiction to Middle Eastern oil. We have a lot of plants coming on in ethanol production from grain. We need to move that as well—and plant materials and cellulosic alcohol from grain. We can produce about 10 percent of our fuel needs from grain, corn, milo-based ethanol. From the cellulosic material, we can get another 30 percent.

We need a rapid expansion of plants and investment in this field. It is starting to take place. It is very encouraging. The economics are at work, particularly when you are looking at over $70 per barrel of oil. We can produce energy cheaper than $70 a barrel oil and get off the addiction. We need more of our cars running on 85-percent ethanol rather than 10-percent ethanol. We need more plug-in technologies where we have more cars that are using electricity rather than gasoline so we can break the addiction.

This country can do it with our technology and our willingness and with the economics of today. We can do it. And it is a matter of utmost national security to break that addiction. It is time, I believe, that we in this body take up additional energy legislation. It is time we do that.

I thank the Presiding Officer.

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

The PRESIDING OFFICER (Mr. DEMINT). Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I yield back the remainder of our morning business time.

The PRESIDING OFFICER. Without objection, morning business time is yielded back.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

WATER RESOURCES DEVELOPMENT ACT OF 2005

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 728, which the clerk will report.

The assistant 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.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I would like to start off by making a general statement about the amendments we are going to offer, and I assume that time will come off the time of the amendment I will offer, the amendment on independent peer review. Is that correct?

The PRESIDING OFFICER. Without objection, that is the case.

Mr. FEINGOLD. Mr. President, I will make a few remarks, and then I would like to turn to the distinguished ranking member of the committee, my friend, Senator JEFFORDS, for a few remarks. Then after he has talked, I will offer the amendment.

Mr. President, today the Senate will consider two tremendously important amendments to the Water Resources Development Act. Those amendments are the Feingold-McCain-Carper-Lieberman-Jeffords-Collins independent peer review amendment and the McCain-Feingold-Lieberman-Feinstein prioritization amendment.

As many know, I have tried to work for a long time to modernize the Army Corps of Engineers to ensure that this Federal agency is best situated to serve our great Nation. I have worked alongside Senator MCCAIN in these efforts, and I thank him for his dedication to helping me bring attention to the need for congressional leadership to address what many have noted as fundamental problems with the Corps.

I want to be clear about my intentions with the amendments we will offer this morning, as well as our other efforts involving the Corps. We just want to get this agency back on track to serve the interests of all Americans. That is what it is about, period.

As many have noted over the past few days, I have been trying to bring up this issue for quite some time. In fact, I have waited 6 long years to come down to the floor of the Senate to push for meaningful reform of the U.S. Army Corps of Engineers.

Back in 2000, during debate on final passage of the last enacted WRDA, the former chairman of the Environment and Public Works Committee and the current ranking member of the subcommittee of jurisdiction, my friend from Montana, Senator BAUCUS, made a commitment to me to address the issues that plagued the Corps.

At that time I sought to offer an amendment to WRDA 2000 to create an independent peer review process for the Army Corps. In response to my amendment, the bill managers adopted language to authorize the National Academy of Sciences to study peer review. This study has long been complete, and the final recommendation was clear. In a 2002 report—Review Procedures for Water Resources Planning—the National Academy of Sciences recommended creation of a formalized process to independently review costly or controversial Corps projects.

Four years later, and with Corps reform bills in the 106th, 107th, 108th, and 109th Congresses, we are still trying to enact such a mechanism.

I would just like to note that I am pleased to see my friend involved in this issue, particularly given the role he played in 2000. My only hope is, after 6 years of work on this issue, we can go home tonight knowing we did right by the taxpayers, by the citizens of our country who rely on sound Corps projects to protect their families, their property, and the natural systems they want to protect for future generations.

Yes, Corps reform has been a work in progress. In 2001, I introduced a stand-alone bill to modernize the Corps. Later that Congress, I cosponsored a bill with Senator SMITH from New Hampshire, Senator Daschle of South Dakota, Senator ENSIGN of Nevada, and Senator MCCAIN, the senior Senator from Arizona. In March 2004 I introduced another stand-alone Corps reform bill along with Senator Daschle and Senator MCCAIN. Then in the spring of 2005, Senator MCCAIN and I offered another bill detailing the changes we hoped to see in the agency. And, finally, this spring we introduced another stand-alone bill.

What these efforts have been about is restoring credibility and accountability to this Federal agency that has been rocked by scandal, overextended to the tune of a 35-year backlog, and constrained by a gloomy fiscal picture. We can do that today. We can restore credibility and accountability to the Corps by passing the amendments that my friend, the Senator from Arizona, and I will be offering.

Some have said I have an ax to grind with the Corps. That is not true. The reason I am dedicated to improving this embattled agency is that I care about the Corps, and I want it to succeed. My home State of Wisconsin and numerous other States across our country rely on the Corps. From the Great Lakes to the Mississippi, the Corps is involved in providing aid to navigation, environmental restoration, flood control, and many other valuable services.

I want to improve the way this agency operates, so that not only Wisconsinites but all Americans—particularly those who help pay for Corps projects either through their Federal tax dollars or, in many cases, through taxes they pay at a local level as part of a non-Federal cost-sharing arrangement—can rest easy knowing that their flood control projects are not going to fail them, their ecosystem restoration projects are going to protect our environmental treasures, and their navigation projects are based on sound economics and reliable traffic projections.

Much of the work that has gone into reforming the Corps was done before our Nation saw a major U.S. city laid to waste. When Hurricane Katrina rocked New Orleans, none of us imagined the horrors that would ensue. None of us imagined that much of the flooding—much of the flooding—that occurred could have possibly been prevented had some of the reforms we will be discussing today been in place decades ago.

Despite every wish to the contrary, the aftermath of Hurricane Katrina exposed serious problems that this body will be addressing for years to come. Many have stood on this floor and in their States and talked about what must be done to responsibly move forward in a post-Katrina landscape. And many of those discussions have, of course, centered, appropriately, on the Federal Emergency Management Agency.

I am here to say that if you were outraged by FEMA's poor response, like me, then you should be equally outraged by problems with the Corps and the process that has determined where limited Federal resources are spent.

While any hurricane that makes landfall will leave some level of destruction behind, the country has been shocked to learn that there were engineering flaws in the New Orleans levees, and that important information was ignored by the Corps. According to one of the independent reviewers looking into what happened with the levee failures, the causes of the failures ''are firmly founded in organizational and institutional failures that are primarily focused in the Corps of Engineers.''

Now, I had the chance to visit New Orleans a little over a week ago, and I can attest that the sentiment toward the Corps is anything but cordial. There is a lot of anger toward the Corps down there, and we have a responsibility in Congress to address it.

Additionally, following the hurricane, we have faced questions from our constituents about where the Corps was spending its limited budget and why. We have a responsibility to address those legitimate concerns, too.

The Times-Picayune of New Orleans recently said the following:

Efforts to reform the agency, the Corps, are critical for this state [meaning Louisiana, of course] which—after the levee failures during Hurricane Katrina—could serve as the poster child [the poster child] for the Corps' shortcomings.

The best chance for changing the way the Corps operates is through reforms sought by Sens. John McCain and Russ Feingold.

And finally,

Unfortunately, not everyone in Congress is interested in changing the way the Corps does business. The McCain-Feingold amendments face opposition and a rival set of measures by the main authors of the water resources bill, Sens. James Inhofe and Kit Bond. What those Senators offer as reform is meaningless, however . . . Sham reform won't do anything to restore confidence in the Corps and the Congress must do better.

I agree that this body must do better than sham reform. Today Senator MCCAIN and I will be offering amendments that we believe are the minimum changes this body must accept as we look to the future and reflect on the past. I sincerely hope my colleagues will join me in demonstrating that the Senate can respond to over 10 years of Government reports—from the Government Accountability Office, the National Academy of Sciences, and even the Army Inspector General—on the horrific aftermath of Hurricane Katrina and provide the leadership to move the Army Corps into the 21st century.

I want to publicly recognize the EPW Committee chairman and ranking member, Senators INHOFE and JEFFORDS, as well as the Subcommittee on Transportation and Infrastructure chairman and ranking member, Senators BONDS and BAUCUS. Late this spring those offices approached Senator MCCAIN and me and indicated a willingness to talk about some of our interest with respect to the Corps. From those discussions came real compromise on both sides. The result is that the underlying WRDA bill does include significant language to ensure periodic updating of the principles and guidelines that form the foundation of every Corps project but which have not been updated since 1983.

The language also includes a minimum mitigation standard for Corps civil works projects. The Corps' track record on mitigation suggests that the Nation would be better served through the standard described in the underlying bill. As WRDA moves through conference, I look forward to the EPW Committee standing by the language we agreed on and included in the underlying bill in sections 2006 and 2008 so that it is included in any bill that comes out of Congress.

I will now give some of my time on the amendment to my friend, a distinguished leader in this area, the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

AMENDMENT NO. 4681

Mr. FEINGOLD. Mr. President, before yielding to the Senator from Vermont, I will offer the amendment, if there is no objection. I have an amendment at the desk numbered 4681 regarding independent peer review.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. MCCAIN, Mr. CARPER, Mr. LIEBERMAN, and Ms. COLLINS, proposes an amendment numbered 4681.

Mr. FEINGOLD. I ask unanimous consent that reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

AMENDMENT NO. 4681, AS MODIFIED

Mr. FEINGOLD. Mr. President, I call up a modified version of the amendment which is at the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 4681), as modified, is as follows:

Strike section 2007 and insert the following:

SEC. 2007. INDEPENDENT PEER REVIEW.

(a) DEFINITIONS.—In this section:

(1) CONSTRUCTION ACTIVITIES.—The term ''construction activities'' means development of detailed engineering and design specifications during the preconstruction engineering and design phase and the engineering and design phase of a water resources project carried out by the Corps of Engineers, and other activities carried out on a water resources project prior to completion of the construction and to turning the project over to the local cost-share partner.

(2) PROJECT STUDY.—The term ''project study'' means a feasibility report, reevaluation report, or environmental impact statement prepared by the Corps of Engineers.

(b) DIRECTOR OF INDEPENDENT REVIEW.—The Secretary shall appoint in the Office of the Secretary a Director of Independent Review. The Director shall be selected from among individuals who are distinguished experts in engineering, hydrology, biology, economics, or another discipline related to water resources management. The Secretary shall ensure, to the maximum extent practicable, that the Director does not have a financial, professional, or other conflict of interest with projects subject to review. The Director of Independent Review shall carry out the duties set forth in this section and such other duties as the Secretary deems appropriate.

(c) SOUND PROJECT PLANNING.—

(1) PROJECTS SUBJECT TO PLANNING REVIEW.—The Secretary shall ensure that each project study for a water resources project shall be reviewed by an independent panel of experts established under this subsection if—

(A) the project has an estimated total cost of more than $40,000,000, including mitigation costs;

(B) the Governor of a State in which the water resources project is located in whole or in part, or the Governor of a State within the drainage basin in which a water resources project is located and that would be directly affected economically or environmentally as a result of the project, requests in writing to the Secretary the establishment of an independent panel of experts for the project;

(C) the head of a Federal agency with authority to review the project determines that the project is likely to have a significant adverse impact on public safety, or on environmental, fish and wildlife, historical, cultural, or other resources under the jurisdiction of the agency, and requests in writing to the Secretary the establishment of an independent panel of experts for the project; or

(D) the Secretary determines on his or her own initiative, or shall determine within 30 days of receipt of a written request for a controversy determination by any party, that the project is controversial because—

(i) there is a significant dispute regarding the size, nature, potential safety risks, or effects of the project; or

(ii) there is a significant dispute regarding the economic, or environmental costs or benefits of the project.

(2) PROJECT PLANNING REVIEW PANELS.—

(A) PROJECT PLANNING REVIEW PANEL MEMBERSHIP.—For each water resources project subject to review under this subsection, the Director of Independent Review shall establish a panel of independent experts that shall be composed of not less than 5 nor more than 9 independent experts (including at least 1 engineer, 1 hydrologist, 1 biologist, and 1 economist) who represent a range of areas of expertise. The Director of Independent Review shall apply the National Academy of Science's policy for selecting committee members to ensure that members have no conflict with the project being reviewed, and shall consult with the National Academy of Sciences in developing lists of individuals to serve on panels of experts under this subsection. An individual serving on a panel under this subsection shall be compensated at a rate of pay to be determined by the Secretary, and shall be allowed travel expenses.

(B) DUTIES OF PROJECT PLANNING REVIEW PANELS.—An independent panel of experts established under this subsection shall review the project study, receive from the public written and oral comments concerning the project study, and submit a written report to the Secretary that shall contain the panel's conclusions and recommendations regarding project study issues identified as significant by the panel, including issues such as—

(i) economic and environmental assumptions and projections;

(ii) project evaluation data;

(iii) economic or environmental analyses;

(iv) engineering analyses;

(v) formulation of alternative plans;

(vi) methods for integrating risk and uncertainty;

(vii) models used in evaluation of economic or environmental impacts of proposed projects; and

(viii) any related biological opinions.

(C) PROJECT PLANNING REVIEW RECORD.—

(i) IN GENERAL.—After receiving a report from an independent panel of experts established under this subsection, the Secretary shall take into consideration any recommendations contained in the report and shall immediately make the report available to the public on the internet.

(ii) RECOMMENDATIONS.—The Secretary shall prepare a written explanation of any recommendations of the independent panel of experts established under this subsection not adopted by the Secretary. Recommendations and findings of the independent panel of experts rejected without good cause shown, as determined by judicial review, shall be given equal deference as the recommendations and findings of the Secretary during a judicial proceeding relating to the water resources project.

(iii) SUBMISSION TO CONGRESS AND PUBLIC AVAILABILITY.—The report of the independent panel of experts established under this subsection and the written explanation of the Secretary required by clause (ii) shall be included with the report of the Chief of Engineers to Congress, shall be published in the Federal Register, and shall be made available to the public on the Internet.

(D) DEADLINES FOR PROJECT PLANNING REVIEWS.—

(i) IN GENERAL.—Independent review of a project study shall be completed prior to the completion of any Chief of Engineers report for a specific water resources project.

(ii) DEADLINE FOR PROJECT PLANNING REVIEW PANEL STUDIES.—An independent panel of experts established under this subsection shall complete its review of the project study and submit to the Secretary a report not later than 180 days after the date of establishment of the panel, or not later than 90 days after the close of the public comment period on a draft project study that includes a preferred alternative, whichever is later. The Secretary may extend these deadlines for good cause.

(iii) FAILURE TO COMPLETE REVIEW AND REPORT.—If an independent panel of experts established under this subsection does not submit to the Secretary a report by the deadline established by clause (ii), the Chief of Engineers may continue project planning without delay.

(iv) DURATION OF PANELS.—An independent panel of experts established under this subsection shall terminate on the date of submission of the report by the panel. Panels may be established as early in the planning process as deemed appropriate by the Director of Independent Review, but shall be appointed no later than 90 days before the release for public comment of a draft study subject to review under subsection (c)(1)(A), and not later than 30 days after a determination that review is necessary under subsection (c)(1)(B), (c)(1)(C), or (c)(1)(D).

(E) EFFECT ON EXISTING GUIDANCE.—The project planning review required by this subsection shall be deemed to satisfy any external review required by Engineering Circular 1105–2–408 (31 May 2005) on Peer Review of Decision Documents.

(d) SAFETY ASSURANCE.—

(1) PROJECTS SUBJECT TO SAFETY ASSURANCE REVIEW.—The Secretary shall ensure that the construction activities for any flood damage reduction project shall be reviewed by an independent panel of experts established under this subsection if the Director of Independent Review makes a determination that an independent review is necessary to ensure public health, safety, and welfare on any project—

(A) for which the reliability of performance under emergency conditions is critical;

(B) that uses innovative materials or techniques;

(C) for which the project design is lacking in redundancy, or that has a unique construction sequencing or a short or overlapping design construction schedule; or

(D) other than a project described in subparagraphs (A) through (C), as the Director of Independent Review determines to be appropriate.

(2) SAFETY ASSURANCE REVIEW PANELS.—At the appropriate point in the development of detailed engineering and design specifications for each water resources project subject to review under this subsection, the Director of Independent Review shall establish an independent panel of experts to review and report to the Secretary on the adequacy of construction activities for the project. An independent panel of experts under this subsection shall be composed of not less than 5 nor more than 9 independent experts selected from among individuals who are distinguished experts in engineering, hydrology, or other pertinent disciplines. The Director of Independent Review shall apply the National Academy of Science's policy for selecting committee members to ensure that panel members have no conflict with the project being reviewed. An individual serving on a panel of experts under this subsection shall be compensated at a rate of pay to be determined by the Secretary, and shall be allowed travel expenses.

(3) DEADLINES FOR SAFETY ASSURANCE REVIEWS.—An independent panel of experts established under this subsection shall submit a written report to the Secretary on the adequacy of the construction activities prior to the initiation of physical construction and periodically thereafter until construction activities are completed on a publicly available schedule determined by the Director of Independent Review for the purposes of assuring the public safety. The Director of Independent Review shall ensure that these reviews be carried out in a way to protect the public health, safety, and welfare, while not causing unnecessary delays in construction activities.

(4) SAFETY ASSURANCE REVIEW RECORD.—After receiving a written report from an independent panel of experts established under this subsection, the Secretary shall—

(A) take into consideration recommendations contained in the report, provide a written explanation of recommendations not adopted, and immediately make the report and explanation available to the public on the Internet; and

(B) submit the report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(e) EXPENSES.—

(1) IN GENERAL.—The costs of an independent panel of experts established under subsection (c) or (d) shall be a Federal expense and shall not exceed—

(A) $250,000, if the total cost of the project in current year dollars is less than $50,000,000; and

(B) 0.5 percent of the total cost of the project in current year dollars, if the total cost is $50,000,000 or more.

(2) WAIVER.—The Secretary, at the written request of the Director of Independent Review, may waive the cost limitations under paragraph (1) if the Secretary determines appropriate.

(f) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the implementation of this section.

(g) SAVINGS CLAUSE.—Nothing in this section shall be construed to affect any authority of the Secretary to cause or conduct a peer review of the engineering, scientific, or technical basis of any water resources project in existence on the date of enactment of this Act.

Mr. FEINGOLD. I thank the Chair.

I offer this independent peer review amendment on behalf of myself, Senators MCCAIN, CARPER, LIEBERMAN, and COLLINS. As we all know, Senator COLLINS and Senator LIEBERMAN, through their leadership of the Homeland Security and Government Affairs Committee, have done an extensive investigation into all aspects of the aftermath of Hurricane Katrina. I applaud their leadership and am proud they are cosponsoring this amendment, as I think it is a testament to the importance of implementing the changes included in this amendment. Additionally, Senator JEFFORDS has consistently pushed, through his position as ranking member of the Environment and Public Works Committee, for many of the provisions of this amendment. I publicly thank him for all his attention to this matter.

Finally, Senator CARPER has seen the need for an independent peer review amendment through both his Homeland Security Committee membership and his EPW Committee membership, and I appreciate his support in moving this issue forward.

Before I explain exactly what my amendment does, let me take a few minutes to talk about what various Government reports have said about the Corps' study process, as these reports have been the basis of my efforts over the last 6 years.

More than a decade of reports from the National Academy of Sciences, the Government Accountability Office, the U.S. Army inspector general, U.S. Commission on Ocean Policy, and other independent experts have revealed a pattern of stunning flaws in U.S. Army Corps of Engineers project planning and implementation and urged substantial changes to the Corps' project planning process. Most recently, in June of this year, a report entitled ''U.S. Army Corps of Engineers Performance Evaluation of the New Orleans and Southeast Louisiana Hurricane Protection System Draft Final Report on the Interagency Performance Evaluation Task Force'' acknowledged that the New Orleans levees failed catastrophically during Hurricane Katrina because of poor design and flawed construction. In planning the system, the Corps did not take into account poor soil quality and failed to account for the sinking of land which caused sections to be as much as 2 feet lower than other sections.

Breaches in four New Orleans canals were caused by foundation failures that were ''not considered in the original design.'' The system was designed to protect against a relatively low-strength hurricane, and the Corps did not respond to repeated warnings from the National Oceanic and Atmospheric Administration that a stronger hurricane should have been the standard. The Corps also did not reexamine the heights of the levees after it had been warned about significant subsidence.

In discussing this report, the Corps' chief of engineers acknowledged that the agency must change, telling reporters that ''words alone will not restore trust in the Corps.''

Also, in June of this year, a report issued by the American Society of Civil Engineers, ''Project Engineering Peer Review Within the U.S. Army Corps of Engineers,'' recommends that Congress enact legislation to mandate external, independent peer reviews for all major Corps projects that would include reviews of the feasibility report, subsequent design and engineering reports, the project plans, and specifications and construction. Reviews should be carried out by experts who have no connection to the Corps, to the local project sponsor, or to the particular project contract.

In May of this year, we got ''A Nation Still Unprepared,'' a report that resulted from the excellent work of my friend from Maine, Senator SUSAN COLLINS, chair of the Senate Homeland Security and Governmental Affairs Committee, and a cosponsor of our independent peer review amendment, and Senator JOE LIEBERMAN, ranking member of the committee, and another cosponsor of our amendment.

That report recommends independent peer review of levee systems that protect population centers throughout the country. I don't know if Senator COLLINS or Senator LIEBERMAN will have time to elaborate more on the thorough investigation their committee conducted and on their key findings and recommendations, but the report in many ways speaks volumes on its own.

One of the most striking reports, conducted by R.B. Seed in May of this year, ''Investigation of the Performance of the New Orleans Flood Protection Systems and Hurricane Katrina on August 29, 2005, Draft Final Report,'' finds that the catastrophic failure of the New Orleans regional flood protection system was the result of ''engineering lapses, poor judgments, and efforts to reduce costs at the expense of system reliability.'' The Corps failed to design the system with appropriate safety standards, failed to adequately address the complex geology of the region, failed to provide adequate design oversight, and engaged in ''a persistent pattern of attempts to reduce costs of constructed works at the price of corollary reduction in safety and reliability.''

These failings led to the ''single most costly catastrophic failure of an engineered system in history'' that caused the deaths of more than 1,290 people and some $100 to $150 billion in damages to the greater New Orleans area.

I could go on, and I will. I want my colleagues to know what is at stake. In March 2006, the Government Accountability Office testified that ''the Corps' track record of providing reliable information that can be used by decision makers . . . is spotty, at best.'' Four recent Corps studies examined by GAO were ''fraught with errors, mistakes, and miscalculations and used invalid assumptions and outdated data.'' These studies ''did not provide a reasonable basis for decisionmaking.'' The recurring problems ''clearly indicate that the Corps' planning and project management processes cannot ensure that national priorities are appropriately established across the hundreds of civil works projects that are competing for scarce federal resources.'' Problems at the agency are ''systemic in nature and therefore prevalent throughout the Corps' Civil Works portfolio'' so that effectively addressing these issues ''may require a more global and comprehensive revamping of the Corps' planning and project management processes rather than a piecemeal approach.''

I commend to my coleagues this damning testimony before the House Energy and Resources Subcommittee of the Committee on Government Reform by Ann Mittal, Director, Natural Resources and Environment, GAO.

In March of 2006, the American Society of Civil Engineers External Review Panel for the Interagency Performance Evaluation Task Force letter to the Corps' chief of engineers found that decisions made during the original design phase led to the failure of the 17th Street canal floodwall in New Orleans and are representative of ''an overall pattern of engineering judgment inconsistent with that required for critical structures.'' These problems pose ''significant implications for the current and future safety offered by levees, floodwalls and control structures in New Orleans, and perhaps elsewhere.'' The External Review Panel recommends a number of immediate actions to improve Corps planning for ''levees and floodwalls in New Orleans and perhaps everywhere else in the nation,'' including external peer review of the Corps' design process for critical life safety structures.

In September 2005, the GAO issued a report which backs up our call for prioritization. ''Army Corps of Engineers, Improved Planning and Financial Management Should Replace Reliance on Reprogramming Actions to Manage Project Funds'' finds that the Corps' excessive use of reprogramming funds is being used as a substitute for an effective priority-setting system for the civil works program and as a substitute for sound fiscal and project management.

In fiscal years 2003 and 2004, the Corps reprogrammed funds over 7,000 times and moved over $2.1 billion among projects within the investigations and constructions account.

In September 2004, the U.S. Commission on Ocean Policy issued a report, ''An Ocean Blueprint for the 21st Century Final Report of the U.S. Commission on Ocean Policy.'' This report recommends that the National Ocean Council review and recommend changes to the Corps' civil works program to ensure valid, peer-reviewed cost-benefit analyses of coastal projects; provide greater transparency to the public; enforce requirements for mitigating the impacts of coastal projects; and coordinate such projects with broader coastal planning efforts.

The report also recommends that Congress modify its current authorization and funding processes to encourage the Corps to monitor outcomes from past projects and study the cumulative and regional impacts of its activities within coastal watersheds and ecosystems.

In 2004, the National Academy of Sciences issued a slew of reports:

The ''U.S. Army Corps of Engineers Water Resources Planning: A New Opportunity for Service'' recommends modernizing the Corps's authorities, planning approaches, and guidelines to better match contemporary water resources management challenges.

''Adaptive Management for Water Resources Project Planning'' recommends needed changes to ensure effective use of the adaptive management by the Corps for its civil works projects.

''River Basins and Coastal Systems Planning Within the U.S. Army Corps of Engineers'' describes the challenges to water resources planning at the scale of river basins and coastal systems and recommends needed changes to the Corps' current planning practices.

''Analytical Methods and Approaches for Water Resources Planning'' recommends needed changes to the Corps' ''Principles and Guidelines'' in planning guidance policies.

In May 2003, the Pew Oceans Commission's ''America's Living Oceans, Charting a Course for Sea Change, A Report to the Nation, Recommendations for a New Ocean Policy'' recommends enactment of ''substantial reforms'' of the Corps, including legislation to ensure that Corps projects are environmentally and economically sound and reflect national priorities. The Pew report recommends development of uniform standards for Corps participation in shoreline restoration projects and transformation of the Corps over the long term into a strong and reliable force for environmental restoration. The report also recommends that Congress direct the Corps and other Federal agencies to develop a comprehensive floodplain management policy that emphasizes nonstructural control measures.

In May 2002, the GAO found in its report ''Scientific Panel's Assessment of Fish and Wildlife Mitigation Guidance'' that the Corps has proposed no mitigation for almost 70 percent of its projects. And for those few projects where the Corps does perform mitigation, 80 percent of the time it does not carry out the mitigation concurrently with project construction.

In response to language that was included in the WRDA 2000 bill, the National Academy of Sciences, in ''Review Procedures for Water Resources Planning'' issued in 2002, recommends creation of a formalized process to independently review costly or controversial Corps projects. And in one of the most disturbing of the numerous reports on the Corps and the problems endemic in this agency, in November 2000, the Department of the Army Inspector General issued a report entitled ''Investigation of Allegations Against the U.S. Army Corps of Engineers Involving Manipulation of Studies Related to the Upper Mississippi River and Illinois Waterway Navigation Systems.'' Their report found that the Corps deceptively and intentionally manipulated data in an attempt to justify a $1.2 billion expansion of locks on the upper Mississippi River and that the Corps has an institutional bias for constructing costly, large-scale structural projects.

Back in 1999—yes, 7 years ago—the National Academy of Sciences, in their report titled ''New Directions in Water Resources Planning for the U.S. Army Corps of Engineers'' recommends key changes to the Corps' planning process and examines the length of time and cost of Corps studies in comparison with similar studies carried out by the private sector.

Twelve years ago, in June of 1994, the Interagency Floodplain Management Review Committee report, ''Sharing the Challenge: Floodplain Management Into the 21st Century,'' a Report to the Administration Floodplain Management Task Force—often referred to as the Galloway Report after the report's primary author, BG Gerald Galloway—recommends changes to the Nation's water resources policies based on lessons learned from the great Midwest Flood of 1993, including modernizing the Corps' Principles and Guidelines, requiring the Corps to give full consideration to nonstructural flood damage reduction alternatives, requiring periodic reviews of completed Corps projects, adopting floodplain management guidelines that would minimize impacts to floodplains land reduce vulnerabilities to population centers and critical infrastructure, and reinstituting the Water Resources Council to facilitate improvement in Federal water resources planning.

Lastly, but certainly not least, in 1994 that very busy National Academy of Sciences issued yet another scathing report, ''Restoring and Protecting Marine Habitat: The Role of Engineering and Technology,'' which finds, among other things, that the Corps and all Federal agencies with responsibility for marine habitat management should revise their policies and procedures to increase use of restoration technologies; take into account which natural functions can be restored or facilitated; improve coordination concerning marine resources; include environmental and economic benefits derived from nonstrucural measures in benefit/cost ratios of marine habitat projects; and examine the feasibility of improving economic incentives for marine habitat restoration. It has been a long recitation of these reports, but it is an amazing record.

Over 12 years of analysis on how we can improve the Corps of Engineers. During that time, WRDA bills passed in 1996, 1999, and 2000, with the only reform coming in the NAS study I got included in the 2000 bill. That is why today is the day to implement the knowledge we have from all of this expert consideration of the Corps. Today is the day for action.

With that history in mind, let me describe what our independent peer review amendment does: No. 1, it requires independent review of projects that are costly, controversial, or critical to public safety. Under my amendment Corps project planning will be independently reviewed if the project costs more than $40 million, a Governor requests a review, a Federal agency finds the project will have a significant adverse impact, or the Secretary of the Army determines that the project is controversial; No. 2, it ensures truly independent review panels by implementing National Academy of Sciences criteria about who would be eligible to provide expert review; No. 3, if implements the recommendation of the 2002 National Academy of Sciences report on peer review that said that independent reviewers should be given the flexibility to bring important issues to the attention of decisionmakers; No. 4, it includes strict deadlines for reviews. Reviews are subject to a strict timeline that requires independent review panels to complete the review 180 days after being impaneled or 90 days following the close of public comment, whichever provides the most time. This timeline balances the need to not delay the planning process with the need to ensure that the panel will be able to review the full draft study and to consider any relevant public comments; and No. 5, it implements recommendations from the Senate Homeland Security and Government Affairs Committee's Katrina report by requiring review of the more detailed technical design and construction work for Corps flood control projects where failure could jeopardize the public safety.

In a nutshell, that is what the amendment does.

Mr. President, when you have worked on an issue as long as I have worked on Corps reform, you are likely to hear your intentions mischaracterized.

I wish to address at some point today some of the myths out there about what we are trying to do here. At this point, I inquire whether my cosponsor, the Senator from Arizona, is interested in addressing this issue.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, the Senator from Oklahoma wants to speak first.

Mr. INHOFE. Yes, Mr. President, I think the ranking member of the committee would like to make a short statement, and then it would be fine for Senator MCCAIN to go and, after that, Senator BOND.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I rise in support of the Feingold-McCain amendment on the Army Corps of Engineers' independent peer review, which I am proud to cosponsor.

For years, we have heard from a variety of reports about the need for reforming the Corps, reports that Senator FEINGOLD has elaborated on in his statement.

I thank him for his leadership in this issue. In fact, Senator FEINGOLD has been a leader on this issue for many years. Through his efforts, an amendment was included in the last water resources bill in 2000 directing the National Academy of Sciences to undertake a 1-year study on peer review. In the 107th Congress, Senator FEINGOLD introduced a comprehensive Corps reform bill and the Environment and Public Works Committee held a hearing on it.

While development of the bill before the Senate today was a bi-partisan effort, independent reviews, mitigation and planning, and issues considered Corps reform, were not negotiated by the bill's managers.

However, in the previous Congress, the managers were able to reach a compromise agreement on these issues, including peer review, which I offered during committee consideration of this bill, but it did not prevail.

Since committee consideration of the bill, some improvements have been made to the planning provisions of the bill, due to the work of Senator FEINGOLD, and I want to thank him for working with the managers to incorporate those revisions.

I think many believe there should be independent peer review of Corps projects, the debate is over what form that review should take and which projects should be reviewed.

In fact, the Assistant Secretary of the Army, Mr. Woodley, on March 31, 2004, in testimony before the Environment and Public Works Committee stated:

> The concept of requiring a peer review is something that should be addressed. We are supportive of requiring outside independent peer review of certain Corps projects. Peer review, where appropriate, would be a very useful tool and add significant credibility to the Corps project analyses and to our ability to judge the merits of a project.

I think the Feingold-McCain amendment provides the strong, truly independent peer review that is needed to assure that taxpayer dollars are being spent on projects that have had the utmost scrutiny and unbiased review. The Inhofe/Bond amendment does not.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I am pleased to join Senators FEINGOLD, CARPER, LIEBERMAN, and JEFFORDS in sponsoring the amendment. This amendment has been described already by my friend from Wisconsin. I will point out again that it establishes a truly independent system for conducting peer review of certain Army Corps projects.

As my colleagues know, the Corps comes under intense scrutiny by Government watchdog agencies and taxpayer groups, including the Government Accountability Office and the National Academy of Sciences. Investigation after investigation into the Corps' project review practices has revealed serious problems with the quality, objectivity, and credibility of the Corps when reporting on the economic and environmental feasibility of proposed water projects. One GAO report concluded in 2006 that the Corps' planning studies ''were fraught with errors, mistakes, and miscalculations, and used invalid assumptions and outdated data.'' The same GAO report cited several examples of the Corps' failure to properly analyze projects.

These include the Sacramento flood protection project. According to the GAO, the Corps didn't fully analyze likely cost increases for the Sacramento flood protection project or report cost overruns to Congress in a

timely manner. The GAO found that the estimated cost of the project originally totaled about $114 million but increased to about $500 million by 2002. By the time the Corps reported those cost increases to Congress in 2002, it had already spent or planned to spend more than double its original estimated cost.

The Delaware deepening project: The GAO found that the Corps substantially overstated the projected economic benefits of the Delaware River channel-deepening project. Whereas the Corps estimated the benefits to be $40.1 million per year in 1998, the GAO projected only $13.3 million per year. The GAO urged the Corps to reanalyze the project, which later revealed it could be built for $56 million less than the Corps estimated.

The list goes on and on of these projects that have been understated in cost, not properly justified. There is not a proper prioritization.

Regarding the Corps' analysis of the Oregon Inlet jetty project, according to the GAO, the Corps' analysis of the Oregon Inlet jetty project, issued in 2001, failed to ''consider alternatives to the proposed project, used outdated data to estimate benefits to fishing trawlers, and did not account for the effects on smaller fishing vessels.''

In 2005, the Corps adopted guidelines for conducting external reviews of projects. It sounds like a good idea. The current guidelines give the Corps virtually complete discretion to decide what projects should be reviewed from outside the Corps. The so-called peer reviewers themselves are selected by the Corps and in some circumstances can even be Corps employees. According to the American Society of Civil Engineers, Corps officials have identified approximately 25 engineering studies as eligible for outside peer review since the peer review guidelines were enacted over a year ago, but the Corps has not been able to point to any study where an external review was actually carried out.

Clearly, the system needs to be fixed. According to this amendment, Corps studies would be subject to peer review if the project cost more than $40 million, the Governor of an affected State requests a review, a Federal agency with statutory authority to review a project finds that it will have significant adverse impact, or the Secretary of the Army determines that the project is controversial.

This kind of issue hits home pretty much when we have a situation such as the catastrophe in New Orleans.

According to a March 25, 2006, article in the Washington Post:

An organization of civil engineers yesterday questioned the soundness of large portions of New Orleans' levee system, warning that the city's federally designed flood walls were not built to standards stringent enough to protect a large city.

The group faulted the agency responsible for the levees, the Army Corps of Engineers, for adapting safety standards that were ''too close to the margin'' to protect human life. It also called for an urgent reexamination of the entire levee system, saying there are no assurances that the miles of concrete ''I-walls'' in New Orleans will hold up against even a moderate hurricane.

We have just experienced an incredible disaster and, apparently, the Corps of Engineers is not taking the proper measures to repair it.

Corps officials said they had already taken steps to address problems identified in the letter, starting with an effort to replace miles of I-walls with sturdier structures. But agency officials insisted the Corps was not solely to blame for weaknesses in the system.

''We have done the best things we could have done. We live here,'' spokeswoman Susan J. Jackson said. . . .

The American Society of Civil Engineers panel is one of three independent teams investigating the failure of the New Orleans levees, and until now it has been the most cautious in its public criticisms. The other investigating teams quickly endorsed its findings.

''We agree that every single foot of the I-walls is suspect,'' said Ivor van Heerden, leader of a Louisiana-appointed team of engineers. ''When asked, we have constantly urged anyone returning to New Orleans to exercise caution . . .

We are talking about a pretty serious situation here.

On May 14, 2006, an article entitled ''A Flood of Bad Projects,'' was written by Mr. Michael Grunwald who is a Washington Post staff writer. He goes on to say:

In 2000, when I was writing a 50,000-word Washington Post series about dysfunction at the Army Corps of Engineers, I highlighted a $65 million flood control project in Missouri as Exhibit A. Corps documents showed that the project would drain more acres of wetlands than all U.S. developers do in a typical year, but wouldn't stop flooding in the town it was meant to protect. FEMA'S director called it ''a crazy idea''; the Fish and Wildlife Service's regional director called it ''absolutely ridiculous.''

Six years later, the project hasn't changed—except for its cost, which has soared to $112 million.

Remember, Mr. President, originally, it was $65 million.

Larry Prather, chief of legislative management for the Corps, privately described it in a 2002 e-mail as an ''economic dud with huge environmental consequences.'' Another Corps official called it ''a bad project. Period.'' But the Corps still wants to build it.

''Who can take this seriously?'' Prather asked in his e-mail. That's a good thing question to ask about the entire civil works program of the Corps.

It goes on to say:

Somehow, America has concluded that the scandal of Katrina was the government's response to the disaster, not the government's contribution to the disaster. The Corps has eluded the public's outrage—even though a useless Corps shipping canal intensified Katrina's surge,—

Remember that, we have come to the shipping canal intensified Katrina's surge—

even though poorly designed Corps floodwalls collapsed just a few feet from an unnecessary $750 million Corps navigation project, even though the Corps had promoted development in dangerously low-lying New Orleans floodplains and had helped destroy the vast marshes that [surround it.]

There have been many studies and views of what happened in New Orleans. We all know that canal intensified the damage. We all know that the levees were not well built. Some of them, according to other news reports, had already been turned over to the local authorities.

What we are asking for is rather modest. I am going to be astonished at the response of my dear friends from Missouri and Oklahoma about this because basically all this says is that there would be a peer review if a project costs more than $40 million, and if the Governor of an affected State—which seems to be a fairly good Republican principle to me—requests a review that it should be allowed, and a Federal agency with statutory authority to review a project finds that it will have a significant adverse impact or the Secretary of the Army determines that the project is controversial.

The timing of the review is flexible, but the duration is strictly limited in order to not delay the process. Reviewers will be able to consider all the data, facts, and models used.

Finally, the amendment establishes an independent safety assurance review for flood control projects where the public safety could be at risk should the project fail.

By the way, that was recommended in the Senate Homeland Security Committee's report on Hurricane Katrina.

I would think that the Members of this body, knowing the intense criticism that the Corps of Engineers has come under for years and these dramatic cost overruns time after time—I later may submit for the RECORD the very long list of cost overruns that have been incurred due to bad estimates to start with—that we would want to have greater oversight, that we would want to have a peer review system that would only apply to projects over $40 million each and if a Governor of a State requests it.

If I were in the Corps of Engineers, maybe I would like to continue to do business as usual, but I think we showed in New Orleans that we are not talking about just cost overruns. We are not just talking about featherbedding in bureaucracies. We are talking about the lives of our citizens and catastrophes that could take place.

I hope my colleagues will understand that this amendment is meant to try to improve the image of the Corps of Engineers, to give greater confidence to the taxpayers of America that their tax dollars are being wisely spent, and that we will do everything we can to prevent the kind of construction and failing that took place in New Orleans which caused so much damage, including the construction of a canal that aggravated dramatically the disaster that took place.

I might add, it was also the Corps of Engineers' projects which depleted the wetlands which have been the natural barrier to hurricanes for hundreds of years, which are disappearing as we

speak. As we speak, the wetlands south of Louisiana are being eroded on a daily basis.

Mr. President, I thank my colleague from Wisconsin for his involvement in this issue. I hope my colleagues will understand, considering the rather significant shortfalls and shortcomings we have found involved in the Corps of Engineers, that we would want to support an effort for greater accountability and greater transparency and more involvement by local government.

I also remind my colleagues that there are many projects which are on the boards, in planning stages. We will be discussing that when I propose my amendment for a process of prioritization for these projects.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first, I ask unanimous consent to add the following cosponsors to the Inhofe-Bond amendment: Senators COCHRAN, DOMENICI, and THUNE.

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

Mr. INHOFE. Mr. President, also, I am going to announce what we are doing. We are going to be considering these two amendments, and after the time has expired for both amendments under the time agreement, then we will actually be voting on them side by side. That will take place and people will have a choice.

I also want to mention that the Senator from Wisconsin and the Senator from Arizona acknowledge that the underlying substitute amendment does improve this situation. I don't think anyone is saying that what we have had in the past is acceptable. It is not acceptable. We are talking about making major changes, and the underlying substitute amendment does that as well as either of the amendments we are considering now.

Before I forget to do this, I wish to repeat something I said a couple of days ago. I thank Senator MCCAIN and Senator FEINGOLD and all the members of our committee for working closely together so that this very significant legislation could come to the floor. I think, regardless of what amendments are adopted, we are going to have a dramatic improvement over the current system.

Speaking of thanking people, I thank Senator BOND. He is the one who has been a driving force in this committee. I yield to him at this time whatever time he wants to consume on our amendment or on the Feingold-McCain amendment.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. I just did.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I am very grateful to the chairman of the committee for giving me this opportunity to respond.

I was very pleased that my friend from Arizona finally called attention to the St. John's Bayou-New Madrid floodway project. This is a very important project. I invite the Senator out to see it sometime because this area, a large area of southeast Missouri, was converted to cropland in the early 1900s.

One can argue whether that was a good idea, but for over a century, it has been farmed and farmed successfully. They are not wetlands. There are no wetlands being drained there. This is cropland, and it is farmed. Some of the farming is done by very low economic people. Minority communities are located there. The minority community of Pinhook holds many of the farmers who farm this land.

We have had very compelling testimony before the Environment and Public Works Committee. When the late Jimmy Robbins, one of the leaders of Pinhook, came up and explained that without closing the St. John's Bayou-New Madrid floodway, every time the river comes up, the river floods Pinhook. The entire community is covered in floodwater. They have to get out high-wheel tractors and large farm tractors to ferry their children to school, to ferry them back and forth to work, to take care of their basic needs.

Do we want to subject these people to continued flooding?

My predecessor, Senator Tom Eagleton, back in 1976, proposed bringing relief to the minority communities living in the area that floods when the Mississippi River rises. Guess what. That was a mere 30 years ago because his project had been reviewed, re-reviewed, replanned, challenged, re-reviewed, rereviewed, and the people of Pinhook continued to be flooded.

This is not about draining wetlands. This is a problem of what happens to the people who actually live there.

The purpose of the project is to protect communities, farmlands, and wildlife in a flood-prone area. No wetlands will be drained. The majority of the land has been leveled, improved, irrigated and is not functioning as wetlands habitat but is functioning as farmland.

The Corps has reevaluated operations for fishery habitat for the area and determined that this project still exceeds the 1-to-1 benefit-to-cost ratio. I can tell you it is a whole lot more expensive than it would have been had the project been done in a timely fashion after 1976. That is what happens when you study, when you threaten to bankrupt local communities trying to pay their share. You put the State at great expense to continue these operations.

Yes, we should study, and the amendment that has been proposed by Senator INHOFE and me provides for review to make sure the review is accurate. But to provide the additional bureaucracy, the additional hassle that the Feingold-McCain amendment provides does not in any way assure that the taxpayers will get a better deal, the environment will be better or that the needs of the people in the communities will be better satisfied.

I want to discuss, very briefly, the technical and scientific independent review amendment offered by Senator INHOFE and me and the peer review amendment offered by Senators MCCAIN and FEINGOLD. Although the difference between independent review and independent peer review appears to be semantic and minor, when you look at what is in them, you see the difference. Both proposed amendments address Corps reform and both address external review. Nobody is arguing to say there shouldn't be review, that we shouldn't take a look and see what needs to be done and how it needs to be done better. Everybody can focus on the problems of New Orleans. Well, when you look at the problems of New Orleans, there are many factors that go into account. We are not going to address those here. But you take a look at how money was spent locally that was supposed to be spent on levees, and you take a look at the decisions made along the way that were not well made.

Senator INHOFE and I have offered an amendment which is before us that is going to require an independent review by qualified, interested experts, compiled by the National Academy of Sciences, and the review will occur throughout the entire process. In other words, people such as representatives from the National Academy of Sciences, the IRC, the American Society of Civil Engineers, will be focusing on the project as it is developed. There are many stages in the development of these projects, and they need to be reviewed to make sure the work that is being done by the Corps is being done accurately.

This is a general operation of what happens before you go to a decision to move forward. There is the chief's report; it is referred. There are letters, OSA reviews, the Office of Management and Budget reviews, the Office of Management and Budget has to clear it, the Assistant Secretary of the Army recommends it to Congress, and then Congress approves it. All of these steps—there are about 103 separate steps that have to be followed. So it comes to the Congress as a policymaker to decide whether it is an appropriate policy. But all along that path, we want to have people who are scientifically qualified to make sure that if they are building a levee, they build a levee that will hold as projected. If they are building a lock, they want to make sure it will hold water, that it will be sound, that it will be safe, whether it is a levee or a lock.

As a result of the admission from the Corps that some of the problems existed with the planning and construction of the New Orleans levees, no one—not even the Corps—is denying that realistic reform is an important component of this WRDA bill. The challenge is to enact realistic reform that provides sufficient project review without creating unnecessary costs.

The Inhofe-Bond amendment proposed does just that. It provides reform that will establish greater accountability and assure us that scientific, technical standards are observed without adding unjustified delays and costs.

The peer review panels in the Feingold-McCain amendment are not clearly restricted to reviewing the scientific and engineering basis. The panels are permitted to get into policy, value, public controversy, and make the decisions that Congress and the local community are supposed to make. The local community decides whether to support it. Congress makes a policy decision. Congress has provided already for public hearings, public comment. Yesterday I went through the process of the number of meetings that had been held with Governors, with public hearings on the locks projects on the upper Mississippi, with the number of comments, the number of people who participated. There is tremendous public participation and input. Setting up a separate body to judge that input, rather than the Congress, is not, I think, good policy. We are supposed to make the policy based on the best scientific recommendations we can get. OMB has a crack at the policy when they send it up. But these policy reviews would be second-guessing the scientific decisions.

Let's think about how this would play out in the transition. Once the comment period moves beyond the technicality and the science, what independent experts are dictating the project approval? We should not dilute public review by giving technocrats a larger role in policy recommendations than is given to the general public. There is a reason why we rely upon the appropriate training and expertise of the people who are generating the process to develop and construct our infrastructure and safety needs.

Let's take a look at the local cost share that would go into the Feingold-McCain process. It doesn't even provide for integration of peer review until the end of the process. Making sure that the independent review begins as the process goes forward is the way that we assure the process is better. We want integration of the review all throughout before you make a major mistake and go off in the wrong direction. When you wait to have end-of-the-line peer review—does it make any sense to wait until a car is coming off of an assembly line, is rolled off the assembly line, to test to make sure that the lights work and the switches work? You test them before you put them into the car. That is what we are doing, we test along the line to make sure that what you are putting into the process works. You don't want to put components into a car only to find out, Hey, the lights don't work, the switches don't work, and then have to start tearing the car apart.

That is what the Feingold-McCain amendment does. It is end-of-the-line peer review. It invites multiple passes through the study process with unacceptable expense and delay, and it would, in effect, become a second study process. The first go-round, the local cost share, would increase, because they have to pay for it, the locals have to pay for it. It takes 1 to 3 years to go through the process in the first place, and then you start a peer review at the end and it could take another period of time, and if they send it back, you start it 1 to 3 years over. That becomes extremely expensive for the local cosponsors. It becomes extremely expensive for the taxpayers who are paying for the tab if you redo it without reviewing the project as you go forward. Doubling the time and moving the costs of a project outside of the realm of the local community's ability to pay makes no sense.

Now, of course, beyond the peer review process, there is the congressional process. Congress must authorize and fund studies on each project and then authorize and appropriate funds to construct each project. As we all know, the congressional process does take years. If my ancient memory serves me, this is the 2002 Water Resources Development Act. This was the bill that was due in 2002. Here we are 4 years later. Don't let anybody tell you that Congress doesn't review it and review it and review it and review it until it is lying on the floor gasping for breath.

The amendment Senator INHOFE and I propose establishes a peer review panel that provides a safety net. We are elected to represent the interests of constituents. We are not appointed bureaucrats. The amendment takes away our authority to act on behalf of our constituents and meet the needs of our local communities. It removes the checks and balances set forth in our Constitution by shifting power away to other people.

Now, why do we wait until the end of the line to do this peer review in the first place? The collaborative solutions to urgent flood and storm control and other important questions would be moved to the end of the process and sent back to the drawing board.

Let's try another analogy. We test our schoolchildren throughout each grade level and assess their progress. If a child has difficulty reading, it is flagged, and intervention and extra help should be provided. We do not wait until students reach the end of the eighth grade and then test them to see if they have learned to read in the first grade and send them back to the first grade. You ought to be testing them each year to make sure they are proficient, and you ought to be testing the hypotheses of this process throughout.

Common sense says that independent review is effective only if it is used throughout the process. Can you imagine an employee working on a project and planning for several years, and then during the end-of-the-line review finding a technical error and having to go back to the beginning? Not only is that unnecessarily delaying and expensive, but it kills the motivation of employees, and it delays. I, along with Senator INHOFE, propose independent peer review during this study process.

One other thing, the inclusion of the expectation of litigation. Their amendment talks about judicial review and invites judicial review. Well, that is another cost adder that will continue to impose burdens on communities and delay the effectiveness of the ability to construct needed projects. With the clear-cut incentives to litigate, we are going to see more lawsuits and less projects. Clear-cut opportunities to litigate, if the committee is unhappy with the chief's report, will only complicate the cost-benefit analysis, when it is already too challenging to place a value on human life and the economic lifeline of the country. The Corps study process already takes too long and will be too expensive, and it will continue to delay the progress we need.

Media reports and editorials have criticized what went on, and they play the blame game—they burden the Corps with the blame. But Senators should understand that the Corps needs to have an improved process, and we are going to do our best to make sure that process is driven by sound science throughout the process.

About 80 of our colleagues signed a letter saying, Bring this bill to the floor. The 80 colleagues who are signed on to that letter believe they have projects in their communities, in their States, that are important. If you wish to continue to delay the passage of the WRDA bill for another 2, 4, 6, 8 years, then forget about the environmental benefits—the environmental benefits which are more than half of the authorization of this project, and the environmental benefits which the Audubon Society, the Nature Conservancy, and other responsible environmental groups say need to happen. Trying to delay the bill or trying to delay the process of implementation of Corps studies and recommendations is very costly and denies us the ability to accomplish things that are important for the safety, the well-being of our communities and the people who live in them.

Mr. President, I urge our colleagues to oppose the Feingold-McCain amendment and to support the Inhofe-Bond amendment.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, we had a list of people wanting to be heard. It is my understanding the Senator from Montana wants to be heard, and that would come from the minority time on general debate.

Mr. JEFFORDS. Yes.

Mr. President, I yield 10 minutes to the Senator from Montana, the ranking member of the Subcommittee on Transportation and Infrastructure.

Mr. BAUCUS. Mr. President, over 70 years ago one of Montana's most renowned political figures, Senator Burton K. Wheeler, attended a meeting

with President Franklin D. Roosevelt where be proposed building the Fort Peck Dam in Central Montana. Fort Peck would be the largest hydraulic earth-filled dam in the world requiring over 11,000 workers at peak construction. At a pricetag of $75 million, the cost of construction was large even by today's standards. Fifteen minutes after Senator Wheeler's meeting with President Roosevelt had begun, Senator Wheeler walked out with a promise from President Roosevelt to have the Army Corps of Engineers build Fort Peck Dam. Construction began in 1933.

While it has taken this Congress significantly longer than it did Senator Wheeler to advance the water resource needs of the Nation, I am pleased to have worked with my colleagues—Senators INHOFE, JEFFORDS, and BOND—to bring the Water Resources Development Act of 2005 to the floor.

It has been nearly 6 years since the last WRDA bill was signed into law. Protection of public safety, continued growth of the economy, and the restoration of the environment depend on our timely action.

Much has changed since the Corps constructed Fort Peck Dam. Today much of the Corps work in Montana is focused on ecosystem restoration. That is why I included a provision in this bill that will allow the Corps to plan conservation projects on the Yellowstone River that are identified in the course of the Yellowstone River Cumulative Effects Study. A cumulative effects study has been ongoing along the Yellowstone River for several years, authorized by WRDA 1999. This study has been very successful, and has involved close collaboration with the State of Montana, the Yellowstone Conservation District Council, and local conservation districts, among many others. The provision included in the bill today would provide the Corps with the authority to move forward with planning, design and construction of ecosystem restoration projects along the Yellowstone as they are identified by the cumulative effects study. It is so important. All these factors work together. It provides for public participation in the selection of projects, and consultation with the State of Montana, the Yellowstone Conservation District Council, and others.

The Yellowstone is the longest free flowing river in the county. Much of southern and eastern Montana depends on the health of the Yellowstone River. It irrigates fields, provides world-class fishing, sustains the tourism sector, and supplies clean drinking water. It is a source of great pride and economic strength for all Montana. This provision will protect the Yellowstone and Montana's recreational heritage for generations to come.

While the Corps' mission has evolved to include ecosystem restoration, part of the Corps' central mission is to develop our water resources to maintain our economic competitiveness. Economic development and ecosystem restoration used to be thought of as mutually exclusive. No more. This view is needlessly divisive. This bill includes a provision that has brought together both irrigators and environmentalists. The Intake project on the Yellowstone River will authorize the Corps to work with the Bureau of Reclamation in the design and construction of a dam and diversion works that will help both farmers and endangered fish. Rebuilding the dam at Intake will guarantee farmers water for their crops and allow the endangered sturgeon to pass through the dam, opening 238 miles of river habitat for the endangered fish.

This bill also includes urgently needed hurricane protection and coastal restoration projects for the State of Louisiana. Indeed, this bill authorizes the Corps in consultation with the Governor of Louisiana to create a comprehensive ecosystem restoration plan for Louisiana to rehabilitate coastal barrier islands and wetlands that serve as natural hurricane barriers.

Unfortunately, some things at the Corps have not changed. In 1938 the Fort Peck Dam tragically failed. Thirty-four workers were swept away in a landslide. Eight lost their lives. The landslide was the result of inaccurate soils and foundation analysis. If we do not learn the lessons of history, we are doomed to repeat them.

Sixty-seven years later as Hurricane Katrina bared down on the city of New Orleans, floodwalls around New Orleans failed because of faulty soils analysis. What makes this event even more tragic is that an internal Corps study predicted exactly how the floodwalls would fail, and it went unread. The underlying bill does not go far enough to ensure that the Corps learns from the tragedy of Hurricanes Katrina and Rita. The Corps needs a robust program of independent peer review and project prioritization. The Corps currently has a $58 billion project backlog and a $2 billion a year project budget. At that pace it would take the Corps roughly 30 years just to work through the backlog of projects. With limited Federal resources, it is important that the Corps separate the wheat from the chaff.

In fact I would like to see the prioritization framework extended to cover not only construction projects but ongoing operational activities of the Corps as well. Recreation on the Missouri River generates nearly $85 million a year, while the barge industry provides only $9 million a year. Despite this disparity, the Corps continues to maintain at least a 6-month navigation season on the Missouri unless total water system storage on the Missouri drops below 31 million acre feet. That is dryer than a dust bowl drought. It makes no sense to waste precious taxpayer and water resources to maintain a navigation season on the Missouri in drought years. That is why I was pleased to work with Senators FEINGOLD and MCCAIN to include a provision in their project prioritization amendment that directs the Water Resources Planning Coordinating Committee to recommend to Congress a process for prioritizing ongoing operational activities of the Corps.

I am proud of the work my colleagues and I have done on this bill. It's been nearly 6 years in the making, but it has a solid base. This bill keeps our economy competitive. It restores fisheries along the Yellowstone River so our kids can enjoy the great outdoors. It protects the gulf coast from the ravages of hurricanes. But it can do more. With the right amendments, it can reform the way the Corps does business to rebuild the floodwalls of New Orleans and the public's trust in the Corps.

I very much hope this amendment succeeds.

The PRESIDING OFFICER. Who yields time?

Mr. FEINGOLD. I yield time to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I speak in opposition to the Inhofe-Bond amendment. I would like to make it very clear that the Inhofe-Bond amendment is not an independent review amendment. In fact, it is business as usual.

We have an expansion of a system that has never worked before and will continue to fail in the future because we are putting the fox in charge of the hen house. We are putting the Corps of Engineers in charge of reviewing their own work.

To begin with, I hesitate to call it an independent peer review amendment, considering that the amendment directs the Chief of Engineers to select the panels, guaranteeing that the panels will not be independent. The amendment makes the Chief of Engineers the final arbiter of whether an independent review will happen at all. The Corps gets to select the reviewers. There are no criteria at all for ensuring independence of those reviewers. Review is not independent if the Corps has control over whether, how, and who will review the projects. Their version, according to the Inhofe-Bond amendment, would be prepared by the Corps, controlled by the Corps, evaluated by the Corps, and reported by the Corps, locking out input from other relevant water resources agencies such as the Department of Homeland Security.

Putting the structure of the review aside, let's look more closely at what requirements would need to be met in order to trigger a review of a Corps project. According to the Inhofe-Bond amendment, it gives the Corps complete discretion to avoid review of most projects. Review is mandatory only for projects costing more than $100 million. Inhofe-Bond lets the Corps ignore Governor and agency requests for review. Inhofe-Bond prohibits review of the Corps' project proposal. Reviews could only examine scientific, engineering or technical bases of the

decision or recommendation but not the recommendations resulting from that data. The environment review accompanying a feasibility study would not be subject to review.

The Inhofe-Bond amendment prohibits reassessment of key models and data. This permanent moratorium guarantees that the Corps will continue to use models that are widely recognized as inaccurate and flawed.

Mr. President, I think events of New Orleans cry out for independent review and outside scrutiny. It is alarming what we have found out, after some of the hubbub concerning Katrina has died down.

After Katrina, the Corps of Engineers said that all of its failed flood walls had been overtopped by a hurricane too powerful for the Category 3 protection authorized by Congress, while [the President's] critics said the administration budget cuts had hamstrung the Corps.

Both were wrong. Katrina was no stronger than Category 2 when it hit New Orleans, and many corps [flood walls] collapsed even though they were not overtopped. [President] Bush's proposed budget cuts were largely ignored, and were mostly irrelevant to the city's flood protection. New Orleans was betrayed by the Corps and its friends in Congress.

The Corps helped set the stage for the disaster decades ago by imprisoning the Mississippi River behind giant levees. Those levees helped protect St. Louis, Memphis and even New Orleans from river flooding, but they reduced the amount of silt the river carries to its delta, curtailing the land-building process that creates marshes and swamps along the Louisiana coast. Those wetlands serve as hurricane speed bumps—in Katrina, levees with natural buffers had much higher survival rates—but they have been vanishing at a rate of 24 square miles per year.

Mr. President, the record of the Corps of Engineers cries out for independent review and scrutiny and a prioritization of projects. I quote from the Washington Post editorial of Wednesday, June 7, 2006:

Last week the U.S. Army Corps of Engineers admitted responsibility for much of the destruction of New Orleans. It was not true, as the Corps initially had claimed, that its defenses failed because Congress had authorized only Category 3 protection, with the result that Hurricane Katrina overtopped the city's floodwalls. Rather, Katrina was no stronger than a Category 2 storm by the time it came ashore, and many of the floodwalls let water in because they collapsed, not because they weren't high enough. As the Corps' own inquiry found, the agency committed numerous mistakes of design. Its network of pumps, walls and levees was ''a system in name only.'' It failed to take into account the gradual sinking of the local soil; it closed its ears when people pointed out these problems. The result was a national tragedy.

I hope my colleagues will do everything in their power to make sure we never see a repeat of this. There are admitted failures in the process, and I respect the effort of my colleagues from Oklahoma and Missouri to make some changes. But our argument is it is not enough. It is not enough. Virtually every environmental organization in America supports this amendment. Virtually every outside organization supports this amendment. The administration supports this amendment.

I hope that we would make sure that we can tell our constituents and the people who live in areas that may be buffeted by hurricanes or other natural disasters, particularly as we enter another what is predicted to be a heavy hurricane season, that at least in future projects, we have installed a proper system of scrutiny and oversight—not only so their tax dollars aren't wasted but, far more important, that they don't experience an unnecessary disaster.

I urge we adopt the amendment of Senator FEINGOLD and myself and reject the Inhofe-Bond amendment.

I will yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my understanding the Senator from Iowa is here, but I don't see him. Let me do this. We don't have any other speakers requesting time.

Yesterday, Senator BOND had printed in the RECORD the National Waterways Alliance letter that we received, dated June 30 of this year, wherein they were strongly requesting the passage of the WRDA bill which—I think we all are in agreement on that. We have not had a reauthorization since the year 2000.

They also say they want us to accept the Inhofe-Bond amendment and reject the Feingold-McCain Corps reform. I bring this up because the distinguished Senator from Arizona commented about a lot of groups that were in favor of their amendment. But there are 288 organizations—labor organizations, Chamber organizations, waterway organizations of the National Waterway Alliance. I will go ahead and read a few:

American Farm Bureau Federation, American Shore and Beach Preservation Association, Arkansas Basin Development Association—this is kind of interesting. A lot of people don't realize my State of Oklahoma is navigable. We have a port. It comes up through the Arkansas River, comes across from the Mississippi into Arkansas and up to my home town of Tulsa, OK. Obviously, they are in support of this, too.

The California Coastal Coalition, the Carpenters' District Council of Greater Saint Louis and Vicinity, Grain & Feed Association of Illinois, the Harris County Flood Control District of Texas, the Illinois Chamber of Commerce, Illinois Corn Growers Association, and many of the Illinois—almost every organization in Illinois, I believe; the International Union of Operating Engineers, Iowa Corn Growers Association, Iowa Farm Bureau Federation, Iowa Renewable Fuels Association, Johnson Terminal in Muskogee, OK, Kansas Corn Growers, Kentucky Corn Growers, the Long Island Coastal Alliance, Louisiana Department of Transportation and Development, Maritime Association of the Port of New York and New Jersey, Maritime Exchange for the Delaware River and Bay, the Mid-Central Illinois Regional Council of Carpenters, Missouri Farm Bureau Federation, Mississippi Welders Supply, Incorporated, the Missouri Corn Growers Association, Missouri Levee & Drainage District Association, National Association of Manufacturers, National Association of Waterfront Employees, 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, and the International Union, Brickyard Layers & Allied Craftworkers.

The list goes on and on, including, of course, our State of Oklahoma Department of Transportation.

I guess what I am saying here is most States—the National Farm Bureau as well as the American Farm Bureau and individual State farm bureaus—are all in support of the Inhofe-Bond amendment and they are all opposed to the Feingold-McCain amendment. I don't want people to think these organizations are ambivalent. They are strongly in support of our approach.

Again, we all agree on one thing: that is, the need to make some improvements. We like our peer review system better, and we will have ample time to talk about that.

I understand Senator GRASSLEY is here. I yield whatever time he wants to take and suggest it come off the general debate.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Thank you, Mr. President. I thank the Senator from Oklahoma.

I appreciate very much the opportunity to discuss the issue of the Water Resources Development Act and particularly that part of the act that deals with the improvement of transportation on the Mississippi River because that improvement is very essential not only to the economy of Iowa but to the economy of the whole Midwest, and in turn that relates to the economy of the United States.

Most importantly, it affects the economy—meaning the economic competitiveness of our industry and agriculture, and primarily agriculture with competition around the world, and particularly that, as I see it, of Brazil. Brazil is becoming very much a competitor with the Midwest of the United States in the production of a lot of grains, particularly soybeans.

I owe a thank you, particularly to Senators BOND and INHOFE, for their strong leadership in moving this legislation forward.

This used to happen every 2 years, a bill called the Water Resources Development Act. But we have not dealt with this issue since the year 2000. This bill is not only long overdue, but it is a very important bill. Not only does the bill which is before us include many updates in existing authorized projects, but it also authorizes new projects throughout the country.

Several examples of these much-needed projects beyond the ones I am going to emphasize are the coastal wetland restorations, but the one I want to emphasize the improvement of is the Upper Mississippi and Illinois Rivers. Coastal wetland restoration will help protect our inland waterways. We think, maybe too often, of that as being an environmental issue, but it is also about protecting our inland waterways, making sure that there is a multiple use of the rivers, recreation, food, as well as commerce.

In the process of the wetland restoration protecting our offshore energy supply, we provide much-needed flood protection in the gulf coast region. But for my State and the Midwest generally, the Upper Mississippi and Illinois River navigation and ecosystem investments are also very vital because of the multipurpose use of the river. Of course, Iowa is bounded on the east side by the Mississippi River for the entire north and west distance of our State. And Iowa, as well as the Nation, relies on the river to move both goods that are domestically oriented and distributed as well as goods that are internationally distributed.

The United States enjoys a comparative advantage in corn production worldwide. My State is also the No. 1 producer of corn, and usually we are also the No. 1 producer of soybeans.

In regard to corn production, the perton cost of transporting corn in the United States is lower than any other country. But our country must not allow its transportation infrastructure to continue to deteriorate. Quite frankly, that is what this legislation is all about. Because of deterioration, it needs to be enhanced, it needs to be improved, and it needs to be kept up to date. Our international competitors are making major investments in their transportation systems.

In Brazil, surface transportation—meaning railroads and highways, primarily highways—is very much inferior to ours. In March, I took a trip to Brazil. I can tell you that when we were out in the countryside, what we would call rural Brazil, we ran into more potholes than you could count, something that farmers of Iowa would not anticipate or tolerate from our local officials. You wonder how local officials get reelected because they are not going to be reelected because of filling potholes. But Brazil, on the other hand, as far as their river transportation, brings into question the competitive advantage the United States might have that we could be losing. Brazil has made significant investments in its river infrastructure. They do not have to have locks and dams, such as we do on the Mississippi, in the case of the Amazon. I saw facilities on my trip to Brazil on the Amazon that we could be very jealous of, the opportunity to bring commercial seagoing ships up the Amazon to load in Brazil on the Amazon and coming in this far with very major terminals for loading primarily soybeans, but also they can go up the river as well.

There is a new facility being built at this point. I believe these ships go even further up. But at least I wanted to be sure of here and here that it is possible to load those ships at that point. They don't have to use barges as we do from Iowa to New Orleans to load. This would be the equivalent of our being able to take oceangoing ships up to Memphis to load for soybeans.

You can understand then that we have this lock and dam situation that makes it possible for us to use the Mississippi River for major transportation. Keeping that up to date is very important if we are going to be economically competitive with how they can move their agricultural products—primarily soybeans—out of Brazil into the world trade.

What they don't have that we have is very good roads, although they are improving them. They don't have the railroad system we have in the United States that makes it possible for us to get our grain very easily to the Mississippi River or using railroads to get it down to the gulf. But they are working on that. Right now we are competitive because they do not have that land infrastructure we have. When they get that, we will have a hard time competing.

That brings up the point of this legislation and getting it passed, to make sure our Mississippi infrastructure is up to date. We must invest in major improvements in all of our transportation infrastructure. If we don't make these investments in our roads, our rails and water, the U.S. agricultural industry and labor will pay the price.

Last year we did a lot to help with surface transportation, primarily referred to as the highway bill, although maybe not entirely highways. We provided $295 billion for road, transit, and rail improvements in that bill we passed last year. These funds will help facilitate the movement of our goods. The surface transportation bill will help alleviate congestion so our trucks can move more efficiently.

It also provides additional loan authority and tax credit to help railroads invest in much-needed capital improvements and to help meet the large demands for their services.

According to the Congressional Research Service, last year U.S. exports of goods and services totaled $1.275 trillion compared to $1.115 trillion in 2004 and $1.023 trillion in the year 2003.

You can see very much an enhancement in value of our exports from the United States according to the Congressional Research Service. Of course, our consumers and our manufacturers, and to some extent food supply, rely upon importing goods into the United States. But whether it is exports or imports, whether it is consumers or input into manufacturing and agriculture, many of these goods travel on our inland waterways.

Again, emphasizing the need to get this legislation passed, because it is also forecast to beat our exports and imports are going to continue to grow in the future, we must be able to efficiently and economically move these goods.

When I get more parochial in my economic observance of the need of this legislation, it is because nearly two-thirds of all grain as well as soybean exports are moved through the Mississippi and Illinois Rivers. According to one study, unless the Army Corps of Engineers modernizes, which means Congress giving them the ability to do it, unless we modernize the lock and dam system on the Upper Mississippi and the Illinois Rivers, the cost of transporting just one commodity, corn, to the export market would rise by 17 cents per bushel.

As a result, corn and soybean exports would decline by 68 million and 10 million bushels per year, respectively, and the decline in corn and soybean exports would reduce farm income by $246 million. This highlights how important barge transportation is to the farmers but in turn to the economy generally.

In addition, there are many environmental benefits to river transportation. According to the Environmental Protection Agency, towboats might have 35 to 60 percent fewer pollutants than either train locomotives or our big semitrucks in transporting anything, but particularly in regard to what I am talking about, the necessity of moving grain. A color chart used by the Senator from Missouri shows the same thing. I have a black-and-white chart. The information is the same, but it is cheaper to make white charts than it is colored charts.

It shows one barge can move what 15 jumbo hopper cars of railroads can move or what 58 large semis can move. Not only is that an environmental issue, that is an issue of economy of moving a product. Most importantly, when you are waiting for a long train at a crossing, think in terms of fewer hopper cars because of what one barge can move. Of all of the trucks you meet on the interstate or the two-lane highways of the Midwest, think how many more there would be if we did not have transportation to the gulf by barge. If you have 15 of these barges being pushed by one motor, you would have 2.25 miles of train, 180 cars or, in this case, 870 large semis.

I hope everyone can see that moving a lot of merchandise to export on the Mississippi River is taking an awful lot of pressure off the highways, an awful lot of pressure off of the railroads. It is environmentally sound in the process.

The Army Corps of Engineers data suggests that the Nation currently saves $100 to $300 million in air pollution abatement when moving bulk commodities by barge through the Mississippi River system. In these times of high fuel prices and with the need to conserve energy, one gallon of fuel in a towboat can carry one ton of freight 2.5 times further than rail and nine times further than trucks.

Quoting the Minnesota Department of Transportation estimate, shifting from barge to rail results in fuel usage emissions and probable accident increases by the following percentages: 331-percent fuel usage; 470 percent less emissions; and 290 percent less probable accidents. Shifting traffic from barge to trucks increases fuel use 826 percent, emissions 709 percent, and probable accidents by 5.967 percent. In addition, another 1,333 heavy trucks would be added to our already congested roads.

For these above reasons, we have this legislation before the Senate. Several of my Senate colleagues for many years have been seeking authorization for this lock and dam modernization as well as enhanced environmental restoration of the Mississippi and Illinois Rivers. To get that done, we have to get this bill to the President for his signature.

I am very pleased the Committee on Environment and Public Works included these important initiatives in this Water Resources Development Act and that a truly bipartisan group of Senators is advocating for this important modernization. If anyone believes it is always Republicans attacking Democrats and Democrats attacking Republicans, this is an ideal initiative that shows how widespread bipartisan support and cooperation can be in this Senate when there is a national emergency. That national emergency is environmental, the national emergency is for our economy to be competitive, the national emergency is safety on our highways, to relieve glut on our railroads. It is all around.

This is a bipartisan effort to cooperate for the good of this Nation because this lock-and-dam system of the Upper Mississippi River was built in the late 1930s, I suppose over a period of a few decades. But many lock chambers are only 600 feet long and cannot accommodate the barges we are talking about used in the modern day to get things into the international market. These structures require a modernization because there is a tow configuration that needs a double lock to pass. This adds to mounting delay time when we do not have the modernization. It amounts to increased costs to the shippers, increased harm to our environment with higher emissions and higher sediment suspensions in the river channel, the loss of jobs when we are not competitive, and lower wages when we are not competitive.

Increased traffic levels without these improvements will result in gross farm revenue loss of over $105 million per year. This does not take into account the huge cost of increased highway and rail transportation.

We realize the authorization of the lock-and-dam improvements is a first step in a lengthy process, but it is a necessary step and one that a bipartisan group of Senators, an increasing number of Senators in a bipartisan way, has been working on for a few years.

It is an important and necessary project for our Nation. I urge my colleagues to vote for this balanced legislation, not to vote for any amendments that are going to dilute it or harm it in any way. When we get this number of Senators working together in a bipartisan fashion, this ought to be a test of something that is needed, a test of something that is good, something to move forward on. It is balanced legislation and, of course, it is good for the country.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I appreciate the comments of the Senator in support of the bill. The Senator from Iowa is in support of the Inhofe-Bond amendment and opposed to the Feingold-McCain amendment. I remind him that virtually every organization in Iowa, including the Iowa Renewable Fuels Association, Iowa Farm Bureau Federation, Iowa Corn Growers Association, and others, are in support of the Bond-Inhofe amendment.

I also make a request, and I am sure others will join, asking Members to come to the Senate if they want to speak on either of the two amendments that are being discussed right now.

I ask unanimous consent to add Senator BURNS as a cosponsor of the Inhofe-Bond amendment.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

Mr. INHOFE. It is my understanding Senator HATCH is going to be making a request to be heard as if in morning business for 15 minutes. Because of the time constrains we are operating under, I will ask that time be taken off of my time.

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

The Senator from Utah.

(The remarks of Mr. HATCH are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I yield 10 minutes to the Senator from New York, who will speak in morning business, but I understand the time will be charged to my side of the amendment.

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

The Senator from New York.

Mr. SCHUMER. Madam President, first, I thank my colleague for yielding time generously, as he always does, and note that I support his amendment and look forward to voting on it.

(The remarks of Mr. SCHUMER are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 4682

(Purpose: To modify a section relating to independent reviews)

Mr. INHOFE. Madam President, I ask unanimous consent that the pending amendment be temporarily set aside, and I call up amendment No. 4682.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] for himself, Mr. BOND, Mr. COCHRAN, Mr. THUNE, Mr. DOMENICI, and Mr. BURNS, proposes an amendment numbered 4682.

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

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. INHOFE. I ask unanimous consent that the time until 2:30 be for concurrent debate on the pending Feingold-McCain amendment and the pending Inhofe-Bond amendment and be equally divided between the bill managers or their designees, and that at 2:30 the Senate proceed to a vote in relation to amendment No. 4681, to be followed by a vote in relation to the Inhofe-Bond amendment, with no intervening action or debate.

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

Mr. INHOFE. For clarification, I encourage Members to come down because our time is running out. It is confusing when you have two amendments that you are using the same time for. So essentially the time that we would have in favor of the Inhofe-Bond amendment would be the same as the time in opposition to the Feingold-McCain amendment. I appreciate the Senator from Wisconsin for his cooperation in moving this along.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I thank the Senator from Oklahoma for his continued cooperation in the way in which this debate is proceeding. I will use a few minutes of my time to bring us back to the debate on these two amendments that are before us. First, to make it absolutely clear to people that the amendment that Senator MCCAIN and I are offering certainly would not slow down the bill in any way or delude the bill; we have a time agreement. However, it turns out the legislation will go forward and there is an obvious expectation that the bill will pass. In light of the remarks of the Senator from Iowa, I want to make it clear to people that this in no way is going to somehow stop the bill from going through this body. We will let the chips fall where they may based on the results of the

votes, but there is no slowing down of the bill.

Secondly, I was struck by the response to our amendment. Senator MCCAIN and I laid out some pretty damning evidence about what the Army Corps of Engineers' role may have been in the Katrina disaster, which everybody admits is one of the worst disasters in the history of our country. I think the Senator from Missouri indicated that he didn't think we ought to engage in a blame game. I wouldn't call it a blame game, but somebody has to be held responsible. We have to acknowledge what might have caused this horrendous problem, and the evidence is overwhelming. Just as FEMA's performance was abysmal, so, too, was the role of the Army Corps of Engineers in properly establishing levees and other engineering that had to be done. And it may well have been significantly responsible for the tragedy that occurred in New Orleans. I don't know if they plan to mount a response to that, but I hope the record makes it clear that this New Orleans situation is Exhibit A in the kinds of problems that can occur if you don't have appropriate review of these Army Corps of Engineers projects.

I wanted to also respond to some of the specific issues the Senator from Missouri spoke about. He talked about what issues an independent review group could consider. I want to make it very clear. Under my amendment, which directly implements the recommendations of the 2002 National Academy of Sciences' report on peer review, independent panels will ensure that the Corps' proposed approach to a problem will work to resolve the identified problem and not cause unintended adverse consequences. Independent review panels will not take away any decisionmaking responsibilities. I want to be clear on that because a couple of the comments today could at least be interpreted to suggest that somehow this is going to take away the decisionmaking power from those who have it. Under my amendment, no decisionmaking responsibilities are taken away from the Army Corps of Engineers. The amendment simply allows for independent experts to identify problems in the best possible way.

Why would anyone not want to hear the important feedback from independent experts?

I would like to talk a little more in detail about one of the biggest differences between our independent review amendment and the Inhofe-Bond alternative which will be voted on side by side starting at 2:30, as the Senator from Oklahoma indicated. One of the very clear recommendations from the National Academy of Sciences' 2002 report on peer review is that reviewers should have the flexibility to comment on important issues to decisionmakers.

On this point, the two competing amendments are very different. I want my colleagues to understand the importance and the potential ramifications of the difference as they consider these two amendments.

My amendment implements the recommendations of the National Academy of Sciences by allowing a thorough analysis of a Corps feasibility study. The Inhofe-Bond amendment ignores this recommendation by sharply limiting what independent reviewers would be allowed to consider. On this point, it is good to give an example of why this matters. Many of us know about the Mississippi River Gulf Outlet, MRGO, in Louisiana. In Louisiana, MRGO is what this project is referred as.

According to most scientists who have looked at it, MRGO, a Corps navigation channel, greatly exacerbated the impact of Hurricane Katrina by funneling and intensifying Katrina's storm surge directly into New Orleans and by destroying 20,000 acres of coastal wetlands that could have buffered the storm's surge. These same experts, including the independent reviewers looking into what happened in New Orleans, have said that the devastating flooding that overwhelmed St. Bernard Parish and the lower ninth ward of New Orleans came from the MRGO. I was in both of those parishes 10 days ago, and that is exactly what the National Guard and other people and experts indicated to me while I was physically looking at this destruction.

Only 52 of the 28,000 structures in St. Bernard Parish escaped unscathed from Katrina. For years, community leaders, including the St. Bernard Parish Council, activists, and scientists warned that the MRGO was a hurricane highway and called for closing the outlet. This is not merely an after-the-fact recognition that something was wrong. People who lived and some who died in these communities were warning about this potential disaster before it occurred.

Why is this relevant? Under the Inhofe-Bond limited review, the other amendment, a panel would not have been able to examine the full implications of constructing the Mississippi River Gulf Outlet or MRGO in New Orleans. While reviewers would have been able to assess whether the Corps properly calculated the wetlands impact of the MRGO, they would not have been able to comment on the fact that the recommended plan would put New Orleans at risk by destroying wetlands vital for buffering storm surge and by creating a funneling effect that would intensify the storm surge. The Inhofe-Bond review also would not have allowed any comment on the appropriateness of proceeding with the MRGO in light of the increased danger to the city and the fact that traffic projections were vastly overstated.

I think we can all agree that this example shows what can be at stake if we don't allow reviewers some flexibility to bring up important issues. This isn't the only example of where the Inhofe-Bond amendment falls short, but I will try to say more about that later. This is a timely and very serious example of the dramatic difference between the amendment that Senator MCCAIN and I have offered and the, frankly, inadequate amendment that is offered as an alternative.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. INHOFE. Madam President, first, let me make a couple of observations. I think in the discussions we have had so far, there are a lot of things we agree on. We agree that we need to change the system we have right now. I don't really take issue with some of the things that the Senator from Arizona and the Senator from Wisconsin have said about existing problems with the way that the Corps of Engineers has been working. I recognize also that the Senator from Wisconsin agrees that the underlying substitute amendment does include some provisions to require peer review, specifically for Corps of Engineers studies. The Inhofe-Bond amendment gives additional detail and clarity to that requirement as well as the Feingold-McCain amendment gives additional detail and clarity to that amendment. So there are some areas where I think we are in agreement.

Also, we are in agreement on the necessity of reauthorizing the Water Resources Development Act. It has not been addressed since the year 2000.

Our amendment ensures that peer review is integrated into the Corps study process. Most stakeholders agree that the current study process is already too long and further delays are not advisable. That is not a reason to ignore the critical role that peer review can play, but it is a reason to demand that peer review not be an end of the process addition or delay.

Our amendment clarifies that peer review panels are to review the technical and scientific information that forms the basis of decisions, but the decisions themselves are a function of the Government. It is something the Government should be doing, not any independent peer review. Decisions regarding how best to meet our Nation's water resources needs all involve tradeoffs of some sort. No outside group or distinct subject matter experts can truly be considered experts at making those decisions.

I am sure they would all have opinions, but everyone has opinions. Government officials, on the other hand, are specifically charged with making the decision. They have that responsibility. I believe that is one of the distinctions between the Inhofe-Bond amendment and the approach taken by Senators FEINGOLD and MCCAIN.

Another aspect of the Inhofe-Bond amendment I would highlight is the detailing of which project studies at a minimum should undergo peer review. Independent reviews are required if the estimated total project cost is more than $100 million. I believe the Feingold-McCain approach is $40 million.

We also say it has to be over $100 million and if the Secretary of the Army determines that the project is controversial. Independent reviews may be required if a Governor or head of a Federal agency requests the review.

I know some of those opposed to this amendment have argued that these triggers are too lenient, but I don't believe that is the case.

Of the 44 new or contingent authorizations included in the substitute amendment, 18 would have been subject to independent peer review based on the $100 million trigger alone. That is 40 percent of these projects based on just one of the four possible triggers. The other triggers would be in addition to this requirement of the minimum of $100 million. I don't consider that lenient at all. The Inhofe-Bond amendment also incorporates a recommendation of the American Society of Civil Engineers to require independent review of technical and design specifications of certain projects critical to public safety beyond the study phase.

Finally, I would like to address another baseless charge that has been made against this amendment: that these panels wouldn't really be independent because the chief of engineers is the official in charge of selecting the panels. The amendment is clear that the Corps must issue guidelines that are consistent with the Information Quality Act as implemented in OMB's revised bulletin from December 2004. This bulletin discusses in some detail requirements for reviewers, including expertise and balance of panels, lack of conflicts of interest, and independence.

I have been a little concerned, after reading the Feingold-McCain amendment, as to just how this works. It is my understanding that it would—in my opinion and in the way I look at things—create another bureaucracy and another board that would be looking at these. I am not sure this is really going to be necessary. I do believe that we have tried to strike a balance. I believe we have done so. I am quite confident we can trust a three-star general to follow direct commands, especially those issued in law.

As I have outlined, the Inhofe-Bond independent peer review amendment would ensure review of critical information by experts outside the Corps without creating unnecessary burdens and delays.

As was stated before, we are going to first be voting at 2:30 on the Feingold-McCain amendment and then on the Inhofe-Bond amendment. I will be encouraging them to vote against the Feingold-McCain amendment and for our amendment. But having said that, I would like to say that we are in agreement. Sometimes you get into a discussion on these things and it sounds as if everyone is in disagreement. This isn't like a climate change debate. This isn't one where everybody gets all fired up. I know we are all trying to do the same thing. We know there is room for improvement in the way the Corps of Engineers operates. I have a few examples I could use. We have right now a problem in Oklahoma with one of the individuals who has not been doing a conscientious job. We can't get the Corps of Engineers to listen to us in terms of how this particular bureaucrat is abusive in his treatment of individuals.

I think that we need to do something. Our underlying substitute amendment does something. I think probably either of these two amendments will take that one step further. There are areas where we agree.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Madam President, I am pleased to yield 12 minutes to one of our strong supporters and cosponsors of the amendment, the Senator from Delaware, Mr. CARPER.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. Madam President, to my colleague and friend, Senator FEINGOLD, I thank him very much for yielding, and I thank him even more for his leadership and that of Senator MCCAIN in offering this amendment.

Before I talk about the amendment, I want to also thank Senator INHOFE and our ranking member, Senator JEFFORDS, as well as Senators BOND and BAUCUS, for bringing this bill to the floor today. It has taken 6 long years and a huge amount of work on the part of them and their staffs and our staffs as we have prepared for this debate today.

We are finally able to move this important legislation because of their dogged determination, really a collective determination and willingness to work with all of us to address our States' respective needs, and an openness to debating possible reforms for the way we plan and prioritize water resource projects.

This bill includes several provisions that are very important to my State of Delaware. I want to quickly highlight maybe two of those and talk about the importance of modernizing the Corps of Engineers.

First, this bill preserves something called the St. Georges Bridge over the Chesapeake and Delaware Canal, the 14-mile canal that really connects the Delaware Bay to the Chesapeake Bay. It serves to divide Delaware in half. It takes up valuable space within my little State, disrupts our commerce and the movement of people and goods, and provides a shortcut for ships trying to get from the Delaware Bay to the Chesapeake Bay, and it helps to divert traffic away from my port, the Port of Wilmington. To say that I am not a great admirer of all that the C&D Canal does for my State would be an understatement. I have proposed, tongue-in-cheek, that we appropriate shovels to the people of Delaware so we can line up on either side of the C&D Canal and fill it in, and that we bring in plants and trees from other parts of the country to use up enormous quantities of water, and that we might plant them in the bed of the canal to soak up the water and then we can go across, like the children of Israel, on dry land. Well, none of that has happened, so we have to figure out how to get across the C&D Canal that disrupts commerce in my State.

In return for the imposition of this canal, the Corps of Engineers has been obligated for three quarters of a century to provide sufficient access across that canal. Yet, in recent years, in spite of population growth that has stretched the capacity of the current bridges, the Corps has sought to reduce the number of bridges across the C&D Canal. Thanks to the support of the chairman and ranking member, that will not happen.

The second important provision in this bill to our State is a late entry. A little over a year ago, some of you may recall that the Senate passed a bill by unanimous consent to rename our new bridge over the C&D Canal along State Route 1 for former U.S. Senator Bill Roth, my predecessor. Senator Roth served in the Senate for 30 years and in the House of Representatives for a time before that. I see Senator BOND here; he served with him for a number of those years. Bill Roth, for over a third of a century, served the people of Delaware admirably and with distinction in the House and later, for many years, in the Senate. He also worked hard to make sure about 15 years ago that this new bridge over the C&D Canal would be built.

The bill to name the State Route 1 bridge at St. Georges for Senator Roth passed the Senate unanimously. It has been held up in the House for the past year. I appreciate Senator INHOFE's and Senator JEFFORDS' willingness to move it forward by agreeing to add it to the Water Resources Development Act. On behalf of our State and the Roth family, we express our deepest gratitude.

I also rise today to voice my support for Senator FEINGOLD's and Senator MCCAIN's Corps independent review amendment. It is essential that we apply the lessons that we learned from Hurricane Katrina. This amendment seeks to do that, at least in part.

This past April, I had the opportunity to tour both the devastation in New Orleans, as well as the wetlands that act as a buffer for that city. As a member of the Homeland Security and Governmental Affairs Committee, I have spent many hours hearing from experts about why the levees failed in New Orleans.

One thing became inescapably clear: There were warnings that were not heeded. The McCain-Feingold amendment seeks to prevent that from happening again.

The McCain-Feingold independent review amendment—which I have cosponsored—requires an independent panel of experts to be constituted to review projects that will cost greater than $40 million.

That panel will be fully independent of the Corps and made up of anywhere from five to nine experts in engineering, hydrology, biology, and economics. This panel will be able to review every aspect of a proposed project, from the data and assumptions that went into the Corps' analysis into the actual design of the final project that is chosen.

Having such a review of the New Orleans levee system likely would have drawn attention to the flaws in the Corps' design, including the facts that they failed to account for the natural subsidence of the city and that the flood walls were not properly anchored in the swampy southern Louisiana ground.

We often talk about these proposals as ''Corps reform.'' But in a real sense, they are also congressional reforms. That is because the findings of the independent panels merely provide more information to us, the Congress. They are not binding. It will still be up to us in the Congress to decide how to proceed, and we will need to do a better job ourselves in the future. But we cannot be expected to make good decisions if we don't have good information.

Moreover, in these days of tighter budgets, we are not going to be able to gather support of our constituents for big navigation projects that they fear will destroy wetlands that are needed for flood protection or for a flood control project that people don't believe will work.

As the New Orleans Times-Picayune stated in a recent editorial:

Taxpayers shouldn't have to wonder if there's a rational basis for spending billions of dollars.

I am reminded of something that LTG Carl Strock, who commands the Army Corps of Engineers, said:

Words alone will not restore trust in the Corps.

These amendments will provide some substantive change to back up the claim that we will never let what happened in New Orleans happen again.

I urge my colleagues to support the McCain-Feingold independent review amendment. I am pleased to be among its cosponsors. I urge its adoption.

I yield back my time.

The PRESIDING OFFICER (Mr. THUNE). Who yields time?

Mr. BOND. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, we have had a lot of talk about all of the things that the Corps has done wrong and the problems in the past. I don't think anybody believes that there is not a need for reform, review, independent review by experts who can comment on and who can provide valuable input to the Corps. The Corps has learned a lot of lessons, and the Inhofe-Bond proposal creates a mechanism for improving technical quality of the projects that move forward, not an incubator for more lawsuits to delay needed projects.

The Inhofe-Bond amendment would encourage independent review of technical information and science, not a review of policy decisions, which are appropriately made in the executive branch and by this body. We don't want to outsource our policy decisions to some other group, as the Feingold-McCain amendment would do. We want to continue an open, fair, and public review of recommendations, and not create a public review created by special interests designed to undo projects for reasons other than policy reasons.

We support stabilizing, not destabilizing, Federal/ non-Federal interests in reliance on the Corps. We support Presidential oversight of independent review, not handing government functions over to some unelected commission.

When you take a look at the past work of the Corps, you see that the Corps now currently provides 3 trillion gallons of water for use by local communities and businesses. The Corps manages a supply of one-quarter of our Nation's hydropower. The Corps operates 463 lake recreation areas. The Corps moves 630 million tons of cargo valued at over $73 billion annually over the inland water system. It manages over 12 million acres of land and water.

The levees that have been properly constructed have prevented an estimated $76 billion in flood damage within the past 25 years, with an investment of one-seventh of that value. These are the tremendous values that can be provided if we can pass this bill and if we can make sensible Corps reform, without providing major hindrances and roadblocks.

I hope that the 80 Senators who joined with us in saying ''bring this bill to the floor'' will realize that there is such a thing as appropriate review and there is such a thing as unnecessary, late-stage second guessing, which can be extremely expensive and can delay the benefits that could come from the work of the Corps.

The McCain-Feingold independent review amendment has a tremendous potential to delay project construction. They wait until the end of the process, and any mistakes found at the end of the process, as envisioned in the Feingold-McCain amendment, would necessitate a repeat of the study to correct the problems—beginning over again. Clearly, this would delay project construction and drive up costs.

Under our proposal, since reviews are integrated into the process, any mistakes made or improvements suggested could be corrected and incorporated at the time. As I said earlier today, it is like waiting to test students in the eighth grade to see if they have first-grade reading capabilities. If a child cannot read at the first-grade level when he or she finishes the first grade, give them remediation then, help prepare them for the second grade; don't wait until they get to the eighth grade and say we just wasted 8 years of this child's education because they could not read at the first-grade level. This essentially—testing at the eighth grade level for first-grade compliance—is what the Feingold-McCain amendment would do.

Let's be clear about it. We passed a bill 2 years ago that had all sorts of regulatory redtape and delays. This was opposed by the House, which could not agree on a conference with us. That is why we lost this bill. Putting in a batch of redtape and bureaucratic delays is going to make possible negotiations with the House extremely difficult and could lead to no bill being passed again.

So the 2002 Water Resources Development Act that we are still trying to pass in 2006 would go into 2007 and 2008. The benefits that come from the authorized projects in this bill will be delayed. I want the 80 Senators who want to see this bill passed—because they have projects that are important—to understand that the review that is necessary is being incorporated in the Inhofe-Bond amendment. It is being incorporated in a sensible timeframe, reviewing with representatives from the National Academy of Science, the American Society of Civil Engineers, and the Independent Research Council, as the project goes along.

Everybody knows there needs to be review. The Corps has learned a lot of lessons from mistakes. We ought to learn from our mistakes. One of the mistakes we have made is to try to burden the process and make it so cumbersome it can't work.

If you don't want to see the Corps providing water supply, protecting against floods and hurricanes, making sure we have the most efficient, economical, environmentally friendly, energy-friendly means of transportation, then support more bureaucracy, more redtape, and more delays.

If, on the other hand, you want to see the Corps do the job and get the job done right, then I ask my colleagues to support the Inhofe-Bond amendment and let us get on about the business of protecting people from floods, from hurricanes, and making sure that our waterways continue to be an efficient energy-conserving means of transporting bulk commodities.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I am pleased to yield 5 minutes to the Senator from California in support of our amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank Senator FEINGOLD for his leadership. I also thank Senator MCCAIN. They have two amendments before us, the next one coming shortly. I enthusiastically support this amendment. I think this one is very much a reform. I strongly oppose the other one. But I am not going to use my time now to talk about the second amendment because I do want to concentrate on what an important step forward this particular amendment is.

The 2005 hurricane season taught us many valuable lessons—lessons that we will never forget because we saw them with our very own eyes. And one of the most important lessons is that major water resources projects and especially flood control projects must be carefully reviewed to be sure they will be effective.

What a disaster it is for our taxpayers to spend millions and billions on these projects, only to learn that they were not designed well or they didn't meet the real threat that was posed by Mother Nature or that there was cronyism dealing with putting together the alternatives.

I believe this amendment will put independent and expert eyes on the data, on the science, and on the engineering of our major public works projects. We need these independent and expert eyes because so much is at stake.

I come from a State that has every kind of natural disaster imaginable. The people there are very good at pointing out what the problems are, and we have to be equally as good in responding to these needs and making sure we give them quality, that we give them the protection they deserve.

In this amendment, we are giving the people what they deserve. When a review is triggered under this proposal, a panel of experts, of engineers and hydrologists to biologists and economists, must look at the underlying technical data and look at the project in its whole and make sure that the project will meet and achieve its goals.

There is little point in expending hard-earned taxpayers' dollars unless we know it is being spent right. What this particular amendment does is bring in those outside experts to kind of give a seal of approval on what we are doing.

Again, I don't go along with the next amendment, and I will be back to talk about that, but this amendment does what needs to be done. The panel will make recommendations to improve the project. This particular amendment is common sense, pure and simple.

Complex and costly engineering projects deserve the additional scrutiny. Mistakes do happen. You know what. Mistakes will happen no matter how many panels we have, but the idea is to cut down on those mistakes. We are all human. We all make mistakes, but how much better is it to get a very seasoned pair of eyes to take a look at what we are doing.

I believe this amendment will make these projects safer, and they will make them more effective.

I support the Army Corps of Engineers' mission. When I first got into politics in local government, I worked very closely with the Corps on many flood control projects. We have had our arguments, we have had our debates, but over the years, we have managed to work well together. But there were moments during those debates when I knew I could benefit from outside experts, and that is what we are giving to the Congress and, therefore, to the American people. We are going to have additional scrutiny, and we are going to make sure that mistakes are rare.

When we talk about mistakes, it is one thing to make a mistake on an issue that doesn't put lives at risk, but we are talking about the protection of life and limb for our people.

I think this amendment will help the Corps do its job better. It will improve public faith in the work of the Corps because, frankly, after Katrina, many people are saying to me: Can we trust these public works projects, these flood control projects to really protect us?

They have doubts, and they should have doubts, having seen what they saw.

I, again, thank Senators FEINGOLD and MCCAIN for their leadership on this particular amendment, and I urge a ''yes'' vote. I know it is going to be a close vote, but I really do believe people listening to this debate will see that all we are saying in support of this amendment is we are bringing in outside experts to keep an eye on taxpayers' dollars and keep an eye on these designs to make sure that when we fund a public works project, we have done everything in our power to make sure it is designed well, that it will be cost-effective, and it will be safe.

Mr. LIEBERMAN. Mr. President, I rise to speak in support of the McCain-Feingold amendment on independent review. I do so because of the investigation that the Senate Homeland Security and Governmental Affairs Committee recently completed into the preparation for and response to Hurricane Katrina. In that investigation, Senator COLLINS and I and the rest of the committee learned a great deal about the inadequacy of the levee system that was supposed to protect New Orleans. And we were greatly aided by the work of the three different independent forensic investigations carried out by the State of Louisiana, the National Science Foundation, and by the Army Corps' own Interagency Performance Evaluation Task Force or IPET.

The results of these reviews were truly shocking. In the words of the Army Corps' own IPET report, ''The System did not perform as a system: the hurricane protection in New Orleans and Southeast Louisiana was a system in name only.'' IPET found that the system was only as strong as its weakest links, and that there were many weak links. IPET found:

That the materials and designs used in the levees were inadequate and failed faster than expected in fending off Katrina.

That project designs failed to incorporate redundancy and measures to respond to a hurricane that was larger than expected. For instance, there was no shielding on the back of the flood walls to prevent their collapse if they were overtopped by the storm surge.

That some parts of the system were not prepared to handle a category 3 storm even though the Army Corps had been telling the city and the Nation for years that the system offered comprehensive category 3 level protection.

That the floodwalls along the 17th Street and London Avenue Canals collapsed because of foundation failures caused by design and construction mistakes. Those walls collapsed well before the water reached the height the walls were designed to protect against, causing a major portion of the flooding in the city and the suffering at the Superdome and Convention Center. The Army Corps considered those floodwalls complete, ready to defend against a hurricane of Katrina's strength. Unfortunately, it took Katrina and the subsequent IPET report to learn that those floodwalls were not designed, built, or constructed to protect those who lived in nearby neighborhoods.

And one of the most shocking discoveries, IPET found that, because of subsidence in the area, parts of the levee system were anywhere from 2 to 3 feet below their design height. What was even more shocking was that the Army Corps was aware of the subsidence before Katrina but did nothing to address the obvious deficiency.

Mr. President, I am on the Senate floor today because while it is enormously important that we have learned of these failures after Katrina, it is even more important that we learn of them before the next Katrina, before the next failure of a major flood control project. And that is what this amendment will do. It will require that major Corps projects, and especially flood control projects that protect people and property, be subject to the kind of independent oversight that has proven so beneficial in the aftermath of Katrina.

Why did the citizens of Louisiana not know any of these problems before Katrina made landfall, and why did the Army Corps not feel compelled to fix the ones they knew about?

How different the preparation for and response to the storm would have been had an independent review process like IPET been initiated before the Army Corps designed and constructed the levee system rather than after a storm like Katrina left it and the city it was supposed to protect in tatters.

We have learned valuable lessons from Katrina, and one of those lessons is that we need an independent review process for our most critical projects before they are battle tested. We need assurances that what the Army Corps builds will function as planned. And unfortunately, we have also learned that we cannot count on the Army Corps of Engineers to do this themselves. These reviews need to be independent, conducted by 3 outside experts who can objectively evaluate what is being proposed, and in the case of major flood control projects, also how it is being designed and built.

The Army Corps has already given us an effective model to do that—IPET.

This amendment, introduced by Senators MCCAIN and FEINGOLD, would create within the Army Corps a Director of Independent Review. The Director's job will be to establish a panel of distinguished experts to conduct a thorough review of the planning process for major projects, including engineering analyses, and to issue a report and make recommendations to the Army Corps. For major flood control projects, where lives are at stake, the Director would create an additional panel to review the detailed design and construction so that we do not find ourselves in another Katrina situation where we find, after the fact, that designs and construction were flawed.

It is then up the Army Corps to implement those recommendations. The Army Corps will also be required to make the independent panel's report public so Congress and the American people will be aware of possible problems before the project is funded and before the public relies on the project for protection.

The Homeland Security and Governmental Affairs Committee learned a great deal in our investigation into Hurricane Katrina, and we made some recommendations in our report to address what we found. One of those recommendations was to create an independent review process like IPET and the one established in this amendment to oversee the design and construction of critical flood control projects. These were joint, bipartisan recommendations, and I am pleased that the chairman of our committee, Senator COLLINS, is also joining as a cosponsor of this amendment.

Catastrophes like Katrina will be repeated unless we learn from our mistake, and this amendment is a tremendous opportunity to do just that. We already have a model for the proposed solution in the independent forensic teams that were created after Katrina whose reports and recommendations have been applauded from all circles—the Army Corps, independent professional engineers, and local interests in New Orleans. But those efforts need to be in place before disaster strikes, and that is exactly what this amendment would do.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I wish to respond to a couple of arguments in the debate. How much time remains on our side?

The PRESIDING OFFICER. There is 31 minutes remaining.

Mr. FEINGOLD. I thank the Presiding Officer.

I heard the comment from some of my colleagues on the other side offering the alternative amendment that somehow this independent peer review will create a bureaucracy. I find that a little ironic because to me the definition of ''bureaucracy'' is an agency, such as the Army Corps of Engineers, that has $68 billion in authorized projects that apparently would take 35 years to build if everything was done in a sort of rational manner. That is how long it would take. It is sort of the definition of a bureaucracy that has gone awry, where there are not priorities, where there isn't clarity, where there really isn't any sense of what is more important than something else or what situation is more dangerous than another situation, what is more threatening to people's lives than another situation.

The notion that an independent peer review would not be binding, to have experts give us guidance as to what is more important as opposed to what is less important to fix or change, to me, is the opposite of bureaucracy. It is bringing rationality and a good government approach to what is currently a very troubled and in-need-of-reform bureaucracy.

I certainly expected the other side would try to raise the notion that somehow our amendment, our new system of independent review, would lead to more litigation. Of course, that is a standard argument against everything, and sometimes it is true, but here it is not.

The judicial deference provision makes it clear that the Corps must give serious consideration and review to an independent panel's findings. Unless that happens, independent review will just be another box to be checked off in project planning and will not result in better and safer projects.

The Corps, unfortunately, has a history of ignoring independent panel recommendations, even when those panels have been hand picked by the Corps, and that is unacceptable.

To ensure the independent review process is meaningful and produces real improvements for project planning, the amendment gives the recommendations of a panel equal deference with the Corps's recommendation in any judicial proceeding regarding the project in question if the Corps rejects the expert panel's finding without good cause.

That is what it does, and that is all it does. It provides an alternative view that the Corps can consider, but there is the key point. The judicial deference provision clearly does not—does not—create any new cause of action. It does not create a new basis for somebody to litigate. So it is false that somehow this creates the opportunity for new litigation. It does not even anticipate that projects subject to independent review will ever be involved in litigation at all. It simply notes that where there is judicial review of a project where the Corps did not follow an independent panel's findings, the Corps will need to explain that decision to the court.

The Corps would then be given ample opportunity to demonstrate to the court that it has rejected an expert panel finding for a valid reason, good cause—not a difficult judicial standard to meet.

If the Corps cannot do so, the court will give equal consideration to both the panel and the Corps's recommendations.

So just as the argument that we are creating somehow a new bureaucracy is just the opposite of the fact, there is no basis, no validity whatsoever to the notion that this creates some new legal cause of action that didn't exist before.

I have two more points with regard to independence. I have heard the manager of the bill and the Senator from Missouri indicate that they are for some kind of independent review and that their alternative provides for it. But, of course, it is only in the most narrow of circumstances, only in projects that are over $100 million. That is essentially wiping out independent review on almost every single project.

Our view is this probably involves, maybe on average of less than one project a year that would receive that kind of independent review. We compromised to make sure that our figure would be acceptable to the body. We started with $25 million and went up as high as $41 million. But $100 million essentially makes a mockery of the whole idea of independent review because it would only apply in the most rare cases.

Finally, of course, the argument is, apart from the notion that somehow this creates new litigation, which is not the case, somehow this will cause things to take longer in terms of approving projects and reviewing projects.

That also is incorrect. The Senator from Missouri is incorrect about our amendment and the timing of review. To quote from page 8:

> Panels may be established as early in the planning process as deemed appropriate by the director of independent review.

So this whole idea that he indicated of somehow waiting until the eighth grade for somebody who needs help in the first grade—I heard that analogy—is not true. The Director has the power to do this whenever he deems this appropriate. He has that discretion. He has that flexibility, so it is not some kind of a locked-in delay at the end of the process review.

I encourage my colleagues to read the text of the bill on each of these points which I think will bear out the validity of the arguments I made.

Mr. President, I retain the remainder of my time.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. 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. FEINGOLD. 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. FEINGOLD. Mr. President, I yield myself some additional time.

When you have worked on an issue as long as I have worked on Corps reform, sometimes people don't always understand your intentions and maybe, in some cases, mischaracterize them.

But I am astonished at the extent to which my opponents, those who like the status quo, those who benefit from the status quo, are saying about the Feingold-McCain-Lieberman-Carper-Jeffords-Collins Independent Peer Review Amendment. If I may, I would like to take this opportunity to clarify some of the myths I have heard and set the record straight.

Myth No. 1: The Feingold-McCain independent peer review amendment will delay project construction.

This just is not true. Our amendment will not delay projects. We agree, projects do take some time. That's why we were very sensitive to ensure that independent peer review of Army Corps feasibility studies overlays with the existing process. Furthermore, our amendment includes strict deadlines for the panel to report and, if they fail to report in the allotted time, the Chief of Engineers is directed to proceed with planning. In fact, the Inhofe-Bond amendment uses some of the same timing criteria.

Independent review will ensure that communities will actually get the projects they are being told they will get. The independent review can start as early in the process as deemed appropriate, and for projects costing more than $40 million, must end within 90 days after the close of the public comment period.

Under the most ideal circumstances the Corps takes 11 to 12 months from the close of the public comment period to the time it issues a Chief's report for a project. And under current law, the Corps must take into account all the public and agency comment submitted during the public comment period. For large and controversial projects the time from draft feasibility study to final Chief's report takes much longer. So the independent review of feasibility studies in our amendment, which balances the absolute need to allow for a thorough review with the need to move forward in a timely fashion, fits well within the current timelines and will not delay project planning. The Nation will get better projects under this amendment.

Myth No. 2: The Feingold-McCain amendment will require reviews of too many projects.

Mr. President, the $40 million review trigger in our amendment will, on average, subject about five projects a year to independent review. This is a highly valuable use of resources. And, I believe it will promote better and more efficient studies for Corps projects throughout all of the Corps' 38 domestic districts.

Just this March, the GAO testified to the House Committee on Government Reform that:

> GAO's recent reviews of four Corps civil works projects and actions found that the planning studies conducted by the Corps . . . were fraught with errors, mistakes, and miscalculations, and used invalid assumptions and outdated data.

GAO went on to note that the planning studies:

> did not provide a reasonable basis for decision-making.

Later in its report, GAO even says:

> The Corps' track record for providing reliable information that can be used by decision makers . . . is spotty, at best.

This is simply unacceptable for a Federal agency and it should get the attention of every Member of this body.

Given the Corps' track record, we really should be requiring reviews of all studies until the agency improves its record. The $40 million trigger, however, is a reasonable and appropriate compromise that will sweep in the largest and costliest Corps projects. The other triggers will ensure that any less costly projects that could be very problematic do not fall through the cracks in the study process. We must be able to rely on the integrity of Corps project studies and their recommendations to Congress. And unfortunately, right now we cannot.

Myth No. 3: The Feingold-McCain amendment will increase project costs.

Independenter peer review is a critical taxpayer investment. The country cannot afford to have costly mistakes like the levee failures in the aftermath of Katrina. The Corps, the American Society of Civil Engineers, the National Academy of Sciences have all said that faulty design and construction by the Corps resulted in the levee failures. We cannot afford any more examples like what we saw in New Orleans. We also cannot afford to build projects based on economic or engineering errors. We have tight water resource budgets, thus we must spend every dime wisely and judiciously. I believe, and my cosponsors agree, independent peer review will help us do that.

Myth No. 4: The Feingold-McCain amendment will open the door to more litigation.

The Corps must give serious consideration and review to an independent peer review panel's findings. Without that hook, the concept is useless. We do not want independent review to be just another box to be checked off in project planning, for I think we can all agree that doing so will not yield better or safer projects. The Corps unfortunately has a history of ignoring independent panel recommendations, even when those panels have been hand picked by the Corps. This can happen no longer.

To ensure that the independent review process is meaningful and produces real improvements to project planning, the amendment gives the recommendations of an independent peer review panel equal deference with the Corps' recommendations in any judicial proceeding regarding the project in question if the Corps rejects the expert panel's findings without good cause.

The judicial deference provision clearly does not create any new cause of action, and it does not even anticipate that projects subject to independent review will ever be involved in litigation at all. It simply notes that where there is judicial review of a project where the Corps did not follow an independent panel's findings, the Corps will need to explain that decision to the court. The Corps would then be given ample opportunity to demonstrate to the court that it has rejected an expert panel's findings for a valid reason. If the Corps cannot do so, the court will give equal consideration to both the panel's and the Corps' recommendations.

Myth No. 5: The Feingold-McCain independent peer review will apply to all projects, even those that are already authorized.

The independent peer review of Corps studies applies to projects as they enter the feasibility stage, not after authorization, at which point the Chief's report is already complete. However, my amendment will ensure that flood control projects whose failure could endanger people and communities will be properly designed and constructed with adequate review. If such a project is in the post authorization design phase or construction phase it will receive the benefit of the safety assurance review required by the amendment. This comes directly from the recommendations of the Senate Homeland Security Committee's Katrina report, and I am sure my colleagues will agree that we need to make sure key flood control projects are designed and built properly.

Myth No. 6: The Feingold-McCain amendment will create a whole new layer of bureaucracy.

The amendment does not create a bureaucracy; it establishes a workable system to address a very real problem—poorly planned and designed projects that put people at risk, unnecessarily damage the environment and waste taxpayer dollars.

I would like to address one final myth, and that is that the Inhofe-Bond amendment would create a system of true independent project review.

Their amendment makes the Chief of Engineers the final arbiter of whether an independent review will happen at all. This is like puttingy the fox in charge of the henhouse. The Corps gets to select the reviewers, and there are no criteria at all for ensuring independence of those reviewers. Review is not independent if the Corps has control over whether, how, and who will review projects.

As you can see, the naysayers want to keep saying no, but we need to move beyond this game and start implementing policy that has a real chance of improving a broken system, protecting lives and property, and restoring integrity to a Federal agency

charged with providing the first line of defense against storms, charged with protecting and restoring some of our most precious natural resources and charged with providing efficient commerce.

Let me say a bit about what editorials from across the country have said. It has been just an overwhelming response. They are from communities large and small, but they all have the same message: Congress must reform the Corps. I don't have every editorial ever written about a need for a change in the Corps. I do have a good number.

I ask unanimous consent they be printed following my remarks.

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

(See exhibit 1.)

Mr. FEINGOLD. Let me ask again, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 15½ minutes.

Mr. FEINGOLD. In the Northeast, the New York Times and the Washington Post have been leaders in calling for reform. While some Members will jokingly say they don't read the New York Times or the Washington Post, maybe they have heard of some of the others—the Concord Monitor in New Hampshire, the Delaware News Journal, the Philadelphia Inquirer.

Moving to the South, in Florida alone, a State with numerous Corps projects, including projects to help restore the Everglades, five papers have called for enactment of the reforms the Senator from Arizona and I are offering today. In addition, the Winston-Salem Journal, the Atlanta Journal and Constitution. Most importantly, in my regard, the New Orleans Times-Picayune has called not only for passage of our reform amendments but flatout rejection of the competing amendments that will be offered today.

In the Midwest, where I hail from, the editorial boards for the Wisconsin State Journal, the Star Tribune in Minnesota, the Chicago Tribune, the St. Louis Post Dispatch. Let me repeat that: the St. Louis Post Dispatch has editorialized on the need for modernization of the Corps of Engineers.

Those of us familiar with the players on this issue in the Senate will be interested to note that in fact the St. Louis Post Dispatch ran an editorial today, supporting the Feingold-McCain amendment.

I ask unanimous consent that be printed in the RECORD.

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

[From the St. Louis Post Dispatch, July 19, 2006]

COURSE CORRECTION

The U.S. Army Corps of Engineers is a force nearly as inexorable as the mighty rivers it dams and dredges.

From the moment it accepts an assignment, the Corps moves slowly and relentlessly forward in its course. In many circumstances, that can-do attitude is a positive attribute. But when questions arise about whether a new Corps project will drain money from other, more crucial projects, or whether a design is adequate or cost-effective, the Corps has been slow to evaluate its own decisions and glacial in course-correction. A governance structure and an endless river of federal money have allowed the Corps to avoid accountability.

The high water mark of those wrong-headed policies came last summer in the aftermath of Hurricane Katrina. The strengthening of levees and flood walls around New Orleans had been deferred for decades while money was spent on less urgent needs, like planning new locks and dams along the Upper Mississippi and Illinois rivers. When Katrina struck, the levees broke and New Orleans was underwater.

It's time for a more rational approach. It could start today, when the U.S. Senate votes on a bill called the Water Resources Development Act of 2006 (H.R. 2864), a version of which the House passed last year.

The bill's primary purpose is to authorize a slew of big water projects with big price tags around the country. But it also contains some much-needed reforms.

Several are included in an amendment cosponsored by Sens. John McCain, R-Ariz., and Russ Feingold, D-Wis. Their amendment would require that all Corps projects costing more than $40 million be reviewed by independent experts. The bill also would establish a transparent national system to set priorities for Corps projects.

Those are simple steps in the right direction.

But a rival amendment has been sponsored by Sens. Christopher ''Kit'' Bond, R-Mo., and James Inhofe, R-Okla., long-time defenders of the Corps. The Bond-Inhofe amendment also would require reviews and priority-setting. But reviews would be done only on projects costing at least $100 million a year; only two or three such projects a year fall into that big bucket. Priorities would be set by a process that would not be shared with the public, and Congress would have the final sign-off.

The effect would be to reinforce the old, flawed ways of doing things, with the Corps' influential champions like Mr. Bond overseeing the doling out of pork projects with inadequate attention to weeding out the inefficient and unrealistic. That approach wastes taxpayers' money.

The Senate should chart a course to true reform by passing amendments proposed by Sens. McCain and Feingold.

Mr. FEINGOLD. Winston-Salem Journal:

After Hurricane Katrina, to vote with Inhofe and Bond to block reform of the Corps would be downright reckless.

The Miami Herald:

A bipartisan Senate proposal to overhaul the U.S. Army Corps of Engineers deserves approval to eliminate some of Congress' most nefarious pork-barrel spending and improve the process that determines which projects are worthwhile.

San Francisco Chronicle:

This reform is not only about saving money, it's about saving lives.

The Commercial Appeal—Tennessee:

At the very least, evaluations of proposed corps projects, their environmental impact and especially their cost and benefits, should be in independent and impartial hands.

The Cleveland Plain Dealer:

This singular study of failure no doubt will become a standard reference work in engineering school libraries. It should be cross-referenced, as well, to those who study political science and philosophy, for between its lines it reveals a government authority in which a region's trust was misplaced, and a hubris in the face of the inevitable that cost more than 1,200 lives and as-yet uncounted billions of dollars in damage. Congress must read it, too, for it describes flaws in corps management that demand fixing before the next levee fails.

I reserve the remainder of my time and I yield the floor.

EXHIBIT 1

[From the Times-Picayune, July 16, 2006]

COUNTING ON CORPS REFORM

Louisiana urgently needs hurricane protection and coastal restoration projects contained in the Water Resources Development Act, and for that reason alone it's critical for Congress to move on this long-delayed measure.

But Louisiana's fortunes are also tied, for better or worse, to the U.S. Army Corps of Engineers. Efforts to reform the agency are critical for this state, which—after the levee failures during Hurricane Katrina—could serve as the poster child for the corps' shortcomings.

Congress is four years overdue in adopting a new water resources bill, in part because of disagreements over corps reform. But the Senate is expected to vote on the measure this week, and Sens. Mary Landrieu and David Vitter need to do more than push for crucial Louisiana projects. They need to push for changes that will make the corps a better, more responsible agency in the future.

The best chance for changing the way the corps operates is through reforms sought by Sens. John McCain and Russ Feingold. They're offering two amendments to the water resources bill. One would establish independent review of corps projects from planning and design to construction. The other would require corps projects to be ranked in importance based on three national priorities: flood and storm damage reduction, navigation and environmental restoration.

While the McCain-Feingold amendments won't fix everything that's wrong with the corps, Louisiana stands to benefit from both proposed changes.

The catastrophic failure during Katrina of canal floodwalls built by the corps is Exhibit A in the case for independent review. If such a process had been in place, surely subsidence wouldn't have been discounted when New Orleans' levee system was being built, and research on soil strength wouldn't have been ignored.

Louisiana also should fare better under a system that uses criteria other than political clout to decide which projects should be done. The corps already has a $58 billion project backlog—an amount that will grow by another $10 billion if the water resources bill is adopted. That means competition for the $2 billion per year that the corps gets for projects is intense.

Without a rational system for prioritizing that work, there's no guarantee that Louisiana's critically needed flood control project will prevail even over less-needed or justified projects. While there's a danger that a Louisiana project could be pushed aside in a priority-based system, this state is helped by the fact that the McCain-Feingold approach favors projects that reduce flood damage and restore the environment.

The effectiveness of the proposed changes will depend on details. If an independent review panel isn't given adequate time to evaluate a project, for example, the benefit of oversight could be lost. Conversely, a cumbersome review process could end up further delaying badly needed projects.

But an independent review process that works, combined with a ranking policy that makes sense, should result in a better-performing agency.

Unfortunately, not everyone in Congress is interested in changing the way the corps does business. The McCain-Feingold amendments face opposition and a rival set of measures by the main authors of the water resources bill, Sens. James Inhofe and Kit Bond.

What those senators offer as reform is meaningless, however. The Inhofe-Bond review process would be controlled by the corps and would only apply to projects that exceed $100 million, compared to a $40 million threshold in the McCain-Feingold measures. The Inhofe-Bond amendments also call for prioritization, but their system would simply measure projects against a set of national priorities without actually ranking them.

Sham reform won't do anything to restore confidence in the corps, and Congress must do better. The public should be able to rely on the agency that builds levees and dams to do work that will stand up to independent scrutiny. Taxpayers shouldn't have to wonder if there's a rational basis for spending billions of dollars.

And Louisianians should be able to believe that the corps, which is rebuilding our levee system and restoring our coastline, is a wiser, better managed and more reliable agency than the one that failed us when Hurricane Katrina came to town.

[From the New York Times, July 19, 2006]

A CHANCE TO REFORM THE CORPS

The Senate has a rare opportunity today to strike a blow for both fiscal sanity and environmental stewardship. It will consider several amendments that would bring a measure of discipline and independent oversight to the Army Corps of Engineers, a notoriously spendthrift agency with a history of answering to no one except a few members of Congress who control its purse strings.

The reputation of the Corps is now at a low ebb because of levee failures in New Orleans. But well before that debacle, studies by the National Academy of Sciences and others had found that the agency routinely inflated the economic payoffs of its construction projects to justify steadily greater budget outlays, while underestimating the environmental damage of those projects.

The amendments' main sponsors are the Senate's reformist duo of John McCain and Russ Feingold. One amendment would subject any project costing more than $40 million to an independent review of the project's design, feasibility, cost and environmental consequences. A second amendment would require that projects be ranked in order of importance based on established national priorities like flood control and environmental restoration. This amendment is aimed less at the Corps than its Congressional paymasters, who have historically put their own local pork barrel projects ahead of more urgent and generally accepted needs.

The sponsors will try to attach these amendments to the five-year $40 billion Water Resources Development bill, itself overdue even though it includes several important provisions. One authorizes $1.5 billion for key elements of the Everglades restoration project, which has suffered from Congressional neglect. Another would jumpstart a major effort to reverse the erosion of coastal wetlands that has left Louisiana vulnerable to flooding.

A bill this size inevitably has the usual ration of local pork. But some of this would now be subject to outside review and possible rejection if the McCain-Feingold amendments stick. As they should. These reforms made sense when first offered in 2002. Post-Katrina, they are essential.

[From the Battle Creek (MI) Enquirer, July 19, 2006]

AMENDMENT WOULD REFORM ARMY CORPS PROJECT FUNDING

The U.S. Senate this week is taking up legislation regarding authorization of project funds for the U.S. Army Corps of Engineers. It is a process that needs reform, and we hope senators will approve a bipartisan proposal which would ensure that national priorities—and not pork-barrel spending—determine which projects the Corps undertakes.

For years, members of Congress have pushed for Corps projects beneficial to little but their own districts. The trend has grown to the point where the corps now has an estimated $70 billion in backlogged projects.

Presidential budget plans have sought to eliminate such pork, but it consistently has been reinserted by Congress.

Now Sens. Russ Feingold, D-Wis., and John McCain, R-Ariz., have introduced an amendment to the Water Resources Development Act that would set up clear criteria to ensure that projects carried out by the Corps reflect national priorities as they relate to navigation, flood damage reduction and ecosystem restoration. The Corps currently uses a cost-benefits ratio to determine project priority, which gives more weight to economic benefits—such as jobs in a certain area—than to national needs, such as ensuring levees can hold back flood waters and rivers remain navigable.

The Feingold-McCain amendment would re-establish the Water Resource Council and order it to provide Congress with a list of which water-resources projects should get priority funding. Under the amendment, any project costing more than $40 million would be subject to an independent review. A review also could be ordered if another federal agency challenged the project or the secretary of the Army found the project to be controversial.

The proposed reforms would help eliminate wasteful projects such as Alaska's infamous ''Bridge to Nowhere,'' which carried a price tag of more than $200 million.

The Feingold-McCain plan is competing with another proposal by Sens. Kit Bond, R-Mo., and James Inhofe, R-Okla. But the Bond-Inhofe plan would provide no ranking for Corps projects and would give the Corps the power to deny a request for an independent review—even if it came from a governor or the leader of a federal agency.

We think the Bond-Inhofe plan would do little to change the status quo.

The devastation of Hurricane Katrina illustrated the need for the Corps of Engineers to carry out its vital mission with more coordination and funding. With federal tax dollars already being stretched, it is important that funds for the Corps are directed to those projects that will produce the greatest benefits for the nation—not for a single congressional district.

We hope senators agree.

[From the Washington Post, June 7, 2006]

KATRINIA'S UNLEARNED LESSONS

Last week the U.S. Army Corps of Engineers admitted responsibility for much of the destruction of New Orleans. It was not true, as the Carps initially had claimed, that its defenses failed because Congress had authorized only Category 3 protection, with the result that Hurricane Katrina overtopped the city's floodwalls. Rather, Katrina was no stronger than a Category 2 storm by the time it came ashore, and many of the floodwalls let water in because they collapsed, not because they weren't high enough. As the Corps' own inquiry found, the agency committed numerous mistakes of design: Its network of pumps, walls and levees was ''a system in name only''; it failed to take into account the gradual sinking of the local soil; it closed its ears when people pointed out these problems. The result was a national tragedy.

You might think that the Corps' mea culpa would fuel efforts to reform the agency. Sens. John McCain (R-Ariz.) and Russell Feingold (D-Wis.) are pushing a measure that would do just that, requiring that future Corps proposals be subject to technical review by an independent agency. But the stronger current in Congress goes in the opposite direction. A measure urged by Louisiana senators and written by Sens. James M. Inhafe (R-Okla.) and Christopher S. Band (R-Mo.) would loosen oversight of the Corps.Billions of dollars may be spent in ways that ignore the most basic lessons from Katrina.

Congress has already passed laws with language directing the Corps to design a new flood-protection plan for Louisiana. The language encourages the construction of Category 5 protections for the whole state, a project that could cost tens of billions of dollars; it advertises its own profligacy by laying down that the flood-protection plan should be exempt from cost-benefit analysis. The new measure, which is reportedly part of a revised version of a water projects bill that will be unveiled shortly, would lower the bar for congressional approval of whatever Louisiana defenses the Corps sees fit to propose. Rather than requiring full votes in both chambers of Congress, the Corps' plan could be authorized by votes in two committees that tend to rubber-stamp such projects.

In the wake of Katrina, this is almost beyond belief. The Corps' admission of its own technical shortcomings points to the need for tougher oversight, not less. And the New Orleans disaster has illustrated the folly of building flood defenses for vulnerable lowland: Some of the worst-hit areas would not have been developed in the first place if the Corps hadn't decided to build ''protections'' for them. Encouraging the Army Corps of Engineers to build Category 5 defenses for all of Louisiana, including parts that are sparsely populated for good reason, would not merely cost billions that would be better spent on defending urban areas. It would encourage settlement of more flood-prone land and set the stage for the next tragedy.

[From the Wisconsin State Journal, June 28, 2006]

PROTECT TAXPAYERS FROM BOONDOGGLES

If the United States is to rein in the billions of dollars misspent on pork-barrel projects each year, a top priority should be reforming the way the Army Corps of Engineers does business.

That's why Congress should pass the Army Corps reforms proposed by Sens. Russ Feingold, D–Wis., and John McCain, R–Ariz. The Feingold-McCain proposal would improve the public's ability to make sure limited federal resources are spent on cost-effective projects for flood control, navigation, environmental protection and related goals, rather than on boondoggles.

At stake is how the Corps spends its $12-billion-a-year budget, which includes nearly $5 billion for civil works projects, from levees to canals to coastal restoration.

Analyses of last year's hurricane disaster in New Orleans helped to expose costly even deadly flaws in how the Corps decides where to spend the public's money. For example, before the flooding from Hurricane Katrina breached the levee on the New Orleans Industrial Canal, the Corps had begun a $748 million project at that exact spot.

The project, however, was not flood control but rather a new lock for the canal. The lock, favored by local politicians, was supposed to accommodate barge traffic. Barge traffic on the canal, however, was decreasing.

The New Orleans experience highlighted the Corps' long history of mutual backscratching with members of Congress: The Corps caters to pet projects, even if their costs far outweigh the benefits, and Congress in return makes sure the Corps gets a big fat budget all at the expense of fiscal responsibility and long-term water resource strategy.

The Feingold-McCain proposal would modernize the Corps' cost-benefit analysis to make it more about project merit and less about political influence. One provision would require independent review of any project estimated to cost more than $40 million, requested by a governor, determined to have significant adverse impact, or judged by the secretary of the Army to be controversial.

Another provision would require a cabinet-level committee to work with the secretary of the Army to annually establish a list of water resource project priorities to give Congress guidance.

Wisconsin taxpayers would benefit if Congress limits the influence of pork-barrel politics in the Army Corps of Engineers. So would Corps projects affecting the state, from the modernization of the Mississippi River's lock-and-dam system to efforts to keep invasive species out of the Great Lakes.

The state's congressional delegation should support the Feingold-McCain reforms.

[From the Tallahassee Democrat, July 9, 2006]

GET TO THE CORPS—FLORIDA SENATORS SHOULD BACK REFORMS

Sometimes great, unexpected tragedies such as Hurricane Katrina are sobering enough to lead to badly needed improvements in the way things are done.

With luck and some wise voting by Florida's U.S. Sens. Bill Nelson and Mel Martinez, this might be the case with an urgently needed reformation of the Army Corps of Engineers via the Water Resources Development Act now under consideration.

The Corps has long been famous for, above all, fulfilling the aspirations of unenlightened politicians who are dying to bring home the bacon to their districts, usually not for the good of the taxpayers but for well-focused special interests. The Corps is the nation's construction company for big water-management projects, but it has regrettably become known for building wasteful, unnecessary, even destructive projects.

Florida's long-ago Cross Florida Barge Canal, which was to cut a 150-foot-wide swath across the upper neck of our peninsula (from Palatka to Yankeetown), is a great example.

It would have furthered the shipping industry's interests, cutting off some 600 miles on a voyage around the state's southern tip. But it would have destroyed so many vital aspects of Florida's precious environment—groundwater resources, wildlife areas and other ecosystems—that President Richard Nixon suspended work on it in 1971, after millions had been invested and 25 ugly miles of excavation (later filled in) had been completed.

Less dramatic, but more current, has been the Corps' dredging of the Apalachicola River, which had been listed as the nation's ''most endangered'' rivers and one that feeds directly into our Big Bend coastline.

Last year, the Corps was forced to stop years of dredging when the Florida Department of Environmental Protection denied a request to continue operations for the sake of a few commercial interests and even though there has been a sharp decline in barge traffic in recent years. The river's no longer on that endangered list, but it's so damaged that restoring it—while considering the water needs of Florida, Alabama and Georgia—is an almost untenable undertaking. The dredging kept water out of thousands of acres of flood plains, changing everything—largely for the worse—by destroying natural habitats, allowing construction in areas that never should have been built on, and restricting the flow of that necessity of life, fresh water.

PUT A LOCK ON BOONDOGGLING

Which leads us full circle back to Hurricane Katrina and the Water Resources Development Act. The hurricane disaster in New Orleans exposed fatal flaws in how the Corps spends its $12 billion annual budget. It was spending $748 million on a new lock for one of the canals whose levee was breached by the hurricane, even though, once again, barge traffic was decreasing. Local politicians had wanted the lock nonetheless. After all, the nation's taxpayers would be picking up the tab.

The boondoggles will continue unless we get approval of bipartisan reforms proposed by Sens. Russ Feingold, D-Wis., and John McCain, R-Ariz., to modernize the cost-benefit analysis of Corps' projects.

Just now about $70 billion in backlogged projects are in line, though none has been prioritized as being in the public interest. The reforms would require what seems utterly obvious: those promoting projects would have to demonstrate that they were more about merit than political influence. Really big ones—those costing more than $40 million, requested by a governor, determined to have major and detrimental impacts or otherwise enormously controversial—would have to go to an independent expert review panel. It would make sure that the economics of a project, and the science and engineering, all work to make sure limited federal resources are spent on the most essential flood control, environmental protection and navigation projects.

We urge Mr. Nelson and Mr. Martinez to modernize and restore integrity to the Army Corps of Engineers.

[From the Buffalo News, July 17, 2006]

ANOTHER VOICE/ARMY CORPS OF ENGINEERS: MAJOR REFORM NEEDED FOR NATION'S WATER PROJECTS

(By Larry Schweiger)

The U.S. Senate is set to decide in the next few days whether to reform or concede to a fiscal outrage akin to the infamous ''bridge to nowhere.'' Few taxpayers know about it, though billions in public funds hang in the balance. The Water Resources Development Act funds the Army Corps of Engineers, the nation's chief flood protection builder, but with a troubled history of promoting wasteful and unnecessary projects.

The water resources bill headed to the Senate floor this week is a public scandal. It is fiscally out of control, laden with lawmakers' pet projects that are often economically unjustifiable and environmentally destructive. The central decision senators will have to make in voting on this legislation is whether to support basic reforms or continue business as usual.

The reforms would apply the lessons learned from Hurricane Katrina by putting the public interest first and spending tax dollars where they are needed most. While the bill includes important projects, notably protecting New Orleans and restoring coastal Louisiana and the Everglades, without reform it will maintain a process where they may never be funded.

The current bill would add another $10 billion to $12 billion to an already estimated $58 billion in backlogged projects. Essential projects will have to compete with boondoggles and earmarks in that $70 billion mix. With the Corps receiving about $2 billion per year for construction, it would take 35 years to clear the existing backlog—none of it prioritized in the public interest or subject to independent peer review.

Sens. Russ Feingold, D-Wis., and John McCain, D-Ariz., have proposed reforms to fix these problems. Corps projects will be prioritized based on clear standards that put the public interest first. The Feingold-McCain measures also provide for independent expert review of large or controversial projects, ensuring that economic assumptions, science and engineering stand up to outside scrutiny.

But not everyone takes issue with the status quo. Sens. James Inhofe, R-Okla., and Christopher Bond, R-Mo., have proposed reforms to give the appearance of responding to growing public unease over the Corps' performance in New Orleans. For instance, the Corps could appoint its own ''independent'' review panel, and deny others' requests for independent reviews. The Inhofe-Bond approach also lacks clear prioritization of Corps projects and will only encourage the back scratching and cronyism that has long plagued the system.

Without prioritization reform, crucial projects will fall through the cracks, while outrageous boondoggles gobble up scarce federal funds. If the New Orleans tragedy taught anything, it's that human safety is compromised when professional standards and fundamental construction needs are ignored.

The receding floodwaters of Hurricane Katrina revealed preventable devastation and the need to clean up a fiscal mess. The Feingold-McCain reforms will restore integrity and security in the wake of a Corps disaster. The Senate should pass them.

[From the Concord Monitor, July 17, 2006]

PUT A STOP TO CORPS OF ENGINEERS BOONDOGGLES

The U.S. Senate voted overwhelmingly last week to replace FEMA, a federal agency whose name became inextricably linked to failure in the days and months after Hurricane Katrina, with a new agency. The Emergency Management Authority will remain under the umbrella of the Department of Homeland Security, but unlike FEMA, it will report to both Homeland Security and to the president.

The reshuffling may or may not solve the agency's many problems, but it's a start. This week, however, the Senate will turn its attention to the agency that bears the most responsibility for the needless loss of life and property in New Orleans, the Army Corps of Engineers.

It was the Corps whose faulty design of the city's levee system, whose refusal to heed decades-old warnings that the levees would not hold and whose shoddy construction practices caused the levees to collapse and drown the city.

The disaster was a symptom of a much larger, longstanding problem with the Corps. It is one of the biggest barrels of pork in Washington, and no outside agency has oversight over its planning and projects. It is answerable not to presidents or secretaries of defense, but only to the members of Congress who use the Corps to funnel money to their home states.

Tomorrow the Senate will take up the Water Resources and Development Act

passed earlier by the House. The measure contains $12 billion worth of alleged flood control, water resources and environmental protection projects. If it passes in its current form, that sum will be added to the $58 billion list of previously approved Corps projects.

That backlog is big enough, if nothing is ever added to it, to keep the Corps digging and dredging for the next 40 years;

Some Corps projects work beautifully, as the elaborate flood control system it built in central New Hampshire a half-century ago proved again this spring. But many are a waste of money, and some do far more harm than good.

The bad projects get built—often while worthy ones wait—because the priorities of the Corps are based not on need but politics.

To justify a project, the Corps need only show that its public or private economic benefit will be more than its cost to taxpayers. When, to please a congressional benefactor, the Corps can't make the numbers add up, it cooks the books, according to audits by the General Accounting Office and others, The agency's priorities are so wrong that ''beach rebuilding'' has become its fastest-growing activity. Many of the beaches it spends million re-sanding are off limits to the public.

Sens. John McCain of Arizona, Russ Feingold of Wisconsin and Joe Lieberman of Connecticut are trying to reform the Corps by creating an independent agency to assess its projects and rank them in the order of their priority. The rankings would not be binding on the Corps, but they would be made public so that taxpayers who pay for the projects would know which are boondoggles and which are justified.

To counter the attempt to bring some fiscal responsibility to the process, Oklahoma Sen. James Inhofe has introduced a rival amendment to keep the pork barrel open.

New Hampshire benefits from Corps projects, and perhaps a dozen are in the works. But Sens. Judd Gregg arid John Sununu enjoy a reputation for frugality, fiscal responsibility and abhorrence of waste. Their vote on the attempt to reform the Corps will say a lot about whether that reputation is deserved.

The PRESIDING OFFICER. Who yields time? The Senator from Oklahoma is recognized.

Mr. INHOFE. I ask unanimous consent the stacked votes now occur at 2:45 and all other provisions of the agreement remain in place.

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

Mr. INHOFE. Let me make a couple of comments. I appreciate that there is some division of editorial policy around the country. Different positions are taken. I would say this, though. Probably the most impressive thing we have added to the RECORD is from the National Waterways Alliance, which has been a very strong supporter, of course, of the bill, as are, I believe, most of us on both sides of this issue who do agree we want to have the WRDA bill. We haven't had a reauthorization since the year 2000.

This organization says they want to accept the Inhofe-Bond amendment and reject the Feingold amendments. It is interesting. As the Senator mentioned some of the editorials, perhaps the St. Louis Dispatch would be of interest to my colleague, Senator BOND.

This also has a number of groups from Wisconsin who are strongly in opposition to the Feingold-McCain amendment, such as the Wisconsin Corn Growers, the Wisconsin AgriServices of Brunswick, the Farm Bureau, and others.

Sometimes you can evaluate something, an amendment, by who is in support of it. I think if you look at this, there are 288 groups. Virtually everyone who has any interest in using a waterway has said they strongly support the Inhofe-Bond amendment. It is such a varied and diverse group. All the Chambers of Commerce, the labor unions, they are all in there, including, of course, the U.S. Chamber, the Wisconsin groups, Agribusiness Association of Iowa, as I mentioned before, American Association of Port authorities, the American Farm Bureau Federation, American Shore and Beach Preservation Association, Arkansas Basin Development Association.

That is an interesting one because as I sometimes remind my colleagues, people are not aware, maybe one of the best kept secrets having to do with this subject matter is that my home State of Oklahoma is a navigable State. Much of that is due to activities of my father-in-law, who is deceased now. Glade R. Kirkpatrick is the one who introduced legislation to provide for the Arkansas Development Association, working with Senator McClellan from Arkansas, Senator Kerr, at that time from Oklahoma.

I can remember 47 years ago, when I married my wife, the first thing my father-in-law did was take me with him for the dedication of the Port of Catoosa. Lyndon B. Johnson came out. I believe that was who came out to dedicate it.

I remember also—I think my friend from Wisconsin will enjoy this—many years ago when I was in the State senate, I was trying to draw attention to the fact that we have barge traffic coming into Oklahoma. I approached a group called the Submarine Veterans of World War II. They decided what they would like to do. I said we have to do something to show the people of America that we can take barge traffic up and down here. It was all done through the private sector. We went to Orange, TX, got a 300-foot-long submarine, the USS *Batfish,* and the idea was to bring it all the way up to my home town of Tulsa, OK. This was quite an undertaking. We had to put floatation on it to raise it up, then bring it down to get it under the bridges. Nobody thought it could be done. All of my political adversaries in the State of Oklahoma were saying we will sink INHOFE with this submarine. It is there, one of the most attractive tourist sites in the State of Oklahoma. Some publications had it coming across the Arkansas line into Oklahoma.

I mention that, that is one of the many groups supporting this, the Arkansas Basin Development Association. Also the California Coastal Coalition, California Marine Affairs Navigation System, the Grain and Feed Associations of Illinois.

There is a long list from Illinois; almost every agricultural organization up there is in support of the Inhofe-Bond amendment—the Illinois Chamber of Commerce, Illinois Corn Growers Association, the International Union of Operating Engineers. Everybody in Iowa is for this, too. The list goes on and on. It gets into some of the labor unions; in fact, almost all of them are in support of our amendment and opposed to the Feingold-McCain amendment, such as the Laborers' International Union of North America, the International Union of Operating Engineers, the United Brotherhood of Carpenters and Joiners, International Association of Bridge, Structural, Ornamental and Reinforcing Iron Works of America, Operative Plasterers & Cement Mason International Association, International Brotherhood of Teamsters, the International Brotherhood of Brickyard Layers and Allied Craftworkers. The list goes on. As I say, the total number is 288 organizations. I can't think of any user—even recreational groups—who are in support of this.

I have to repeat this. I don't want it to be implied by the Senator from Wisconsin or the Senator from Arizona that I do not believe reform is necessary. I talked at earlier times on this floor about the problems we have had with the Corps of Engineers. Sometimes they have done good work. Sometimes the work has not been so good. They need to have more oversight. They need to have some kind of a system, which is built into the underlying amendment or the underlying legislation. It means, to enhance that, either the Inhofe-Bond amendment or the Feingold-McCain amendment would do that. I think that is a recognition that the main thing we want here is to pass the WRDA bill. It is long overdue. We have to do it.

It is funny for me to stand up here as a conservative, having been the author of the transportation reauthorization bill, which was perhaps the largest nondefense spending bill in the history of this body, and now come along with this one, yet I still have my 100 percent rating with the American Conservative Union, I remind my friends.

Nonetheless, this is important. As I say, we are now down to less than 50 minutes until we have a chance to vote.

Several times they have talked about the Hurricane Katrina situation as the ultimate example for the Feingold-McCain amendment. As outlined in the draft final report of the Interagency Performance Evaluation Task Force issued on June 1, the Corps has made mistakes. We do not know why certain decisions were made during the design of the New Orleans levees, but in retrospect we know that they were the wrong decisions. Some or all of these mistakes may have been noticed by an independent peer review panel.

It could have been a panel that would either be adopted under the Feingold-McCain amendment or the Inhofe-Bond amendment.

I agree this unfortunate disaster is an example of the potential usefulness of peer review, but it is not a mandate for their particular amendment. At the time the New Orleans levees were being designed, independent peer review was not a requirement.

I recall one case in particular. In 1976, the Corps had actually done a review of the levee problems that might arise in the future. So they were talking about enhancing the strength of the levee. However, there was an environmentalist group called Save The Wetlands that came along and enjoined them in court and kept them from doing this.

Either review is something that would take care of problems like this that might come up in the future.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, continuing the debate, I appreciate the Senator mentioning my home State of Wisconsin. I think that is an opportunity to quote from one of the leading newspapers in our State, the Wisconsin State Journal. It in the past has not always agreed with me on this issue. But they have come down strongly this year, and I would like to read what they said.

The title of the editorial is ''Protect taxpayers from boondoggles,'' and I am going to read it in its entirety.

If the United States is to rein in the billions of dollars misspent on pork-barrel projects each year, a top priority should be reforming the way the Army Corps of Engineers does business.

That's why Congress should pass the Army Corps reforms proposed by Senators Russ Feingold, D–Wis., and John McCain, R–Ariz. The Feingold-McCain proposal would improve the public's ability to make sure limited federal resources are spent on cost-effective projects for flood control, navigation, environmental protection and related goals, rather than on boondoggles.

At stake is how the Corps spends its $12-billion-a-year budget, which includes nearly $5 billion for civil works projects, from levees to canals to coastal restoration.

Analyses of last year's hurricane disaster in New Orleans helped to expose costly, even deadly flaws in how the Corps decides where to spend the public's money. For example, before the flooding from Hurricane Katrina breached the levee on the New Orleans Industrial Canal, the Corps had begun a $748 million project at that exact spot.

The project, however, was not flood control but rather a new lock for the canal. The lock, favored by local politicians, was supposed to accommodate barge traffic. Barge traffic on the canal, however, was decreasing.

The New Orleans experience highlighted the Corps' long history of mutual backscratching with members of Congress: The Corps caters to pet projects, even if their costs far outweigh the benefits, and Congress in return makes sure the Corps gets a big fat budget all at the expense of fiscal responsibility and long-term water resource strategy.

The Feingold-McCain proposal would modernize the Corps' cost-benefit analysis to make it more about project merit and less about political influence. One provision would require independent review of any project estimated to cost more than $40 million, requested by a governor, determined to have significant adverse impact, or judged by the secretary of the Army to be controversial.

Another provision would require a cabinet-level committee to work with the secretary of the Army to annually establish a list of water source project priorities to give Congress guidance.

Wisconsin taxpayers would benefit if Congress limits the influence of pork-barrel politics in the Army Corps of Engineers. So would Corps projects affecting the state, from the modernization of the Mississippi River's lock-and-dam system to efforts to keep invasive species out of the Great Lakes.

The State's congressional delegation should support the Feingold-McCain reforms.

I could go on.

There are more editorials coming online every day. These editorials are coming from States that have projects in this bill, projects that would be subject to the prioritization amendment, projects that would be subject to the independent peer review amendment. These editorials are coming from small States and large cities. Yet they still support reform. And I believe that is because any State that might be the non-Federal cosponsor of a project should want these reforms to ensure that their investment is a wise one.

As the Senator from Oklahoma mentioned some of the groups that support his position, let me also briefly touch on the amazing support for our independent review amendment. There are letters of support from all of the following groups and individuals: League of Conservation Voters; Taxpayers for Common Sense; American Rivers; National Taxpayers Union; National Wildlife Federation; Environmental Defense; the Coalition to Restore Coastal Louisiana; Association of State Floodplain Managers; Republicans for Environmental Protection; Defenders of Wildlife; Louisiana Wildlife Federation; Natural Resources Defense Council; Sierra Club; the Garden Club of America; Council for Citizens Against Government Waste; Earthjustice; the Tennessee Wildlife Resources Agency; the Isaak Walton League of America; World Wildlife Fund; Friends of the Earth; The John Muir Chapter of the Sierra Club; U.S. Public Interest Research Group; a letter from G. Paul Kemp, a professor at Louisiana State University and a member of the Louisiana Forensics Team investigating the Corps' engineering failures; more Great Lakes groups than I can describe here, including Great Lakes United, Alliance for the Great Lakes, Lake Erie Region Conservancy, the Ohio Environmental Council, Environment Michigan, and the Michigan Wildlife Conservancy; Columbia River Fisherman's Protective Union and Columbia Riverkeeper; Environment Maine; National Audubon Society; and finally, a letter that is signed by over 120 grassroots groups from across the country that supports our stand-alone bill, from which today's Feingold and McCain amendments come. The States represented on the letter are Alabama, Alaska, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, New Jersey, New York, North Carolina, Oklahoma, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, Vermont, Washington, and, of course, Wisconsin.

I ask unanimous consent that several of these letters be printed in the RECORD.

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

LEAGUE OF CONSERVATION VOTERS,
Washington, DC, July 17, 2006.

Re Support Corps of Engineers modernization amendments to S. 728 (Water Resources Development Act), oppose sham amendments.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: The League of Conservation Voters (LCV) is the independent political voice for the environment. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of Members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide, and the press.

LCV urges you to support amendments to S. 728, the Water Resources Development Act, offered by Senators Feingold, McCain, Carper, Lieberman, and Jeffords, and oppose amendments offered by Senators Inhofe and Bond. The Feingold-McCain-Carper-Lieberman amendments will provide additional transparency and accountability for the Army Corps of Engineers, while the Inhofe-Bond amendments do little more than codify current practices, which have failed to protect the public and the environment. Hurricane Katrina offered a stark example of these failures.

Corps of Engineers projects have all too often been plagued with inadequate or erroneous environmental or economic studies. Recently, the American Society of Civil Engineers called for mandatory independent peer review at all phases of major Corps projects. The Feingold-McCain-Carper-Lieberman-Jeffords amendment ensures that studies for significant projects receive an independent, peer-reviewed assessment. This independent review is empowered to examine all aspects of the Corps analysis it believes are flawed. By contrast, an Inhofe-Bond amendment sharply limits which projects must receive this review, fails to ensure independence, and narrows the scope of that review.

The Corps of Engineers has a multi-decade backlog of authorized projects. In an era of limited resources, it is more important than ever that funds are focused on those projects that are most important to protecting public health and the environment. The McCain-Feingold-Lieberman amendment establishes an independent body that will determine criteria for setting priorities, and then issue a prioritization report to Congress. In contrast, the competing Inhofe-Bond amendment skews the prioritization process toward particular types of Corps projects, leaves the Corps to determine, in vague terms, what the

priorities should be, and provides Congress with minimal information for decision-making.

We urge you to support the amendments to WRDA which increase accountability within the Corps of Engineers and to oppose those amendments which do not provide real reform. The LCV Political Advisory Committee will consider including these votes in compiling LCV's 2006 Scorecard. If you need more information, please call Tiernan Sittenfeld or Nat Mund at my office at (202) 785–8683.

Sincerely,

GENE KARPINSKI,
President.

AMERICAN RIVERS, DEFENDERS OF WILDLIFE, EARTHJUSTICE, ENVIRONMENTAL DEFENSE, FRIENDS OF THE EARTH, NATIONAL WILDLIFE FEDERATION, REPUBLICANS FOR ENVIRONMENTAL PROTECTION, SIERRA CLUB, U.S. PUBLIC INTEREST RESEARCH GROUP,

July 17, 2006.

DEAR SENATOR: On behalf of our organizations and our millions of members and supporters, we request your support for the true Army Corps of Engineers modernization amendments that will be offered to the Water Resources Development Act when it comes to the floor. These amendments, offered by Senators Feingold, McCain. Carper, Lieberman, and Jeffords, pose our only meaningful chance of reforming this embattled federal agency.

Hurricane Katrina confirmed the high cost of the Corps' flawed process for developing water projects. As such, our organizations have made addressing the flaws exposed by Katrina a top priority for the 109th Congress. Poorly conceived and engineered flood control, and navigation projects led to the destruction of coastal wetlands and caused most of New Orleans' Katrina related flooding. Billions of federal dollars flowed to low priority Corps projects while acknowledged weaknesses in New Orleans levees went unaddressed.

To avoid repeating these preventable disasters, Congress must require to independent peer review of costly, controversial, and high risk projects. With a 30-year backlog of authorized projects, Congress should also establish a credible system for identifying projects that deserve priority funding. If the Water Resources Development Act comes to the floor, Senators Feingold, McCain, Carper, Lieberman and Jeffords will introduce well-crafted amendments to address these two endemic problems with the Corps.

However, to undercut true reforms, competing amendments developed by and for the Corps will be offered on the floor by Senators Inhofe and Bond. The purpose of these amendments, which do no more than codify existing Corps procedures that have proved inadequate, is to give the appearance of reform without the substance. We strongly urge you to reject these distracting alternatives, which would prohibit review of how models and tools are applied to a particular project; provide only a snap shot assessment of design specifications, for even the most critical projects; and give sole control over peer review and prioritization ''evaluations'' to the Corps. The Chief of Engineers, not an impartial officer or outside body, would select project reviewers, decide which projects should be reviewed, and recommend priority projects. It would be absurd to vest this additional authority in the Corps in light of the dramatic problems at the agency revealed by Katrina and more than a decade of government and independent studies.

We urge you to oppose the amendments offered by Senators Inhofe and Bond and VOTE YES on the common sense reforms that will be offered by Senators Feingold, McCain, Carper, Lieberman and Jeffords when WRDA is brought to the Senate floor.

Sincerely.

Rebecca Wodder, President, American Rivers.

Buck Parker, Executive Director, Earthjustice.

Brent Blackwelder, President, Friends of the Earth.

Martha Marks, President, Republicans for Environmental Protection.

Doug Phelps, Chairman, Board of Directors, U.S. Public Interest Research Group.

Roger Schlickeisen, President and CEO, Defenders of Wildlife.

Fred Krupp, President, Environmental Defense.

Larry Schweiger, President and CEO, National Wildlife Federation.

Carl Pope, Executive Director, Sierra Club.

JUNE 9, 2006.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: On behalf of the Michigan United Conservation Clubs and the National Wildlife Federation, we urge you to cosponsor the Independent Peer Review amendment proposed by Senators Feingold and McCain, which will be offered to the Water Resources Development Act when it comes to the Senate floor for consideration. This provision would address fundamental flaws with the Corps of Engineers and our nation's water resources program that have been brought to light by Hurricane Katrina. It would improve the health, safety, and security of all Americans, while better protecting the environment and the taxpayers.

As a senior member of the Senate Homeland Security and Government Affairs Committee, you have done due diligence for both the residents of New Orleans and Americans nationwide who watched in horror the days after Hurricane Katrina hit that historical city. Your thorough investigation into all facets of the many failures that befell New Orleans exposed numerous flaws in the federal response system. One of the most startling flaws, in our regard, is the mismanagement of the U.S. Army Corps of Engineers.

Unchecked engineering flaws, poorly planned water projects like the Mississippi River Gulf Outlet that destroy natural flood protection, and misplaced priorities can have disastrous consequences, and not just in a vulnerable city like New Orleans. Senator Levin, this is an historic moment for our nation. We must do a better job of managing our water resources.

The amendments proposed by Senators Feingold and McCain will steer the Corps in a new, more sustainable direction. Recommendation 82 in your report called for independent peer review task forces to be convened to oversee flood control projects across the country. The Feingold-McCain Independent Peer Review amendment will subject all costly and controversial Corps projects to independent peer review. This will provide an important check to ensure that projects proposed by the Corps are based on sound science and economics.

We urge you to cosponsor this critically needed amendment before WRDA is brought to the Senate floor.

Sincerely,

ANDY BUCHSBAUM,
Director, Great Lakes Natural Resource Center.

SAM WASHINGTON,
Executive Director, Michigan United Conservation Clubs.

THE IZAAK WALTON LEAGUE OF AMERICA,
Gaithersburg, MD, July 17, 2006.

DEAR SENATOR: The Izaak Walton League of America requests that you oppose the current S. 728 Water Resources Development Act when it comes to the Senate floor. A Water Resources Development Act (WRDA) has not passed congress in six years because of bad provisions and resistance to necessary revisions that would safeguard the environment. This legislation sets water policy for our nation and should never be approved without due consideration to the conservation of our water resources. Specifically, please vote against any WRDA bill that contains the boondoggle scheme to build new locks on the Upper Mississippi River. This navigation expansion plan closely follows the Army Corps of Engineers proposal for seven new locks that has been found to be unjustified in multiple examinations by the National Academy of Sciences. Furthermore, President Bush, the Secretary of the Army for Civil Works and the Secretary of Agriculture have all previously disputed the need for the new locks.

Rather than spending billions on un-needed construction projects, the Leagile reminds you that the Mississippi River corridor contains an ecosystem home to 260 fish species, more than 300 varieties of birds, and serves as the migratory path to 40 percent of North America's waterfowl. And the Army Corps of Engineers itself has reported this ecosystem is ''significantly altered, is currently degraded, and is expected to get worse.'' There is no need for the new locks; it is time for the Senate to instead discuss the critical ecological restoration needs of the Mississippi River.

We encourage you to support amendments to S. 728 offered by Sen. Feingold and Sen. McCain.

The Independent Peer Review amendment will require the Corps to submit costly or controversial projects to be reviewed by an independent panel of experts in science and transportation. This amendment will ensure that Corps projects are based on solid engineering, are technically and environmentally sound, and are fiscally responsible.

The Prioritization amendment will require an independent panel to identify the top priority flood control, navigation, and restoration projects for our country. The panel will share their findings with Congress to guide funding decisions.

Our country's water resources are far too important to be altered without complete review, and our federal funds are far too scarce to be spent on unjustified new locks. Thank you.

Sincerely,

BRADLEY REDLIN,
Director, Agricultural Programs.

TENNESSEE WILDLIFE RESOURCES AGENCY, ELLINGTON AGRICULTURAL CENTER,
Nashville, TN, July 17, 2006.

Hon. LAMAR ALEXANDER,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR ALEXANDER: We are writing this letter in support of the Feingold-McCain-Carper-Lieberman-Jeffords sponsored amendment to the Water Resources Development Act (WRDA) which is scheduled to be on the floor of the Senate sometime the week of July 17, 2006. The proposed amendment allows for the formation of a Water Resources Coordinating Committee (WRCC) which will provide review and oversight to water resources projects by the U.S. Army Corps of Engineers. This interagency task force will prioritize Corps 'projects; establish a transparent system of ongoing review; and issue recommendations set upon

strict timelines that will not delay the planning process. The amendment provides WRCC review for all projects exceeding $40 million; when a state Governor requests it; when a federal agency finds the project will have a significant adverse impact, or when the Secretary of the Army determines that the project is controversial. We urge you to support the Feingold-McCain-Carper-Lieberman-Jeffords amendment to the WRDA which ensures a meaningful, independent review mechanism to review Corps projects.

A competing amendment to the WRDA is being sponsored by Senators Inhofe and Bond that imposes little change on how the Corps does business. It continues to foster a system without clear water resource priorities and allows the Corps to ignore requests from federal agencies and state Governors. Furthermore, reviews will only cover scientific, engineering or technical bases of the decision or recommendation, but not recommendations resulting from the data. Environmental reviews accompanying a feasibility study would not be subject to the overall review. Review will be one-time instead of ongoing during the life of each Corps project, and will not be independent; allowing the Corps Chief of Engineers to select the review panel. Only projects exceeding $100 million will be subject to mandatory review, allowing the Corps discretion to avoid review for most projects. We urge you to vote to defeat the Inhofe-Bond amendment which allows the Corps to continue to ignore priorities for politics.

The current lack of clear water resources priorities is damaging the nation's economic development, transportation systems, and ability to protect its citizens and property from flooding and natural disasters. The Feingold-McCain-Carper-Lieberman-Jeffords amendment moves the nation toward a transparent system that establishes water resource priorities through independent, external peer review. The review system proposed by this amendment ensures that Congress has the information it needs to direct limited federal resources to meet the nation's most urgent needs.

Sincerely,

TIM CHURCHILL,
Tennessee Wildlife Resources Agency.

Mr. FEINGOLD. Mr. President, the need for change could not be more clear, and I hope that today the Senate will adopt the Feingold-McCain-Carper-Lieberman-Jeffords-Collins independent peer review amendment and reject the Inhofe-Bond counter amendment.

I reserve the remainder of my time. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, we have several times addressed both sides of the agreement we have in terms of how Katrina would have been affected with the various different types of approaches of peer review. I was approached by the junior Senator from Louisiana who said that in Louisiana they are very strongly in support of the Inhofe-Bond amendment. He says those in support are the City of New Orleans, Jefferson Parish, St. Tammany Parish, the State of Louisiana, the Terrebonne Levee and Conservation District, and the Red River Valley Association.

I yield as much time to the Senator from South Dakota as he desires.

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

Mr. THUNE. Mr. President, I thank the chairman.

I congratulate the chairman of the committee and Senator JEFFORDS and Senator BOND and others who have worked so hard to get this measure to the floor.

Congress is long overdue in reauthorizing this important measure. As a member of the Environment and Public Works Committee, I am pleased to be part of efforts to improve the functionality of the Army Corps of Engineers.

While my home State of South Dakota doesn't have any new specific projects in this bill, I appreciate the hard work that has been put in on the part of Chairman INHOFE, Subcommittee Chairman BOND, and Senators JEFFORDS and BOXER in getting this long overdue legislation to the floor for consideration and hopefully a favorable vote.

I express my appreciation to the bill managers for their willingness to extend the provisions having to do with the Missouri River Restoration Act that was authorized in the 2000 Water Resources Development Act bill.

This particular provision will allow the State of South Dakota to move forward with a task force report from State, tribal, and Federal entities concerning siltation, erosion, and the status of Native American historical and cultural sites along the Missouri River.

My colleagues will be interested to know that my home State of South Dakota has four dams along the Missouri River which resulted in the flooding of hundreds of thousands of acres of State, tribal, and private lands. This particular provision will assist in addressing some of the consequences of the construction of those dams.

Additionally, I appreciate the inclusion of clarifying language in section 5010 that will assist the U.S. Treasury in managing the assets within the Habitat Restoration Trust Fund for the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe that was created in the 1999 WRDA bill. These trust funds are close to being fully capitalized and will greatly assist mitigation of the terrestrial impacts that resulted with the construction of the Oahe and Sharpe reservoirs. This language was requested by the U.S. Treasury and will assure the trust fund's assets are properly invested.

I also would highlight that the Governor of South Dakota is very supportive of a provision I advocated in section 3126 which ensures that Missouri River recovery funds are available to upper basin States—States including Montana, North Dakota, and South Dakota—that would be covered by that provision.

While there have been some previous disagreements among the upper basin States and lower basin States regarding the management of the Missouri River, I am pleased to see that section 5008 has been included to allow all the stakeholders along the Missouri River to work together in laying out what needs to be done to address long-term recovery and mitigation activities.

I rise today to again congratulate and give due credit to the leadership of Environment and Public Works Committee on both sides of the aisle, and our leadership here in the Senate in getting this legislation to the floor.

This is a bill, as I said, which I had some experience working on as a Member of the House of Representatives back in 2004. It is something that we reauthorize on a fairly regular basis. But this one in particular is long overdue.

There are many needs that have been raised for why we need a reauthorization of the Water Resources Development Act, and I also add in terms of the direct benefits to South Dakota and our issues with regard to the Missouri River which are many and have been going on for a very long time.

I also add that the agricultural groups in South Dakota have all weighed in in favor of getting this bill to the floor, voted on and on the President's desk because of the important projects that are included that will make it more possible for them to get their agricultural products to the marketplace.

It is widely supported by a lot of groups in my State—agricultural groups, the Governor of South Dakota, and obviously the tribes of South Dakota, who have been impacted as well when the Missouri River was dammed up and lands were taken to help in flood control issues downstream. There have been ongoing disputes over the years with respect to this river and how it is managed by the Corps of Engineers.

This bill moves us a long way toward addressing some of those issues and making sure that we have good policies and a good process in place for the needs of the States that are impacted by the Missouri River—my State right down the center—which, as I said, has provided a number of benefits, construction of the dams and the area of recreation but also has created a number of challenges for landowners, and for many of the benefits that were promised when the dams were put in. People in my State don't believe they have been fully realized. It seems we have been fighting ever since between the up- and downstream States over getting policies in place that will effectively manage in a fair way the Missouri River.

The WRDA bill doesn't address all those legal issues, but it certainly does address many of the ongoing challenges we face in making sure that the Missouri River is a river that provides for all the various users.

There are many stakeholders, as I mentioned earlier, who have a vested interest in seeing this bill get passed. I am pleased today to be able to rise in support, and I urge us to get a vote on it, pass it, and get it on the President's desk and signed into law so this long

overdue legislation can be put into effect and begin to provide the benefits and the intended results for those who have been waiting for its passage.

I yield my time to the chairman of the Environment and Public Works Committee, and again give him due credit for getting this bill to the floor today. I hope we get a very favorable vote.

Mr. INHOFE. Mr. President, I thank the Senator from South Dakota. He has been a huge help on the committee. He is always very active.

I agree with him, the WRDA bill has been pretty heavy lifting. We were both around in 2004 when we had our last reauthorization. It was not an easy accomplishment. It was one that was almost the magnitude of the Transportation reauthorization bill.

We have these amendments, and we are coming down to the wire where we are going to be able to see final passage before too long. I thank my friend from South Dakota for all of his help.

I yield the floor.

Mr. FEINGOLD. Mr. President, I ask unanimous consent the time be equally divided during the quorum.

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

Mr. FEINGOLD. 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. INHOFE. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. INHOFE. I ask unanimous consent Senators CORNYN and HUTCHISON both be added as cosponsors to the Inhofe-Bond amendment.

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

Mr. INHOFE. 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. FEINGOLD. 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. FEINGOLD. Mr. President, I yield 3 minutes to the Senator from Iowa. He is going to speak as in morning business, but I understand it will be charged against my time.

The PRESIDING OFFICER. Without objection, the Senator is recognized for 3 minutes.

(The remarks of Mr. HARKIN and Mr. MCCAIN are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. Who yields time?

The Senator from Arizona.

Mr. MCCAIN. Mr. President, while we have a minute or two here, the Senator from Oklahoma and I have agreed—and I hope the Senator from Vermont would agree—that on the next amendment we could get it dispensed with pretty quickly. We do not intend to propose the other two amendments which we had pending. So as far as the Senator from Wisconsin and I are concerned, we would only have one additional amendment, and if it is agreeable to the managers of the bill, that would be for an hour equally divided.

Mr. President, I yield the floor and 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. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I yield 5 minutes to the junior Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 5 minutes.

Mr. MARTINEZ. Mr. President, I rise today to offer my strong support for S. 728, the Water Resources Development Act. This is truly a momentous and important day for Florida. My State is home to beautiful beaches, coastal estuaries, numerous ports, and the Everglades. No piece of legislation moving through Congress could have as much lasting improvement on Florida's fragile ecosystem as the WRDA bill.

I express my sincere thanks to the EPW chairman, Senator JIM INHOFE, and Senator BOND for their diligent leadership in crafting this legislation. I also thank Majority Leader FRIST and Senators REID and Jeffords for reaching time agreements and allowing this historic legislation to come to the floor. So often the media depicts Congress in such an acrimonious light, and I believe this bill is a testament to the fact that bipartisanship still exists in the Senate and that we can also roll up our sleeves and act for the betterment of our Nation.

For too long in our Nation's past, the Federal Government's water resources policies seemed to be in conflict with nature. In the not-so-distant past, the Corps and even the elected congressional and State leadership of Florida was determined to drain the Everglades. One of our most colorful former Governors, Napoleon Bonaparte Broward, famously proclaimed: ''Water will run downhill!'' At that time, draining and improving ''useless swampland'' was the epitome of true conservation because opening the wetlands and marshes of Florida to farming and development was considered a better use of land because it could feed and employ people. The idea that places should be protected for their intrinsic beauty and public enjoyment was a foreign concept. Fortunately for our Nation and Florida, the idea of conservation and restoration has an entirely different and more sophisticated meaning today than it did in years past.

In 2000, Congress authorized the landmark Comprehensive Everglades Restoration Plan to repair and restore the natural sheet flow of water across the Everglades National Park into Florida Bay. CERP projects will capture and store a great deal of the nearly 1.7 billion gallons of fresh water a day which are currently released into the Atlantic Ocean and Gulf of Mexico. This water will be restored in above- and underground reservoirs. And when needed, it will be directed to the wetlands, lakes, rivers, and estuaries of south Florida—providing abundant, clean, fresh water, while also ensuring future urban and agricultural water supplies.

This incredible undertaking is the largest environmental restoration project in the world. I am proud to say the State of Florida has made an historic and prolific financial investment of over $3 billion to honor its commitment to the Everglades restoration. And now, with the expected passage of WRDA, new major CERP projects such as the Indian River Lagoon and the Picayune Strand will finally be federally authorized so this important restoration effort can start to take shape.

The Indian River Lagoon's South Restoration Project in WRDA is critical to the success of CERP and returning the Saint Lucie estuary to a healthy status. Approximately 2,200 species have been identified in the lagoon system, with 35 of these species listed as threatened or endangered.

Implementation of the South Restoration Project will feature more than 12,000 acres of aboveground water reservoirs; 9,000 acres of manmade wetlands; and 90,000 acres of natural storage and water quality areas, including 53,000 acres of restored wetlands. We will also be pleased to restore a great deal of the Saint Lucie River, with a corresponding restoration of 2,600 acres of habitat.

Another very important Everglades restoration project included in WRDA is the authorization of the Picayune Strand project. This area was originally planned as the largest subdivision in the United States called Golden Gate Estates. In the early 1960s, the Gulf American Corporation dredged 48 miles of canals, built over 290 miles of roads, and sold thousands of lots before going bankrupt. At that time, there were no Federal or State laws setting drainage standards. So now today we will be moving that area back into somewhat of its natural state and natural habitat, and it will join with the Big Cypress National Preserve and the 10,000 Islands National Wildlife Refuge. It will also provide additional grounds for the Florida Panther Wildlife Refuge.

These are great things for our State. They are great things for restoring back to a lot of its original beauty Florida's ecosystem; not just the beauty but also the functionality of providing for wetlands as a renourishment

of Florida's aquifer, which also is so important to maintaining the urban lifestyle of south Florida.

The need to pass a comprehensive water resources bill in Florida is overwhelming. Florida will benefit tremendously from it. I want to use this opportunity to thank Chairman INHOFE and Senator BOND for including these vital restoration and economic development projects in WRDA. This legislation is long overdue. It is time for us to pass S. 728. I urge my colleagues to support final passage of this very important piece of legislation to Florida.

Mr. President, I yield the floor.

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

The Senator from Wisconsin has 30 seconds remaining. All other time has expired.

Who yields time?

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, the amendment cosponsored by Senators MCCAIN, CARPER, LIEBERMAN, JEFFORDS and COLLINS will ensure independent review of Army Corps projects that are costly, controversial or critical to public safety. The amendment responds to over 10 years of studies, including analysis of the Katrina disaster, documenting serious problems with planning and design of Army Corps projects. We owe it to the people of New Orleans, and to all of our constituents, to ensure close scrutiny of critical flood control projects, as recommended by the Homeland Security Committee. That is what our amendment does.

Despite any outcome on my amendment, I urge my colleagues to vote ''nay'' on the Inhofe-Bond amendment which maintains the unacceptable status quo.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to amendment No. 4681, as modified.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 54, nays 46, as follows:

[Rollcall Vote No. 208 Leg.]

YEAS—54

Akaka	Dodd	Lieberman
Alexander	Durbin	McCain
Allard	Ensign	Menendez
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murray
Biden	Graham	Nelson (FL)
Bingaman	Gregg	Obama
Boxer	Inouye	Reed
Brownback	Jeffords	Reid
Byrd	Johnson	Rockefeller
Cantwell	Kennedy	Salazar
Carper	Kerry	Sarbanes
Chafee	Kohl	Schumer
Clinton	Kyl	Snowe
Coburn	Landrieu	Stabenow
Collins	Lautenberg	Sununu
DeMint	Leahy	Voinovich
DeWine	Levin	Wyden

NAYS—46

Allen	Dorgan	Nelson (NE)
Bennett	Enzi	Pryor
Bond	Frist	Roberts
Bunning	Grassley	Santorum
Burns	Hagel	Sessions
Burr	Harkin	Shelby
Chambliss	Hatch	Smith
Cochran	Hutchison	Specter
Coleman	Inhofe	Stevens
Conrad	Isakson	Talent
Cornyn	Lincoln	Thomas
Craig	Lott	Thune
Crapo	Lugar	Vitter
Dayton	Martinez	Warner
Dole	McConnell	
Domenici	Murkowski	

The amendment (No. 4681), as modified, was agreed to.

Mr. FEINGOLD. 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.

VOTE ON AMENDMENT NO. 4682

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4682.

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—49

Alexander	Domenici	Murray
Allen	Dorgan	Nelson (NE)
Bennett	Enzi	Pryor
Bond	Frist	Roberts
Bunning	Grassley	Santorum
Burns	Hagel	Sessions
Burr	Harkin	Shelby
Byrd	Hatch	Smith
Chambliss	Hutchison	Specter
Cochran	Inhofe	Stevens
Coleman	Isakson	Talent
Conrad	Lincoln	Thomas
Cornyn	Lott	Thune
Craig	Lugar	Vitter
Crapo	Martinez	Warner
DeMint	McConnell	
Dole	Murkowski	

NAYS—51

Akaka	Durbin	Lieberman
Allard	Ensign	McCain
Baucus	Feingold	Menendez
Bayh	Feinstein	Mikulski
Biden	Graham	Nelson (FL)
Bingaman	Gregg	Obama
Boxer	Inouye	Reed
Brownback	Jeffords	Reid
Cantwell	Johnson	Rockefeller
Carper	Kennedy	Salazar
Chafee	Kerry	Sarbanes
Clinton	Kohl	Schumer
Coburn	Kyl	Snowe
Collins	Landrieu	Stabenow
Dayton	Lautenberg	Sununu
DeWine	Leahy	Voinovich
Dodd	Levin	Wyden

The amendment (No. 4682) was rejected.

Mr. INHOFE. Mr. President, I move to reconsider the vote.

Mr. FEINGOLD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. INHOFE. Mr. President, I ask unanimous consent that Senator MCCAIN be recognized to offer an amendment regarding prioritization report; further, that following the reporting of that amendment, Senator INHOFE be recognized to offer an amendment on fiscal transparency; provided further that there be 1 hour total for both amendments, to be divided equally between Senators INHOFE and MCCAIN; further, that following the use or yielding of time, the Senate proceed to a vote in relation to the McCain-Feingold amendment, to be followed by a vote in relation to the Inhofe-Bond amendment, with no intervening time or extra debate; and that following the votes, there will be 30 minutes equally divided, followed by a vote on final passage.

Mr. President, let me restate this. We have too many things going on, so let me be sure we get it right.

The unanimous consent request is that Senator MCCAIN be recognized to offer an amendment regarding prioritization report; further, that following the reporting of that amendment, Senator INHOFE be recognized to offer an amendment on fiscal transparency; provided further that there be 1 hour total for both amendments to be divided between Senators INHOFE and MCCAIN; further, that there be 30 minutes equally divided for general debate on the bill, and that following the use or yielding of time, the Senate proceed to a vote in relation to the McCain-Feingold amendment, to be followed by a vote in relation to the Inhofe amendment, to be followed by a vote on final passage, all with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Missouri is recognized.

Mr. TALENT. Mr. President, reserving the right to object, could I ask my friend if I could have just a few minutes? It sounds like the unanimous consent takes up all the time, and I just wanted to speak for 4 or 5 minutes on the bill, which I would want to do before we got into that.

Mr. INHOFE. I would respond to my friend from Missouri that we do have in this unanimous consent request 30 minutes equally divided before final passage, and I would be glad to yield to the Senator at that time.

Mr. TALENT. That will be fine.

Mrs. LINCOLN. Mr. President, reserving the right to object, I would like to ask the Chair if there is any possible way we could take the opportunity to give myself and my colleague from Arkansas and Senator ROCKEFELLER just a few moments to speak in morning business in behalf of paying tribute to our Lieutenant Governor from Arkansas.

Mr. INHOFE. Yes. Let me respond to the Senators from Arkansas. I have talked to Senator ROCKEFELLER and we have agreed that as soon as this UC goes through, we will recognize him and the Senator from Arkansas for up to 15 minutes for that purpose.

Mrs. LINCOLN. We are so grateful. We appreciate that from our colleague from Oklahoma.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The remarks of Mrs. LINCOLN, Mr. PRYOR, and Mr. ROCKEFELLER are printed in today's RECORD under ''Morning Business''.)

Mr. ROCKEFELLER. I thank the chairman of the committee and ranking member. I yield the floor.

Mr. INHOFE. 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. JEFFORDS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COBURN). Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, while we have a moment I would like to take some time to thank the staff from the Environment and Public Works Committee.

Senator INHOFE's staff is first class, including Ruth Van Mark, Andrew Wheeler, Angie Giancarlo, Stephen Aaron, and many others.

Senator BOND's lead staffer Letmon Lee has done excellent work on this bill.

Paul Wilkins and Sara Roberts from Senator BAUCUS' staff also contributed extensively to this product.

From my staff, Ken Connolly, Alison Taylor, Margaret Weatherald, and Caroline Ahearn have been tremendous.

But most importantly I wanted to recognize two staff people who have worked for years and years on Army Corps issues and specifically this bill.

First, Catharine Cyr Ransom. Catharine is an exceptional Senate staffer. She works hard, is fair, and a joy to work with. She also is very persistent and has made sure that my little State of Vermont has been looked after in this legislation.

Finally, JoEllen Darcy, who has been with the Committee 12 years, and has lived through this WRDA process for her entire tenure, is a true gem. JoEllen has an incredible record of legislative success on the Environment and Public Works Committee due to her depth of knowledge, kind manner, and strong negotiating skills. She is also an avid Red Sox fan, which says a lot about her character and why I like her so much.

I thank all the staff for their work and for all their work through the August recess on this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, right now we are waiting for Senator MCCAIN to return and call up his legislation in conjunction with the unanimous consent agreement.

I would like also to say the same thing. It has been great working with Senator JEFFORDS and his staff, as well as other staff members, and of course my staff. Angie, here, has been the primary driver with Steve Aaron and Blu Hulsey, David Lungren, our staff director, and Ruth Van Mark, who has done so much work on the transportation end.

On Senator BOND's staff, Letmon Lee; of course, JoEllen Darcey with Senator JEFFORDS, Catharine Ransom, Alison Taylor, and I guess I would have to mention Ken Connolly, too, as someone who hangs around and gets things done, and Paul Wilkins with Senator BAUCUS.

There is a lot of truth to this. This is more of a nonpartisan committee. We have a lot of issues on which we disagree, but when it gets down to the big authorization we recognize that what we deal with are some of the most significant aspects of government—those that have to get done.

It is the only way to do that when we are dealing with many areas—is cooperate. I appreciate all the staff working together.

I yield the floor.

AMENDMENT NO. 4684

Mr. MCCAIN. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. FEINGOLD, Mr. LIEBERMAN, and Mrs. FEINSTEIN, proposes an amendment numbered 4684.

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

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

The amendment is as follows:

(Purpose: To provide for a water resources construction project prioritization report)

On page 76 between lines 20 and 21, insert the following:

SEC. 2007. WATER RESOURCES CONSTRUCTION PROJECT PRIORITIZATION REPORT.

(a) PRIORITIZATION REPORT.—

(1) IN GENERAL.—On the third Tuesday of January of each year beginning January 2007, the Water Resources Planning Coordinating Committee established under section 2006(a) (referred to in this section as the ''Coordinating Committee'') shall submit to the Committees on Environment and Public Works and Appropriations of the Senate, the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives, and the Office of Management and Budget, and make available to the public on the Internet, a prioritization report describing Corps of Engineers water resources projects authorized for construction.

(2) INCLUSIONS.—Each report under paragraph (1) shall include, at a minimum, a description of—

(A) each water resources project included in the fiscal transparency report under section 2004(b)(1);

(B) each water resources project authorized for construction—

(i) on or after the date of enactment of this Act; or

(ii) during the 10-year period ending on the date of enactment of this Act; and

(C) other water resources projects authorized for construction, as the Coordinating Committee and the Secretary determine to be appropriate.

(3) PRIORITIZATION REQUIREMENTS.—

(A) IN GENERAL.—Each project described in a report under paragraph (1) shall—

(i) be categorized by project type; and

(ii) be classified into a tier system of descending priority, to be established by the Coordinating Committee, in cooperation with the Secretary, in a manner that reflects the extent to which the project achieves national priority criteria established under subsection (b).

(B) MULTIPURPOSE PROJECTS.—Each multipurpose project described in a report under paragraph (1) shall—

(i) be classified by the project type that best represents the primary project purpose, as determined by the Coordinating Committee; and

(ii) be classified into the tier system described in subparagraph (A)(ii) within that project type.

(C) TIER SYSTEM REQUIREMENTS.—In establishing a tier system under subparagraph (A)(ii), the Secretary shall ensure that—

(i) each tier is limited to $5,000,000,000 in total authorized project costs; and

(ii) includes not more than 100 projects.

(4) REQUIREMENT.—In preparing reports under paragraph (1), the Coordinating Committee shall balance, to the maximum extent practicable—

(A) stability in project prioritization between reports; and

(B) recognition of newly-authorized construction projects and changing needs of the United States.

(b) NATIONAL PRIORITY CRITERIA.—

(1) IN GENERAL.—In preparing a report under subsection (a), the Coordinating Committee shall prioritize water resources construction projects within the applicable category based on an assessment by the Coordinating Committee of the following criteria:

(A) For flood and storm damage reduction projects, the extent to which the project—

(i) addresses critical flood damage reduction needs of the United States, including by reducing the risks to loss of life by considering current protection levels; and

(ii) avoids increasing risks to human life or damages to property in the case of large flood events, avoids adverse environmental impacts, or produces environmental benefits.

(B) For navigation projects, the extent to which the project—

(i) addresses priority navigation needs of the United States, including by having a high probability of producing the economic benefits projected with respect to the project and reflecting regional planning needs, as applicable; and

(ii) avoids adverse environmental impacts.

(C) For environmental restoration projects, the extent to which the project—

(i) addresses priority environmental restoration needs of the United States, including by restoring the natural hydrologic processes and spatial extent of an aquatic habitat while being, to the maximum extent practicable, self-sustaining; and

(ii) is cost-effective or produces economic benefits.

(2) BENEFIT-TO-COST RATIOS.—In prioritizing water resources projects under subsection (a)(3) that require benefit-to-cost ratios for inclusion in a report under subsection (a)(1), the Coordinating Committee shall assess and take into consideration the benefit-to-cost ratio and the remaining benefit-to-cost ratio of each project.

(3) FACTORS FOR CONSIDERATION.—In preparing reports under subsection (a)(1), the Coordinating Committee may take into consideration any additional criteria or subcriteria, if the criteria or subcriteria are fully explained in the report.

(4) STATE PRIORITIZATION DETERMINATIONS.—The Coordinating Committee shall

establish a process by which each State may submit to the Coordinating Committee for consideration in carrying out this subsection any prioritization determination of the State with respect to a water resources project in the State.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Coordinating Committee shall submit to Congress proposed recommendations with respect to—

(A) a process to prioritize water resources projects across project type;

(B) a process to prioritize ongoing operational activities carried out by the Corps of Engineers;

(C) a process to address in the prioritization process recreation and other ancillary benefits resulting from the construction of Corps of Engineers projects; and

(D) potential improvements to the prioritization process established under this section.

(2) CONTRACTS WITH OTHER ENTITIES.—The Coordinating Committee may offer to enter into a contract with the National Academy of Public Administration or any similar entity to assist in developing recommendations under this subsection.

Mr. MCCAIN. Mr. President, if I may ask the distinguished chairman, have we entered into a time agreement on this amendment?

Mr. INHOFE. Yes, we have. In fact, I will be bringing up mine, and we will consider them jointly. There will be 1 hour equally divided.

Mr. MCCAIN. I thank my colleague.

Mr. President, I ask unanimous consent that the Senator from Ohio be recognized for however much time he may take in support of the amendment.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I would like to second the remarks of Senator INHOFE about Senator JEFFORDS. I have had an opportunity to work with Senator JEFFORDS now for 8 years. We have had our good days and bad days, but we never had good days and bad days between us. I consider him to be an outstanding Senator and a gentleman. I appreciate the courtesies which he has extended me over the years of his distinguished career.

Mr. JEFFORDS. I thank the Senator for his remarks. It has been a privilege to work with him. We got some things done.

Mr. VOINOVICH. Mr. President, I rise in support of the Water Resources Development Act of 2006.

I commend Senators INHOFE, JEFFORDS, and BOND—and their staffs—for their hard work and strong leadership in putting together a bipartisan bill. As a member of the Environment and Public Works Committee, I am pleased to have been a part of this effort. But I want to make it clear that Senator INHOFE is the driving force and Senator BOND kept pushing us. If it wasn't for their unbelievable commitment to this, we wouldn't be here today.

It has been 6 years since the Congress last passed a Water Resources and Development reauthorization bill. I remember it because I was chairman of the subcommittee that handled the bill. The time has come to finally pass this legislation.

America's infrastructure and waterways system is the foundation of our economy. For too long, we have been ignoring our infrastructure, but Katrina was a wake-up call for all of us. In the wake of this disaster, we saw firsthand the devastating impact of a weak infrastructure on our people and our economy. The more we continue to fail to fund our water infrastructure, the more we are putting our Nation's competitiveness at risk in this global marketplace.

It has a new dimension to it because if we are going to compete in the global marketplace, we need to build the infrastructure for competitiveness, and we have had our heads in the sand in terms of the condition of that infrastructure. It is a critical piece of America's competitiveness.

Our infinite needs are overwhelming and being squeezed. We should be rebuilding an infrastructure so that the new generation has at least the same opportunity to enjoy our standard of living and quality of life.

Right now, our infrastructure is collapsing due to insufficient funding. Congress desperately needs to provide increased funding for the Army Corps of Engineers, including funding for levees and funding for additional engineers.

I have been concerned about the backlog of unfunded Corps projects since I was chairman of the Subcommittee on Transportation and Infrastructure in 1999. When I arrived in the Senate in 1999, the backlog of unfunded Corps operation and maintenance projects was $250 million. Today, it is $1.2 billion. At that time, there was a backlog of $38 billion active water resource projects waiting for Federal funding. I want to emphasize that.

Today, according to the administration, there are about $50 billion in Army Corps construction projects that are in need of Federal funding.

Despite these needs, the Corps is currently able to function only at 50-percent capacity at the rate of funding proposed by the budget. It is hard to believe when you consider what we have had with Katrina.

Annual appropriations for the Corps' construction accounts has fallen from a $4 billion average in the mid-1960s to a $1.5 billion average for 1996 through 2005.

The stark reality is at the current levels of construction appropriations, the Corps' water resource projects, we already have more water resource projects authorized for construction than we can complete. At the current low levels of construction, it would take 25 years to complete the active projects in the backlog without even considering additional project authorizations that are in this bill.

That is why I am supporting the prioritization amendment offered by Senator MCCAIN and Senator FEINGOLD.

I tried to get this kind of amendment back 5 or 6 years ago, but it was rebuffed. We don't want to do that. We don't want to prioritize anything. It might be someone's special project, and it may not get on the list where they would like it to be. So let's not do that.

Unfortunately, appropriations for the Corps program have not been adequate to meet the needs that have been identified in our Nation. We have also been asking the Corps to do more with less. I am all for trimming fat from the Federal budget and practicing fiscal discipline, but the Corps of Engineers budget is not fat—it is the bread and butter of our economy and our infrastructure.

I believe this amendment will reduce this backlog. This amendment would allow the Water Resources Coordinating Committee, an interagency task force that has been established in the underlying bill, to establish transparent, project-specific national priority criteria, classify projects either currently under construction or authorized into a tier system based on that criteria, and then issue a nonbinding prioritization report to the authorizing and appropriations committees.

I will bet you that a lot of what they have against this is because they do not want anyone to tinker with what they do. The fact is, I think we owe it to them to make sure they have some priority list as to the importance of these projects as well as the Office of Management and Budget to help guild them in their funding decisions. This report would also be made available to the public.

I believe this report would ensure that the most critical projects in the Nation are receiving adequate funding. Katrina showed us the importance of prioritization.

We need a comprehensive prioritization system to ensure that Congress has the information it needs to direct limited Federal resources to the most urgent projects.

When I was Governor of the State of Ohio, the State had hundreds of highway projects that every preceding Governor had promised each municipality would be built. It is whatever you want, you got it. The list was unbelievable. The projects would have cost the State of Ohio between $5 billion and $6 billion to build, whereas the State typically only received between $100 million and $300 million a year. At the time, it would have taken decades to build all the projects my constituents asked for, even if another new project was not added to the list for years.

In order to deal with the imbalance between demand and available revenue, I created an objective, criteria-driven project selection process called the Transportation Review Advisory Council, or TRAC. This process gives paramount consideration to effective management of the backlog to assure that it only includes needed projects that

are economically justified, environmentally acceptable, and supported by willing and financially capable, nonfederal sponsors. The State is required to balance this project list with the State's revenue projections.

The TRAC also is required to issue a 4-year fiscal forecast after Congress passes each highway bill to get an idea of how much money we are going to get. It made no sense for the State of Ohio to continue project development on projects worth millions of dollars that had no realistic hope of ever being built. I think my constituents are much better served by this system because the State is investing its resources in projects that will become a reality in the near future.

I am sure the President would understand this. When you have a highway bill, a lot of the Congressmen would put in earmarks on projects. And today when they are earmarking, they earmark it for projects that are on that list because they know that the money will be spent for the project.

We need to take similar steps in the Senate in addressing our water resource needs. It is long overdue with the limited resources that we have. Hopefully, one day we will face up to those limited resources in terms of our infrastructure. We need a prioritization.

I think Senator MCCAIN and Senator FEINGOLD have put together a very good amendment.

Again, I know it may be controversial for some of the authorizers, but it is time that we do this.

The passage of another WRDA bill cannot be delayed any further. It is simply too important to our Nation in terms of its benefits to our economy and environment and for the speedy recovery for the areas affected by Hurricane Katrina.

I call on President Bush and my colleagues in both the House and the Senate to work expeditiously to get this bill enacted into law as soon as possible.

Really from the bottom of my heart, I urge my colleagues to support this bill and this amendment.

Thank you, Mr. President.

AMENDMENT NO. 4683

Mr. INHOFE. Mr. President, I ask that the Inhofe-Bond amendment be brought up for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE], for himself and Mr. BOND, proposes an amendment numbered 4683.

Mr. INHOFE. Mr. President, I ask unanimous consent that 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 section relating to a fiscal transparency and prioritization report)

Strike section 2004 and insert the following:

SEC. 2004. FISCAL TRANSPARENCY AND PRIORITIZATION 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 describing—

(1) the expenditures of the Corps of Engineers for the preceding fiscal year and estimated expenditures for the current fiscal year; and

(2) the extent to which each authorized project of the Corps of Engineers meets the national priorities described in subsection (b).

(b) NATIONAL PRIORITIES.—

(1) IN GENERAL.—The national priorities referred to in subsection (a)(2) are—

(A) to reduce the risk of loss of human life and risk to public safety;

(B) to benefit the national economy;

(C) to protect and enhance the environment; and

(D) to promote the national defense.

(2) EVALUATION OF PROJECTS.—

(A) IN GENERAL.—In evaluating the extent to which a project of the Corps of Engineers meets the national priorities under paragraph (1), the Chief of Engineers—

(i) shall develop a relative rating system that is appropriate for—

(I) each project purpose; and

(II) if applicable, multipurpose projects; and

(ii) may include an evaluation of projects using additional criteria or subcriteria, if the additional criteria or subcriteria are—

(I) clearly explained; and

(II) consistent with the method of evaluating the extent to which a project meets the national priorities under this paragraph.

(B) FACTORS.—The Chief of Engineers shall establish such factors, and assign to the factors such priority, as the Chief of Engineers determines to be appropriate to evaluate the extent to which a project meets the national priorities.

(C) CONSIDERATION.—In establishing factors under subparagraph (B), the Chief of Engineers may consider—

(i) for evaluating the reduction in the risk of loss of human life and risk to public safety of a project—

(I) the human population protected by the project;

(II) current levels of protection of human life under the project; and

(III) the risk of loss of human life and risk to public safety if the project is not completed, taking into consideration the existence and probability of success of evacuation plans relating to the project, as determined by the Director of the Federal Emergency Management Agency;

(ii) for evaluating the benefit of a project to the national economy—

(I) the benefit-cost ratio, and the remaining benefit-remaining cost ratio, of the project;

(II) the availability and cost of alternate transportation methods relating to the project;

(III) any applicable financial risk to a non-Federal sponsor of the project;

(IV) the costs to State, regional, and local entities of project termination;

(V) any contribution of the project with respect to international competitiveness; and

(VI) the extent to which the project is integrated with, and complementary to, other Federal, State, and local government programs, projects, and objectives within the project area;

(iii) for evaluating the extent to which a project protects or enhances the environment—

(I) for ecosystem restoration projects and mitigation plans associated with other project purposes—

(aa) the extent to which the project or plan restores the natural hydrologic processes of an aquatic habitat;

(bb) the significance of the resource to be protected or restored by the project or plan;

(cc) the extent to which the project or plan is self-sustaining; and

(dd) the cost-effectiveness of the project or plan; and

(II) the pollution reduction benefits associated with using water as a method of transportation of goods; and

(iv) for evaluating the extent to which a project promotes the national defense—

(I) the effect of the project relating to a strategic port designation; and

(II) the reduction of dependence on foreign oil associated with using water as a method of transportation of goods.

(c) CONTENTS.—In addition to the information described in subsections (a) and (b), 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.

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

The PRESIDING OFFICER. The Senator from California is recognized for 15 minutes.

Mrs. BOXER. Mr. President, I thank my chairman, Chairman INHOFE, for granting me this time.

I feel so strongly against this amendment. I really need the time to explain to my good colleagues why I think it ought to be voted down.

We have amendments before us from time to time and they come to us as reform. I totally understand that we need reform in this whole area of the way we prioritize projects that come before us. But I don't believe this is reform at all. In my view, I think this is a delegation of the responsibility of the Senate and the House over to the executive branch. I believe it is going to be put into the hands of people who won't know a thing about this subject matter, and it is going to bring politics right into this Chamber. We were elected by the people. The cities and counties count on us to do our homework, to do our due diligence and understand what the needs are of our people, what our flood control needs are in our States, what our other needs are in our States, the studies that need to be performed, and all of that. That is our job.

The McCain amendment just simply wraps it all up and tosses it over to the executive branch. It sets up a whole new bureaucracy that I think is absolutely unnecessary and, frankly, I think it is disastrous for this WRDA bill. Unlike the other amendment which we supported, which is peer review, that looked forward, this amendment looks back into this bill where we have sat for years and years.

Again, I thank Senators INHOFE, JEFFORDS, BOND, and BAUCUS and the leaders of this committee who have worked with us to ferret out the projects that didn't have merit. I can attest to the fact that I had an amendment that I wanted to move forward.

I was persuaded by my colleagues on both sides of the aisle that there was a better way to move forward.

We have done our work. This amendment is well intended. I know that. I know the people who have put it forward to us have good intentions. But I think it is going to make it more difficult for worthy projects to get needed funding. That includes projects that have an impact on public health and safety.

I may have a debate with Senator BOND over which project I think is the more worthy and we will sit and talk about it and we will argue about it. At the end of the day, there will be a decision. Why should the two of us toss that all over to the executive branch, no matter who is President? What does it have to do with them? It is our bill. The President has the right to veto it if he doesn't like it or sign it. But thrashing out what ought to be in it and what is good, we have done that. That is part of our job.

There is another problem with this amendment. It sets up a nightmare of a tier system. You have to fight your way into a tier in order to be funded. The administration—this one and the next one and the one thereafter—will be able to recommend which tier your State projects ought to be in. When the first tier reaches $5 billion, or when there are 100 projects in it, that tier is finished. So if you have a very important project, a large project, but let's say we all know we have to move to help the folks who are impacted by Hurricane Katrina, and they have priority—we all agree that it has a very high priority—if you represent a large State, you have a large project, you will never make it into the first tier. It is bad for my State.

Frankly, it is bad for any project that is large enough and can't get into the first tier—it gets knocked down. You get stuck in a lower tier simply because the project may protect more people. How does that make any sense whatsoever? It is an arbitrary system. It can label a project as second tier despite critical local public safety needs. It will undermine a project's chances of receiving appropriations.

We already know what a fight we have to convince our colleagues in the Committee on Appropriations that the projects in our State have merit. We subject these projects to tremendous scrutiny, first in this particular WRDA bill. As we struggle to get appropriations funds, we have to make the case. Then we have to go to conference and continue to make the case.

Under this amendment, I am sorry to say this is no reform. I ask rhetorically if this makes any sense. There is a very important committee that has been set up in the underlying bill. The committee has some very important functions, but now the McCain amendment adds this next function on to this committee, this coordinating committee which, by the way, is going to hire an executive director.

If anyone wants to learn how projects and laws get bogged down, here is an example. This committee that is going to be set up includes the following people: The Secretary of the Interior, the Secretary of Agriculture, the Secretary of Health and Human Services, the Secretary of Housing and Development, the Secretary of Transportation, the Secretary of Energy, the Secretary of Commerce, the Administrator of the EPA, the chairperson of the Council on Environmental Quality, and here is my favorite, the Secretary of Homeland Security.

We all know about their priority list. We just took a look at their priority list. Petting zoos should be protected before bridges and highways. They have included Old McDonald's Petting Zoo, a bourbon festival, a bean festival, the Kangaroo Conservation Center. This is what the Department of Homeland Security said ought to be prioritized.

Do we want to invite them into a new prioritization game for the WRDA projects? I hope not. What could come out of this is not good.

In discussing this with my colleagues, they say: But, Senator BOXER, they are just going to recommend. We have the ability to sit down among ourselves—Democrats and Republicans—as we have done in this bill, and come to some decisions on what the priorities are. I believe the Committee on Appropriations, working with all of us, has a second bite at that apple.

I don't believe we need to ask this President or any future President to get into this issue and convene meetings, have studies, and waste money just to put together a list that they say is their priorities. What makes their priorities better than our priorities? They are not even elected. This is not even their job. How do you come forward—I ask my friend from Arizona, rhetorically, because he is not here—giving people who have no idea what this is about the power over the projects? They say it is just a recommendation, but we know they will take that seriously.

We remember the whole tizzy when they said they thought it was fine for the country of Dubai to run our ports. There was a big debate in the Senate. Most Members believed that was a mistake. That also came out of some committee.

We all fight to get here. We all work hard to get here. At a minimum, we are in touch with our States and we know the needs of our States. The Congress, not a political appointee, not some bureaucrat, but Members of the Senate should retain the central responsibility for establishing the border resource priorities for their States. Instead, this amendment leaves the recommendation of priorities up to a committee made up of Cabinet and other political appointees.

We are inviting politics into this debate. As Senator INHOFE said, this is one of those rare moments in history, this bill, where politics is left at the committee door. We worked together. We worked hard together. Now, with this McCain amendment, we are injecting partisan politics. In this case it is a Republican President. In future years it could be a Democratic President. It does not make any difference.

We should do our job. We should not punt the ball elsewhere. What are we here for? Anyone who votes for this, and I am sure there will be a few—I hope not too many—the message they are basically sending is that they do

not feel comfortable enough, they do not feel knowledgeable enough, they do not feel strong enough to stand up for what needs to be done in their States.

Again, I ask, do we really want to have the Department of Homeland Security deciding the critical water resource projects? They have enough to do to get their own priorities in order.

With all due respect to members of the Cabinet, we as individual Senators know our States' needs. We know our States' priorities. This is not reform; this is injecting, in my view, partisanship into a very bipartisan approach.

I trust my colleagues, whether Republican or Democrat, in this bill because they have to explain why their projects are worthy. This is not like an earmark where something is stuck in the bill in the middle of the night. This is a major reauthorization bill where every project is looked at very carefully. I don't believe any Cabinet is going to be more effective at telling us what projects should be funded.

As Members of Congress, let us not surrender our responsibility to an executive branch that, in my view, will not reflect the real needs of our people. I urge my colleagues to vote no, a very sound no, on this amendment. Let's send a message today that this Senate knows what it is doing in this bill.

I feel very comfortable with the leadership of Senators INHOFE and JEFFORDS, that we do know what we are doing in this bill. If you are for this bill, I hope you will vote no on the McCain amendment.

I give the remainder of my time to the good Senator, Mr. INHOFE. I thank him so much for the chance to speak against this amendment.

Mr. INHOFE. I thank the Senator from California for bringing up some very good points.

How much time is remaining?

The PRESIDING OFFICER. The total time remaining is 17 minutes 45 seconds.

Mr. INHOFE. Parliamentary inquiry because there is some confusion, without using our time to make the parliamentary inquiry: It is my understanding that while we have an hour equally divided on the two amendments that are going to be voted back to back, there is also 30 minutes equally divided on final passage. All of this time would be used prior to the three votes that come consecutively; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. INHOFE. If that is the case, there would be more like 30 minutes remaining because each side would have 45 minutes.

The PRESIDING OFFICER. The agreement contemplated that the final 30 minutes would be used after the initial hour so that the Senator's assumption is correct that he will have 15 minutes after the 17 minutes and 35 minutes is expired.

Mr. INHOFE. I ask unanimous consent on our side, and I suggest they probably want to do the same thing, that our time not be segregated as to the amendments versus final passage so we could have 45 minutes for either as we desire.

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

Mr. INHOFE. With that, I yield 10 minutes to the Senator from Missouri who has been very helpful and constructive in this legislation.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 10 minutes.

Mr. BOND. Mr. President, I thank the Senator for the time and also for the kind remarks. I appreciate the excellent leadership he has provided and the bipartisan nature with which he and Senator JEFFORDS brought this bill to the Senate.

It is important to take a look at the substance of what is going on in these prioritization amendments now before the Senate which deal with fiscal deadlines and requirements and, in turn, how projects should be prioritized. I hope our colleagues will listen carefully to the context of the WRDA legislation and the Corps reform.

Worthwhile projects of the Corps of Engineers should be funded. The inadequate funding of the levees in New Orleans was a bad mistake. We need to fund worthwhile levees, but the best route is not the total overhaul of the Corps and passage of the Feingold-McCain amendments, in this case, specifically, the prioritization amendment.

The Feingold-McCain amendment proposes a complete overhaul by establishing a new bureaucracy, the Water Resources Planning Coordinating Committee. We need another bureaucracy in the Federal Government like a bear needs tennis shoes. This idea is essentially a reprise of the Water Resources Council that existed during the Carter administration which was discredited due to its inability to get anything done. That is not surprising when you have members ranging from the Secretary of Health and Human Services, the Secretary of Housing and Urban Development, the Secretary of Homeland Security. These are just a few of the Cabinet members, along with others, proposed to provide review under the Feingold-McCain amendment. The Secretary of the Army is on there, not even a Cabinet position. I look forward to the Secretary of the Army, for example, providing input and review to the Department of Education on No Child Left Behind. That is essentially the same thing as having the proposed Feingold-McCain council consisting of noninterested, nontrained Cabinet members with other heavy responsibilities involved in the Corps of Engineers' very complicated 103-step process to come up with priorities and approval of projects.

Beyond a lack of interest in expertise, this council is structured for projects to fail. A meeting of the minds is very difficult. This is probably the reason such a council does not exist in any other forum. In the rare event a consensus would emerge, the 50 percent local cost share would increase to the point where communities could no longer afford to make their contributions for essential projects.

It sounds like a time-consuming, expensive, headache-producing bureaucracy to me, and I have seen them before. I can tell one when I see it. This is one area where trained experts who understand the process, from planning to construction, should be running our water project formulation process. There is a reason we rely upon those with appropriate training and expertise to develop and construct our infrastructure and safety needs. These decisions should be based on sound science, not on political judgment of people with no expertise in the area.

With thousands of projects and costs that change annually, prioritization of the projects and the process directed by Feingold-McCain would be extremely cumbersome. Achieving stability and prioritization would be nearly impossible.

The amendment Senator INHOFE and I have proposed would categorize and prioritize projects on scientifically sustainable reports. These reports will provide Congress with the necessary information to make tough values-related decisions. Our proposed approach supports and encourages a holistic approach to water resource management by considering a wide range of important factors.

Feingold-McCain fails to address multipurpose projects and thus results in inadequate cost-benefit ratios. Modernizing our locks and dams and improving our levees contribute to the entire way of American life: enhancing flood control, transportation, hydropower, water supply, and recreation. Each purpose of the project served determines demands prioritization, weighing all benefits in the analysis. And even then, how do you truly value safety and the health of human life?

Media reports and editorials have criticized and played the blame game. As a result, the Corps has received more than its share of public ridicule. What is not well publicized is the good work that the Civil Works Program of the United States Army Corps of Engineers has already done in its exhaustive inhouse budget prioritization. The Civil Works Program has the only infrastructure project analysis that is required to have cost-benefit ratios grounded in economic theory and extensive ongoing economic analysis.

From its inception, each economic water resource infrastructure project goes through multiple ''winnowing'' processes. In recent years, only 16 percent of the proposed projects generally pass on a ''national benefit,'' a positive benefit to cost ratio. Unless a project meets this threshold, the process will not allow for a favorable report of the chief of engineers.

The second winnowing is cost-share requirements where both studies and

construction require percentages of local moneys to match the amounts from the Federal Government as well as other contributions such as lands, easements, and rights-of-way.

Unless exempted by Congress, if a local cost-sharing agreement does not come forward, a project is not eligible for Federal funds.

Next is the actual budget appropriations process, which begins at the 38 districts of the Corps of Engineers 18 months before a President's budget is delivered.

Performance-based budgeting requires a highly detailed process, sorting the projects by benefits and costs and rated in a variety of categories, including risk factors for the environment, safety, security, and operations.

Each of the ''economic'' Corps projects is then subject to ''diminishing returns'' analysis that defines specific measurable performance benefits that may be gained through a number of levels of incremental funding.

In addition, unique elements or circumstances, such as judicial findings and orders, are taken into account. The recommendation is then sent to the Corps Division office that merges all district inputs into a division recommendation which goes to the Corps headquarters in Washington.

Once at headquarters, they are reviewed, merged, cross-walked, racked, stacked, jacked, and tacked, and finally nationally ranked on a benefit scale, to deliver a list to OMB.

I am exhausted—and I know my listeners are exhausted, those who are still listening—merely summarizing the current standards and the process that has to be followed—and we did not go into the 103 steps currently existing before the request even reaches Congress for appropriations.

But the Bond-Inhofe amendment goes further and categorizes and prioritizes projects scientifically and makes a supportable report to make it easier for us to make the important judgments. It is a time-consuming and extensive process already. The last thing the process needs is additional bureaucratic steps and redtape from those who have already skewed priorities and lack the expertise to make decisions.

OMB has its own criteria and priorities, with recent trend analysis showing they favor environmental restoration projects. For example, within the fiscal year 2007 construction account, only 90 out of the approximately 655 projects were accorded ''priority status'' that would allow for some level of funding.

The Feingold-McCain amendment would only add additional steps, lengthen the timetable, with fewer funded projects, the loss of jobs, and the inability to provide safety and the transportation we need.

Finally, of course, there is a congressional process where we must authorize and fund the projects. We establish our priorities, and they are contained in the amendment, the Bond-Inhofe amendment.

The Feingold-McCain amendment proposes a council that lacks the necessary expertise and adds redtape. We believe the Bond-Inhofe amendment makes sense, and it will add to what the WRDA legislation already includes: reasonable Corps reform amendments that would strike a balance, that disciplines new projects to criteria fairly applied, while addressing a greater number of water resources multipurpose priorities.

I urge my colleagues to support the Inhofe-Bond amendment and to oppose the Feingold-McCain amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I would like to thank my friends from Oklahoma and Missouri for their courtesy in the way we have been addressing these two amendments.

Mr. President, I begin by asking unanimous consent that the Statement of Administration Policy be printed in the RECORD.

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

STATEMENT OF ADMINISTRATION POLICY, JULY 18, 2006

S. 728—WATER RESOURCES DEVELOPMENT ACT OF 2006

The Administration has strong concerns with the significant overall cost of S. 728. The Congressional Budget Office has estimated that the bill as reported by the Committee would authorize nearly $12 billion in discretionary spending, and a preliminary Administration review indicates that the cost of the manager's amendment would be greater. The Administration believes the bill should establish priorities among these activities and limit new authorizations to those projects that represent the highest priorities for Federal funding within the three main Corps mission areas: commercial navigation, flood and storm damage reduction, and aquatic ecosystem restoration. The Administration is committed to maintaining fiscal discipline in order to protect the American taxpayer and sustain a strong economy.

The Administration supports the intent of the manager's amendment in the nature of a substitute to S. 728 with regard to provisions that: (1) address high-return nationally significant water resource infrastructure efforts and aquatic ecosystem restoration opportunities in coastal Louisiana and along the Upper Mississippi River; (2) protect the Great Lakes from invasive fish species; and (3) improve the Corps of Engineers recreation services by providing a financing authority similar to that proposed in the President's Budget.

The Administration is committed to restoring the Everglades in partnership with the State of Florida. S. 728 would authorize construction of the Indian River Lagoon project, a significant South Florida aquatic ecosystem restoration project. It would also authorize construction of the Picayune Strand project, which has not completed its review by the Administration. We look forward to working with Congress on these and future authorizations for this priority restoration effort.

The Administration looks forward to working with the Senate to revise this legislation so that it will accomplish our shared goals and objectives.

THE NEED FOR BASIC REFORMS

The civil works program has played an important role in developing the Nation's water resources; however, it faces several interrelated problems: (1) the Corps has a large backlog of unfinished construction work, resulting in more projects facing delays and a $50 billion cost to complete the backlog of already-authorized projects; (2) the Corps is providing funding to construct projects outside of its three main missions, which reduces the funding available for higher priority needs; and (3) the Federal government pays a substantial share of project costs, which can lead to an over-allocation of resources to build new projects and upgrade existing ones. The bill does not address, and in some cases would exacerbate, these problems.

The President's last four Budgets have outlined the direction of the reforms needed to address these and other concerns. The Administration has proposed five principles to guide Corps authorizations and appropriations, which focus on: (1) improving how the Corps formulates its water resources projects, such as through changes to the 1983 principles and guidelines for proposed Federal water resources projects; (2) limiting new construction starts to projects with a very high net economic or environmental return per dollar invested; (3) setting priorities for allocating funding among the projects with ongoing construction work in the three main Corps mission areas; (4) de-authorizing commercial navigation projects with extremely low levels of commercial use, and projects whose main purpose falls outside the three main mission areas; and (5) addressing cost-sharing.

The FY 2007 Budget proposes specific economic, environmental, and public safety performance criteria for use in establishing priorities among ongoing construction projects. The Administration supports efforts to prioritize water resources construction projects consistent with this approach, and looks forward to working with Congress to accomplish this objective.

PLANNING FUTURE PROIECTS

The bill's proposals regarding the formulation of projects would undermine efforts to improve the economic and environmental performance of future projects. Subsection 2005(e)(1)(A)(ii) would increase the ability of local project sponsors to direct the project alternatives that the Corps may consider and recommend, and could preclude consideration of other reasonable alternatives. Subsection 2005(e)(I)(B) would prohibit the use of budgetary and other policy considerations in the formulation of proposed projects. Both of these changes would erode the ability of the Executive Branch and Congress to ensure that the projects proposed for authorization are well-justified and in the national interest.

The Administration supports the independent peer review of proposed projects. Section 2007 would restrict such reviews to 90 days from the start of the public comment period, which may not provide enough time to fully consider the public comments and would preclude using these panels to assess substantial changes to the project proposed by the Corps in response to the public comments. The Administration looks forward to working with Congress on this process.

RESTRICTING THE POWERS OF THE EXECUTIVE BRANCH

The Administration strongly objects to section 2006(f)(1)(C), which would limit the

ability of the Executive Branch to properly supervise the civil works program by prohibiting anyone from giving direction to the Chief of Engineers, including Senate-confirmed Presidential appointees in the Department of Defense, regarding any Corps report on a proposed project or any related recommendations for changes in law or policy. Such a provision would hinder the President's ability to fulfill his Constitutional duties. The bill would also require the Secretary to provide his recommendations to Congress on a proposed project within 90 days of the Chiefs report, which is not adequate time for a proper review and a determination of the Administration's position. In addition, this language should be revised to request rather than require the recommendation, in keeping with the President's constitutional authority to make recommendations he determines to be necessary and expedient.

The Administration strongly objects to Section 1003(o) which conditionally preauthorizes the construction of all projects identified in a future Corps report on options for improving storm damage reduction along the Louisiana coast. Congress should not preauthorize these yet-to-be-identified projects, whose total cost is likely to be measured in the tens of billions of dollars and is not included in Congressional Budget Office estimate, before the Executive Branch, Congress, and the public have had a full opportunity to review them.

The Administration objects to Section 1003(n) which creates a new agency—the Louisiana Water Resources Council—to manage and oversee a system-wide comprehensive plan of unspecified future projects in Louisiana. This provision would circumvent the normal chain of command within the Executive Branch and thereby reduce accountability for the costs to build these projects. The provision also raises constitutional concerns with regard to the Appointments Clause.

ADEQUATE AND APPROPRIATE COST-SHARING

The Administration objects to the authorizations in the bill that would have the effect of providing unwarranted waivers or reductions in non-Federal cost-sharing requirements. The Administration strongly opposes section 2039(a), which could be read as authorizing a major shift in future project costs—potentially costing billions of dollars to the general taxpayer. In addition, for the aquatic ecosystem restoration work along the Upper Mississippi River and Illinois Waterway and in the wetlands of coastal Louisiana, the cost-share paid by the general taxpayer should be no more than 50 percent, as it is for the Everglades restoration effort.

UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY NAVIGATION

The Mississippi River is a major artery for transporting America's bulk agricultural products, and the Administration is working to keep it that way. The Administration has identified work on the Upper Mississippi River and Illinois Waterway as one of the most important Corps operations and maintenance projects. The Administration would like to work with Congress to appropriately address the navigation and ecosystem needs of this part of the inland waterway.

COASTAL LOUISIANA

The Administration recommends that the Senate revise section 1003 to provide a single generic authorization covering all studies, construction, and science work needed to support the effort to restore coastal Louisiana wetlands, including but not limited to the work envisioned in the near-term restoration plan. This would expedite the approval process for projects and their implementation while providing greater flexibility in setting future priorities. Subsection 1003(j) should also be revised to provide for only a science program, which should be run by the U.S. Geological Survey and be funded on a cost-sharing basis and through appropriations from the Corps. Moreover, section 1003(i), and several other provisions in the bill, should be revised to avoid micromanaging the internal deliberations of the executive branch, and thereby interfering with the President's constitutional duty to execute the law.

OTHER CONCERNS

The Administration also opposes certain other provisions in the bill, including:

Section 2001, which could significantly diminish accountability, nationwide consistency, and oversight of Corps projects by limiting the ability of Corps headquarters and the Secretary of the Army to review proposed agreements with local project sponsors, and could expose the Federal government to liquidated damages in the event that Congress terminates funding for a project;

Section 2014, which would establish a binding 50-year Federal commitment to the periodic nourishment of sandy beaches and which could be construed as promoting ''shore protection'' instead of storm damage reduction as the program's objective; and

Section 3067, which would lead to the use of the Bonnet Carre Spillway in ways that could be harmful to the ecosystem of Lake Pontchartrain.

The Administration looks forward to working with Congress on these and other concerns as the legislation proceeds.

Mr. MCCAIN. Mr. President, I would just like to quote from the first paragraph of the Statement of Administration Policy:

The Administration has strong concerns with the significant overall cost of S. 728. The Congressional Budget Office has estimated that the bill as reported by the Committee would authorize nearly $12 billion in discretionary spending, and a preliminary Administration review indicates that the cost of the manager's amendment would be greater. The Administration believes the bill should establish priorities—

I repeat: ''The Administration believes the bill should establish priorities''—

among these activities and limit new authorizations to those projects that represent the highest priorities for Federal funding within the three main Corps mission areas: commercial navigation, flood and storm damage reduction, and aquatic ecosystem restoration.

The first paragraph of the administration's Statement of Administration Policy emphasizes their belief that this legislation should establish priorities amongst these activities. That is what this amendment is about. It is exactly that. The amendment is designed to help Congress make clear and educated decisions on which Army Corps projects should be funded based on our Nation's priorities.

I am pleased to be joined by Senators FEINGOLD, LIEBERMAN, and FEINSTEIN in offering this important amendment to the Water Resources Development Act.

Last August, this Nation witnessed a devastating national disaster. When Hurricane Katrina hit, it brought with it destruction and tragedy beyond compare; more so than our Nation has seen in decades. Almost a year later, the gulf coast region is still trying to rebuild and there is a long road ahead. We learned many lessons from this tragedy, and, as our Nation continues to dedicate significant resources to the reconstruction effort, we must ensure that those resources are being used in the most effective and efficient manner as possible. It is time the Congress takes a hard look at how our scarce Army Corps dollars are being spent overall and whether they are actually going to the most necessary projects.

Our current system for funding Corps projects is not working. Currently, projects are submitted by Members of Congress for funding without having a clear picture of how that project affects the overall infrastructure of our Nation's waterways or where it fits within our national waterways priorities.

Too often, it is a Member's seniority and party position that dictates which projects are funded and which ones will join the $58 billion backlog. Mr. President, I repeat, we have a $58 billion backlog of projects. And the bill before us is going to add another $12 billion in projects to the backlog. Do you know how much funding the Corps receives annually? Two billion dollars. So if you have $70 billion, and we are annually allocating $2 billion, that is 35 years. It is 35 years before any project that is on this list is funded.

Clearly, without a prioritization, that opens itself up to no way that we would have a way of determining which project is most important and which is not. There is no way to know which projects warrant these limited resources because the Corps refuses to give Congress its views on which projects are necessary. In fact, even when Congress specifically requests a list of the Corps' top priorities, it is unable to provide it. Remarkable. Remarkable. Unfortunately, the underlying bill does not address this problem.

To help my colleagues fully understand the extent of this problem, let me quote Representative HOBSON, chairman of the House Energy and Water Appropriations Committee, from his statement on the House floor on May 24, 2006:

Last fall, we asked the Corps to provide Congress with a ''top 10'' list of the flood control and navigation infrastructure needs in the country. The Corps was surprisingly unable or not allowed to respond to this simple request, and that tells me the Corps has lost sight of its national mission and has no clear vision for projects it ought to be doing in the future . . . . frankly, what is still lacking is a long-term vision of what the Nation's water resources infrastructure should look like in the future. ''More of the same'' is not a thoughtful answer, nor is it a responsible answer in times of constrained budgets.

This amendment is designed to address this problem and shed light on the funding process. It allows both Congress and the American people to have a clear understanding of where our limited resources should be spent.

The amendment will tap a multiagency committee created in the underlying bill. It will direct that committee to review Corps projects that are currently under construction or have been authorized during the last 10 years.

These projects would be evaluated by several commonsense, transparent criteria. They would also be divided and judged within their own project category, such as navigation, flood and storm damage reduction, and environmental restoration. Each project category would be broken into broad, roughly equal-sized tiers, with the highest tiers including the highest priority projects, and on down the ladder. This advisory report would then be sent to Congress and be made available to the public.

Some have said this amendment relinquishes congressional authority to the executive branch. That is a false allegation. The prioritization report is an effort to inform Congress, but it does not dictate spending decisions—just as the Department of Defense sends our authorizing committee, the Armed Services Committee, their priorities. Without knowing their priorities, how in the world can we know how to spend the dollars?

To more fully understand the need for a prioritization system, let's consider funding for Louisiana in the fiscal year 2006 budget. The administration's budget request included 41 line items or projects solely for Louisiana that totaled $268 million. That works out to $6.5 million per project, on average. The House Energy and Water appropriations bill included 39 line items or projects totaling $254 million—again, in the neighborhood of $6.5 million per project. The Senate bill included 71 line items or projects, to the tune of $375 million—averaging out to $5.3 million per project.

So while even more money was proposed for Louisiana under the Senate version, individual projects would receive less money, and, inevitably, this would result in delays in completing larger projects. So this really does come down, once again, to real-world consequences of earmarking. Communities actually lose under this earmarking practice.

Can we really afford long, drawn-out delays on flood control projects that people's lives depend on simply because too many Members are fighting for a small pool of money with no real direction? We need some kind of direction, clear understanding and guidance for funding Corps projects. While more money may ultimately be going to a State, if it is being parsed via earmarking in an appropriations bill, we will not be able to make significant progress on any project.

Ultimately, without guidance, Congress is able to cram as many projects as possible into appropriations bills while contending that each project is as important as the next. Drawing out completion on all of these projects puts people's lives in danger and is unacceptable.

Some may believe that under this amendment smaller projects will lose out. However, the size of the project has no impact on the prioritization system. In fact, this objective system will help find the hidden gems in the Corps project list and highlight their strengths to Congress.

It is time we end this process of blind spending, throwing money at projects that may or may not benefit the larger good. It is time for us to take a post-Katrina look at the world and decide whether we will learn from our experiences over the last year or whether we are content to continue business as usual.

Shouldn't we be doing all we can to reform the Corps and ensure that most urgent projects are being funded and constructed or are we more content with needless earmarks—too often at the expense of projects that are of most need?

As stated in a letter signed by the heads of the Taxpayers for Common Sense Action, the National Taxpayers Union, and the Council for Citizens Against Government Waste, in support of our amendment:

> Enough is enough . . . we need a systematic method for ensuring the most vital projects move to the front of the line so limited taxpayer funds are spent more prudently.

The Corps procedures for planning and approving projects, as well as the congressional system for funding projects, are broken. But they can be fixed. The reforms in this amendment are based on thorough program analysis and common sense. And let me be clear: A vote against this amendment is a vote against Government transparency and accountability. This amendment is a step toward a more informed public and a more informed Congress. We owe the American public accountability in how their tax dollars are spent.

I commend Senator FEINGOLD for his efforts to build and improve upon the Corps reforms we have explained before. Corps modernization has been a priority that Senator FEINGOLD and I have shared for years, but never before has there been such an appropriate atmosphere and urgent need to move forward.

I also thank Senators INHOFE and BOND for working with us throughout this process and helping us to incorporate many commonsense changes into the larger bill. While I still have concerns with the underlying bill, and particularly the number of projects that would be authorized, I hope that by adopting this amendment we can move this bill in a direction that will truly benefit the Nation.

I want to share with my colleagues not only the administration's support for this important prioritization amendment, it also has been endorsed by many outside groups, including Taxpayers for Common Sense Action, National Taxpayers Union, Citizens Against Government Waste, American Rivers, National Wildlife Federation, Earthjustice, Environmental Defense, Republicans for Environmental Protection, Sierra Club, and the World Wildlife Fund. And it has been positively commented on by the Heritage Foundation. The vote on this amendment will be key voted by the Taxpayers for Common Sense Action, National Taxpayers Union, Council for Citizens Against Government Waste, and the League of Conservation Voters.

We are also considering side by side the Inhofe-Bond amendment. As I have mentioned before, their version would be prepared by the Corps, controlled by the Corps, evaluated by the Corps, and reported by the Corps, locking out input from other relevant water resources agencies such as the Department of Homeland Security. That amendment, unlike my amendment, only looks at likely construction projects, forces the Corps to review every single project in its $58 billion backlog, soon to be $70 billion with the passing of this bill. It would also create a vague need to fund a relative rating system that does not require any final analysis or ranking. This would lead to an argument over semantics rather than quality of a project. Members would come to the floor to argue that the criteria that their project scored well in is the most important criteria, whereas another Member would be arguing for another criteria because their project scored well in that area. This system would only lead to further confusion over the worth of individual projects and distract Congress from the job at hand. Further, this system would use criteria clearly devised to skew ratings toward particular types of Corps projects. How would an environmental restoration project ever score well on a criteria designed to weigh a project's ability to lessen our dependence on foreign oil? How would a flood and storm damage reduction project do being judged by this criteria that is in the amendment, pollution reduction benefits associated with using water as a method of transportation of goods?

Additionally, the Inhofe-Bond amendment would require the rating report to be delivered only to the authorizing committee, thus sending the signal that this information is not intended to help set funding priorities and not intended to be transparent for the public. I urge my colleagues to oppose the amendment.

I point out again the problem we have here: $70 billion, $2 billion spent every year. That makes for $70 billion worth of authorized projects, $2 billion can be spent each year. That makes for some pretty ferocious competition. I think it is very important that we put some kind of prioritization into this kind of process; otherwise, it will be very hard for us to understand what is being done. But more importantly, it is certainly not clear that the projects that need the priority will receive them.

I ask unanimous consent that a memo published by the Heritage Foundation on this issue be printed in the RECORD.

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

[From the Heritage Foundation, July 19, 2006]

IMPROVING THE PERFORMANCE OF THE U.S. ARMY CORPS OF ENGINEERS

(By Ronald D. Utt, Ph.D.)

The extensive flooding of New Orleans caused by several breaks in the levee system during Hurricane Katrina led to an extensive debate about the performance of the Army Corps of Engineers in protecting Americans from natural disasters. In the months following Katrina's assault on the Gulf Coast, many public officials, civil engineers, and policy analysts began to question both the quality of the Corps' work and the spending priorities Congress imposes on it. In particular, there is considerable evidence that lobbyists and Members of Congress systematically redirect Corps' spending for the benefit of influential private interests at the expense of essential flood control and protection. An amendment proposed by Senators John McCain (R–AZ) and Russ Feingold (D–WI) would create an independent commission to review select Corps projects. This would be a major step towards reform of the Corps.

As a Heritage Foundation Backgrounder and the Washington Post have recently reported, a substantial portion of Corps spending supports harbor and channel maintenance that benefit specific shipping companies, new irrigation projects that benefit crops like rice that already receive extensive federal subsidies from the Department of Agriculture, recreational boating facilities, and beach replenishment programs to enhance the value of seaside vacation homes. As a result of these diversions to low-priority purposes, Corps' spending on flood and storm protection have accounted for only about 12 percent of its budget in recent years.

Absent any formal mechanism to rate Corps projects and establish priorities for investments that benefit ordinary Americans, not just lobbyists and special interests, the Corps will continue on the same ineffective course that contributed to last year's disaster in New Orleans. And with the Corps already working under a 35-year backlog of projects totaling $58 billion, these management deficiencies will persist for decades.

Senators John McCain and Russ Feingold propose to remedy this deadly deficiency with an amendment to the Water Resources Development Act that would require independent peer review if a project costs more than $40 million, the Governor of an affected state requests a review, a federal agency with statutory authority to review a project finds that it will have a significant adverse impact, or the Secretary of the Army determines that a project is controversial. Their amendment would also require an independent safety review for flood control projects involving issues of public safety. While the McCain-Feingold proposal is a big step in the right direction, the independent review commission should also be encouraged to comment on the Corps' broad resource allocations to ensure that priority projects involving issues of public safety are not delayed because of diversions to beach resorts, environmental remediation, and irrigation crops already in substantial surplus.

Mr. MCCAIN. The Heritage Foundation memo says:

Absent any formal mechanism to rate Corps projects and establish priorities for investments that benefit ordinary Americans, not just lobbyists and special interests, the Corps will continue on the same ineffective course that contributed to last year's disaster in New Orleans. And with the Corps already working under a 35-year backlog of projects totaling $58 billion, these management deficiencies will persist for decades.

I hope my colleagues on this side of the aisle who almost always pay close attention to the Heritage Foundation and their findings will pay attention to this one as well.

I again thank my friend from Oklahoma for his courtesy in consideration of this amendment.

I reserve the remainder of the time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it further demonstrates that people can have honest disagreements. I look forward to responding to some of the comments that were made by the Senator from Arizona.

I yield 7 minutes to the Senator from Missouri, Mr. TALENT.

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

Mr. TALENT. I thank the chairman for yielding and compliment him and Senator BOND for their work in getting the Water Resources Development Act on the Senate floor finally. It has been literally years getting it here. I think it is a very important measure. Transportation infrastructure is very important. If we are going to maintain our global competitiveness, our economic growth, we have to be able to get goods from one place to another. We have to be able to protect people from natural disasters. We have to control and use the water resources this Nation is blessed with, and we cannot do it without this bill.

I want to address specifically the provisions in the bill that authorize the modernization of locks and dams on the upper Mississippi River—locks and dams which, if they were people, would be old enough to collect Social Security; locks and dams which are so small relative to the needs of modern transportation that barges must routinely be broken down into two halfs, in essence, before they can go through the locks and dams; locks and dams which are in such need of maintenance that you can take a picture of one and then come back and take a picture of the same lock a month later and you will find that concrete has literally fallen off it.

The case for river transportation is so strong, it is a matter of common sense. It is a cheap, environmentally sound method of moving goods. I say inexpensive because it costs roughly a third of the cost of shipping by rail; environmentally friendly because one medium barge tow can carry the same freight as 870 traffic trail trucks. So obviously, by fixing locks and dams, we can relieve highway congestion, reduce shipping costs, reduce fuel consumption, and we can reduce air emissions. We will also create jobs.

The construction of new 1200-foot locks and lock extensions will provide more than 48 million man-hours of employment over the next 10 to 15 years. We can also move the country's goods more efficiently. Sixty percent of the country's corn exports, 45 percent of soybean exports go on the Mississippi River to their destination. It is absolutely important to the transportation of coal, steel, and concrete. We have a new concrete facility going into Sainte Genevieve, MO. It was a number of years before they were able to begin building it, but they have. The reason that plant is going in there is because the river is there, because they can bring products in and they can move products out. It is vitally important that we do this. We have been waiting a number of years. We are at least going to be able to authorize doing it in this bill. We then have to fund it.

I want to say a few words about what I think is the most important issue regarding our Nation's transportation infrastructure, and that is less about how we prioritize than whether we are going to build it at all. Transportation infrastructure is absolutely crucial to the competitiveness and future of any economy. Other nations know that. That is why they are building it. Brazil, for example, which is certainly not a country with an economy as prosperous as ours, is building water transportation infrastructure. I know people are concerned about the revenues of the Federal Government and about the deficit. I certainly am as well. But that is not a reason to avoid investments in capital infrastructure. If you are a homeowner and you have a hole in your roof, you have to fix the hole in the roof. You have to fix it somehow because it doesn't go away if you don't fix it. It gets worse. Then it costs more when you finally do decide to fix it.

We have been talking about priorities. It is certainly reasonable to discuss how we are going to prioritize the projects that we have backlogged. But I note with interest that both sides seem to agree that after this bill passes, if it passes, we will have $70 billion in backlogged projects and evidently $2 billion a year to spend on them. I wonder if anybody else noted the irony of that. We are arguing about how to prioritize $2 billion, when we have $70 billion in backlog. Perhaps we ought to be arguing about how we can reduce the backlogs faster by finding more money. Unless somebody is aware of some technology that is going to allow us to transport goods across the country other than through rivers or rail or trucks, we had better figure out how we are going to fix this, and we had better figure it out fast.

A lot of people who are concerned—I don't mean here in the Senate so much but over in the Office of Management and Budget—about passing trade agreements will reassure us that it is OK to have trade agreements with other countries, even though they have lower wage levels, because they say we are

competitive anyway because we have a better financial system, a better telecommunications systems, and we have a better transportation system. Then the same people begrudge every attempt to invest in the transportation system. The reality is that however we prioritize the money, we are falling behind every year. In 10 or 15 years from now, maybe sooner, we are going to have fallen so far behind, we will never be able to catch up. When the next generation does not have the transportation infrastructure they need to be competitive, as we had because the earlier generation gave it to us, I don't think we will be able to explain it away by saying we were arguing over how to prioritize it. I think they will want to know how we are going to build it. Because right now, however you prioritize it, we have a heck of a lot more priorities than we have money to spend. I hope we can put a little bit of the energy that we are now putting into prioritization—and I don't begrudge anybody the debate over this—into how we are going to fund the transportation infrastructure that this generation and the next generation needs before the Chinese fund theirs and the Third World countries fund theirs, and our people are out in the cold.

I thank the Senator from Oklahoma for his efforts and for yielding.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I yield 5 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 5 minutes.

Mr. NELSON of Florida. Mr. President, under Senate rules, I ask unanimous consent that I be allowed to show a prompt on the Senate floor, a bottle of water.

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

Mr. NELSON of Florida. Mr. President, this is the bottle. This is a glass of clean water that is put on our desk to drink. This is the bottle of water that I scooped up out of the Saint Lucie River which is one of the estuaries that will be dealt with in this Water Resources Development Act that we are now considering. You can see the dramatic difference between the two. This one is laden with algae and with all kinds of particulates. This is the kind of clean water that we would like our rivers and estuaries to be.

Thank goodness we have this bill and we are going to pass it. It is going to address these kinds of problems. Specifically in this bill is the Everglades restoration and two important projects, the Indian River Lagoon, from which this water came. It is the Saint Lucie River estuary that leads into the Indian River. You can see why that estuary is messed up. When I went out there and scooped up this bottle of water, it was a dead river. That river, the Saint Lucie, flows into the Indian River, which is not a river, it is a lagoon. It is a bay. This Senator grew up on the banks of the Indian River.

Where I grew up, there are the pelicans diving for fish because there are plenty of fish. There is Mr. Osprey up there swooping down and getting his dinner. You look up in that dead pine tree and there is old Mr. Eagle. He is up there waiting for Mr. Osprey to go down and scoop up and get his dinner. Then Mr. Eagle is going to take off after Mr. Osprey, and Mr. Osprey is going to drop that fish and Mr. Eagle is going to swoop it up. That is going to be his dinner. Yet there is nothing out there in a river that has water like this—no pelicans, no bird life. You cannot even see it. You can see the density of this water. You cannot even see below the surface of the water. Thank goodness we have up this WRDA bill. This bill also is going to authorize the Fakahatchee Strand and the waters that dump into the St. Lucie, like this to the east of Lake Okeechobee, dumped into the Caloosahatchee River to the west, and a similar kind of water goes out to tidewater in the Gulf of Mexico to the Caloosahatchee River. This is what we are going to correct with this WRDA bill.

And, also, we are going to—in the managers' package they have accepted an amendment that the two Senators from Florida have offered, which is to get an examination of this report that came out about a 70-year-old dike that rings Lake Okeechobee; 40,000 people live in the vicinity of the perimeter of Lake Okeechobee, and the report predicts there is a one-in-six chance of dike failure with each year that passes. So we are getting an emergency examination and report in this bill of the sanctity and security of that dike, with all of those lives that are at stake.

Overall, all of this is so important for us. This is the greater part of a 20-year project of the restoration of the Everglades, the river of grass, which for over a half century we have messed up by diking and draining and sending this water of Mother Nature out to tidewater, instead of preserving it for what it was intended by Mother Nature—to keep flowing south through the Everglades and ultimately out into the Florida Bay.

I am so grateful that the leadership on both sides of the aisle has brought this bill to the floor. It is with great joy that I will be voting for this legislation.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I yield myself such time as I may consume.

Mr. President, the Water Resources Development Act is critically important for our nation because it provides our States and local jurisdictions with the support they need to manage their water resources, and improve flood and storm control damage protection.

The Senate's passage of this legislation maintains our commitment to the protection of our rivers, streams and lakes.

And it also maintains our commitment to protect our aquatic ecosystems, which are so delicate and yet so vital to critical species.

I am proud that the Senate will pass a good, comprehensive bill that also includes key coastal restoration and hurricane projects to further assist the rebuilding efforts in the State of Louisiana following Hurricanes Katrina and Rita.

I am also very proud that my State of Vermont will receive important project authorizations, including restoration programs for the upper Connecticut River; the repair, remediation and removal of small dams throughout the State; and the construction of a dispersal barrier to protect Lake Champlain from invasive species.

As we stand on the verge of passing the Water Resources Development Act, I would once again like to thank Chairman INHOFE for his leadership. We would not be at this point without his persistence and hard work.

I would also like to thank Senators BAUCUS and BOND for their hard work in advancing this bill.

Mr. President, it may have taken us six long years to get here, but the impact of this bill will be felt for decades to come.

I urge my colleagues to support this bill as it moves through conference.

Mr. President, I yield 3 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 3 minutes.

Ms. LANDRIEU. Mr. President, I had to come to the floor and speak briefly and thank the ranking member and the chairman for their extraordinary help in crafting this bill to help meet the needs of Louisiana's vanishing coast. This coastline just doesn't belong to Louisiana, it belongs to the Nation. It is America's last coastal zone, with millions of acres of wetlands that serve as hosts of the oil and gas industry and that cradle, if you will, the great Mississippi River, which is the greatest river system on the North American Continent. It provides for the extensive fisheries industry.

This is a picture of southeast Louisiana. But if you head southwest, it is also host to major river systems, the Calcasieu Ship Channel, et cetera. This coast is threatened. This is a pretty extraordinary graph that we found recently, which shows the track of every major hurricane since 1955. The blue line is the track of Hurricane Rita, a category 4 to 5 hurricane. Katrina is the yellow line that went through the eastern part of our State, and then, of course, Rita on the western part on the Texas-Louisiana line.

This gulf coast is America's only energy coast. All of the oil and gas offshore is produced right here. Most of the refineries, platforms, et cetera, are beside these great wetlands. This bill is going to make substantial investments

along this coastline to keep our river open, to keep our ports operating, to protect these wetlands, and to help create a stronger barrier.

Obviously, we need to be doing this all over the country, this Atlantic coast. There is money for that as well. Of course, I am not as familiar with those projects. I can tell you that this WRDA bill—of course, my partner and colleague, Senator VITTER, is on the authorizing committee, and he deserves a tremendous amount of credit for his work.

I wanted to say that the ecosystem project of Louisiana's coastal area is funded, as well as significant navigation and hurricane protection and wetlands restoration projects. In addition, there are some innovations important to America. There are some new technologies that will allow us to protect these areas, to build stronger levees, to protect this coast with better materials that cost less—way less—and we can stretch the dollars in this bill far more than we have been able to do in the past because although this is a very large bill with a $10 billion authorization, it is not enough, as some of our colleagues have said.

Mr. President, the technology—and we will soon send to the RECORD an example of the technologies—will help us to make these projects stretch. I thank the ranking member for his courtesy and the chairman for all of his help.

Mr. INHOFE. Mr. President, I yield 5 minutes to the junior Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I rise, too, in strong support of this WRDA bill with my Louisiana colleague and many others because of the enormously important work it will do for the country, including the State of Louisiana, particularly after the devastating hurricanes of Katrina and Rita.

I, too, thank the chairman of the Environment and Public Works Committee, Chairman INHOFE, and the ranking member, Senator JEFFORDS, and Senators BOND and BAUCUS, and everybody who has made this very important bill possible, including our great staff, including Angie Johncarlo, Ruth VanMark, Letmon Lee, Stephen Aaron, Catharine Ransom, and Jo-Ellen Darcy. I thank them all for their hard and, in so many cases, their ongoing work.

This bill is vitally important to the country and is vitally important to Louisiana, and it was before 2005. It was important before Hurricanes Katrina and Rita, but it is 10 times more important after those devastating storms and in light of our continuing and increasing needs following those storms.

I want to highlight some very important aspects. One is fundamental Corps reform, which is important, which will get done one way or another in this bill. Now, in terms of Corps reform, I favor the model of Chairman INHOFE. I also point out that I have been working, with his help and the help of many others, on a Louisiana water resources council to ensure proper oversight, vetting, review, and ongoing outside independent expert review of all of the projects in the Louisiana hurricane area.

That concept was first embodied in a separate stand-alone bill that I introduced on March 15 as S. 2421. I am happy to say that through a managers' amendment it will be included in all substantial and major ways in this WRDA bill. It is very important to bring outside expertise to bear to review on an ongoing basis, to do that peer review for those projects and to integrate those projects into an overall plan for our Louisiana coast.

There are other important needs that the bill meets. The comprehensive hurricane, flood, and coastal protection program is fully authorized in this bill. Immediately, it authorizes 5-year near-term coastal restoration projects and will exceed $1.2 billion, establishes a science and technology program of at least $500 million, requires consistency and integration in all of the programs, and makes sure they work together.

Other crucial Louisiana needs addressed in the bill are hurricane protection for Terrebonne and Lafourche. The bill authorizes the Morganza to the gulf hurricane protection project that has been ready for 3 years now. This is long overdue and it finally comes in this important WRDA bill, addressing the travesty of the Mississippi River Gulf Outlet, MRGO, fixing that environmental disaster and making sure that the negative impacts of it, as we saw through Katrina, never happen again. And other crucial needs are addressed, such as the Port of Iberia, Vermillion hurricane protection, east Baton Rouge, Red-Ouachita River Basin, Atchafalaya Basin, Calcasieu River and Pass, Larose to Golden Meadow, Vidalia Port, and St. Charles. They are all directly met in this bill.

Again, I thank the chairman, the ranking member, and others on the committee for their leadership to meet these crucial Louisiana needs and certainly these crucial national needs. I strongly and fully support the bill.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time. The Senator from Wisconsin.

Mr. FEINGOLD. I yield myself time off of the McCain-Feingold prioritization amendment.

I rise in strong support of the McCain-Feingold prioritization amendment. I am pleased to be a cosponsor. As Senator MCCAIN points out, it recognizes we must respond to the tragedy of Katrina and to our current flawed planning process by making sure that limited taxpayer dollars go to the most worthy water resources projects.

That doesn't sound like a lot to ask. As we all know, our Nation is staring down deficits that just a few years ago were unimaginable. We have a backlog of $58 billion in projects that are authorized but not built, and that number will be closer to $70 billion when this bill passes. Clearly, we need some way of identifying projects that are most needed.

Right now, Congress does not have any information about the relative priority of the current massive backlog of unauthorized projects, and we don't have any way of evaluating the relative priority of the new projects. What we do have is individual Members arguing for projects in their States or districts but no information about which projects are most important to the country's economic development or transportation systems or our ability to protect our citizens and our property from natural disasters.

Our current prioritization process is not serving the public good. The McCain amendment would make sure Congress has the tools to more wisely invest limited resources while also increasing public transparency in decisionmaking. It does so by utilizing an interagency task force set up in the underlying bill, the Water Resources Coordinating Committee, to evaluate likely Corps projects in three different categories: flood damage reduction, navigation, and ecosystem restoration. The committee will establish broad national priorities to apply to those projects.

The amendment sets out minimum requirements that projects in each category have to meet, so that, for example, flood reduction projects must be evaluated in part whether they reduce the risk of loss of life. But the committee is free to consider other factors as long as it is clear about which factors it is considering.

Projects in each of these project types will be placed in tiers based on how great a priority they represent, and this information will be provided to Congress and the public in a nonbinding annual report. That is it. Congress and the public get information to help them make decisions involving millions—or even billions—of dollars. Surely that isn't too much to ask.

Modernizing all aspects of our water resources policy will help restore credibility to a Federal agency that is plagued by public skepticism in the wake of Katrina. The Corps has admitted serious design flaws in the levees it built in New Orleans, and it is clear that the Corps' mistakes contributed significantly to the damage New Orleans suffered.

I can tell you, when I was down in New Orleans just last week, even more than complaints about FEMA, I heard complaints about the Corps. And just as we have worked as a body to improve FEMA, we need to work to improve the Corps. Our constituents and the people of New Orleans deserve no less.

The Corps does important work. The real problem, as the senior Senator

from Arizona points out, that this amendment seeks to get at is us in Congress. Congress has long used the Army Corps of Engineers to facilitate favored pork-barrel projects, while periodically expressing a desire to change its ways. If we want to change our ways, we can start by passing the McCain prioritization amendment which will help us make sure the Corps continues to contribute to our safety, environment, and economy, without wasting taxpayer dollars.

The Inhofe-Bond so-called prioritization amendment does not accomplish that. In fact, that competing amendment would do nothing more than create a bureaucratic nightmare. It would require every project in the $58 billion backlog to be rated. Even the Corps admits there are many projects in the backlog that will never be built. Some of the projects being deauthorized in this WRDA bill were first authorized in the 19th century. So why would we expend such time and resources evaluating projects that have no chance of being built? We can prioritize in a smarter, more manageable way.

Their amendment creates an ill-defined relative rating system for criteria but doesn't require any final analysis or ranking. How is that going to help us decide where to allocate taxpayer dollars? It won't. The relative rating system is nothing more than a throwaway single line with no substance.

What is most telling is that there is no provision to allow for the information to be made available to the public so they can look over our shoulders and make sense of whether our decisions about national water resource priorities make sense.

Furthermore, their amendment, rather than using impartial criteria on which to weigh projects, would use criteria which would be applied across project types and which appear to be reverse-engineered to elevate inland navigation projects: for example, criteria such as ''availability cost alternate transportation methods relating to the project''; ''[R]eduction of dependence on foreign oil associated with using water as a method of transportation of goods''; ''pollution reduction benefits associated with using water as a method of transportation of goods.''

These criteria serve to elevate generically inland navigation projects at the expense of flood and storm damage reduction projects and environmental restoration projects.

Obviously, I do not have an issue with inland navigation projects.

The PRESIDING OFFICER. The time on the amendment has now expired.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I may continue under the remaining time on the bill.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Reserving the right to object, I inquire as to how much time remains.

The PRESIDING OFFICER. The amount of time combined is 10 minutes 58 seconds under the control of Senator INHOFE and 2 minutes 41 seconds under the control of the Senator from Vermont.

Mr. INHOFE. No objection.

The PRESIDING OFFICER. Who yields time? Does the Senator from Vermont or the Senator from Oklahoma yield? Does the Senator from Vermont yield time?

Mr. INHOFE. That is correct, I do not yield time. I just don't object to his using some of the time on the bill.

The PRESIDING OFFICER. The Senator from Vermont yields time.

Mr. FEINGOLD. I thank my colleagues.

The Mississippi River is a critical artery for Wisconsin and national commerce, and many other rivers serve the same role. However, I do take issue with the process that uses broadly applied criteria that will obviously only be met by a small subset of projects at the expense of other valuable project types that fall within the mission area of the Corps of Engineers.

Lastly, if any of my colleagues are tempted to vote for the Inhofe-Bond alternative, I encourage them to take a close look at it. It is clearly designed to look more substantial than it really is because in a nine-page amendment, four pages are dedicated to simply reinserting the same language on a fiscal transparency report that the amendment initially deleted.

Unfortunately, the existing inadequate, opaque funding process is better than the prioritization process created by the Inhofe-Bond amendment. A deliberately flawed and skewed prioritization system would be more harmful than the current ineffective one. As such, whatever one's position may be on the McCain-Feingold-Lieberman-Feinstein amendment, I strongly encourage my colleagues to oppose the Inhofe-Bond prioritization amendment.

I certainly thank my colleagues for the additional time, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, I yield myself such time as I may consume. It is my intention to yield back some time. We have some colleagues we want to accommodate. I think if I do that, time will also be yielded back from the other side.

While I don't agree with those who tried to argue that there are currently no prioritization projects, I do acknowledge that we can do a better job. That is exactly what the Inhofe-Bond amendment will do.

The administration has priorities right now. They can set priorities. It is called the budget. The administration sets its funding priorities through the President's budget request. For the last couple of fiscal years, President Bush has relied on a measure called the remaining benefit-remaining cost ratio.

The Inhofe-Bond amendment requires the Corps of Engineers to provide critical and easy-to-understand information to Congress that can then be used to make tough budgetary decisions that we have to make when the funds are so limited.

The amendment sets out four national priorities—I mention this because this contradicts something said by the Senator from Wisconsin: No. 1, to reduce the risk of loss of human life and risk to public safety; No. 2, to benefit the national economy; No. 3, to protect and enhance the environment; and No. 4, to promote the national defense.

Let me just say in closing that no one can vote either for their amendment or against our amendment saying that one of them is going to be spending more money or there is pork. It is a wash. They are both the same. Voting for the Inhofe-Bond amendment is not going to reduce the amount of money that is going to be spent on projects or voting for the other amendment is not going to do that, either. Not one of these is a large spending bill or a small spending bill. I would like to get that out of the way.

Our amendment sets out our national goals. The Corps is directed to develop a relative ranking system to report how well each project meets these four priorities.

I really think enough has been said on this issue. I am prepared at this point, if the other side is, to yield back and accommodate some of our colleagues. I do so at this time.

Mr. JEFFORDS. Mr. President, first, I commend my partner for the cooperation we have had on this bill.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to amendment No. 4684, the McCain amendment.

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The result was announced—yeas 19, nays 80, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—19

Alexander	DeWine	Lieberman
Bingaman	Dodd	McCain
Brownback	Ensign	Nelson (FL)
Burr	Feingold	Sununu
Chafee	Gregg	Voinovich
Coburn	Kyl	
DeMint	Landrieu	

NAYS—80

Akaka	Biden	Cantwell
Allard	Bond	Carper
Allen	Boxer	Chambliss
Baucus	Bunning	Clinton
Bayh	Burns	Cochran
Bennett	Byrd	Coleman

Collins	Isakson	Reid
Conrad	Jeffords	Roberts
Cornyn	Johnson	Rockefeller
Craig	Kerry	Salazar
Crapo	Kohl	Santorum
Dayton	Lautenberg	Sarbanes
Dole	Leahy	Schumer
Domenici	Levin	Sessions
Dorgan	Lincoln	Shelby
Durbin	Lott	Smith
Enzi	Lugar	Snowe
Feinstein	Martinez	Specter
Frist	McConnell	Stabenow
Graham	Menendez	Stevens
Grassley	Mikulski	Talent
Hagel	Murkowski	Thomas
Harkin	Murray	Thune
Hatch	Nelson (NE)	Vitter
Hutchison	Obama	Warner
Inhofe	Pryor	Wyden
Inouye	Reed	

NOT VOTING—1

Kennedy

The amendment (No. 4684) was rejected.

Mr. STEVENS. 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.

VOTE ON AMENDMENT NO. 4683

The PRESIDING OFFICER (Mr. SESSIONS). The question now is on agreeing to the amendment of the Senator from Oklahoma, Mr. INHOFE.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 211 Leg.]

YEAS—43

Alexander	DeMint	Nelson (NE)
Allard	Dole	Roberts
Allen	Domenici	Santorum
Bennett	Enzi	Sessions
Bond	Frist	Shelby
Bunning	Grassley	Smith
Burns	Hagel	Specter
Burr	Hatch	Talent
Chambliss	Hutchison	Thomas
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Coleman	Lott	Voinovich
Cornyn	Lugar	Warner
Craig	Martinez	
Crapo	McConnell	

NAYS—56

Akaka	Ensign	Menendez
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murkowski
Biden	Graham	Murray
Bingaman	Gregg	Nelson (FL)
Boxer	Harkin	Obama
Brownback	Inouye	Pryor
Byrd	Jeffords	Reed
Cantwell	Johnson	Reid
Carper	Kerry	Rockefeller
Chafee	Kohl	Salazar
Clinton	Kyl	Sarbanes
Collins	Landrieu	Schumer
Conrad	Lautenberg	Snowe
Dayton	Leahy	Stabenow
DeWine	Levin	Stevens
Dodd	Lieberman	Sununu
Dorgan	Lincoln	Wyden
Durbin	McCain	

NOT VOTING—1

Kennedy

The amendment (No. 4683) was rejected.

Mr. BOND. I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. COBURN). The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I ask unanimous consent that the managers' amendment at the desk be agreed to and the motion to reconsider be laid upon the table.

Mr. JEFFORDS. This amendment has been cleared on our side.

The PRESIDING OFFICER. Is there an objection?

Mr. MCCAIN. I object.

The PRESIDING OFFICER. The objection is heard.

REMOVAL OF MARINE CAMELS

Mr. WARNER. Mr. President, I seek recognition to engage in a colloquy with the distinguished manager of this bill, Senator INHOFE, and the distinguished Senator from Rhode Island, Mr. REED, pertaining to a provision that would clarify that funds from the Department of Defense account for environmental remediation at formerly used Defense sites may be used for the removal of abandoned marine camels at any formerly used Defense site under the jurisdiction of the Department of Defense.

First, perhaps for those who are not familiar with marine and naval terminology, it would be useful to point out that a ''marine camel'' is nothing more than a large timber fender. These wooden fenders, or bumpers, are of the type that have been used since the days of sail to cushion a ship as it lays alongside a pier, or to act as a buffer between two or more ships when they are tied up alongside each other, either at a pier, a mooring, or at anchor. The purpose of the camel is to prevent damage to a ship or a pier that would otherwise occur when a ship rocks against a pier or against another ship due to shifting tides, currents, wakes from passing ships, and so forth.

The problem this provision seeks to solve is that over the many years these marine camels have been in use at naval facilities, marine terminals, and moorings controlled and operated by the Department of Defense, they have been lost, sunk, or otherwise have become hazardous debris, often containing hazardous substances, in the waters and on the shores of formerly used Defense sites in Narragansett Bay.

The purpose of this colloquy is to establish that the provision that has been included in the Water Resources Development Act is not an expansion of existing authority. This provision is clear that use of Department of Defense funds is linked to formerly used Defense sites that are under the jurisdiction of the Department of Defense. Therefore, this provision clarifies but does not expand the authority or responsibility of the Department of Defense to undertake environmental restoration.

Mr. INHOFE. My colleague on both the Armed Services and Environment and Public Works Committees is correct. This Water Resources Development Act provision is simply to clarify existing authority. The other bill managers and I were informed that there was some confusion as to whether funds from the Department of Defense environmental remediation account for formerly used Defense sites could be used to remove abandoned marine camels located in the waters of formerly used Defense sites in Narragansett Bay. It was our intent to clarify that the Department could in fact use these funds to remove debris linked to a formerly used Defense site even if that debris has drifted off land and into the water. Of course, any debris in the water not linked to a formerly used Defense site could not be cleaned up using funds from this account, and I believe the language in the bill reflects that distinction.

Mr. WARNER. Further, it is also my understanding and I wish to make clear as part of our discussion that this provision is not intended to give a priority to clean up sites in Narragansett Bay over other formerly used Defense sites that present a greater risk to public health and safety.

The Department of Defense establishes the priority for cleanup of formerly used Defense sites on the basis of risk to the public. The Senate Armed Services Committee has long supported the Department's policy of prioritizing environmental cleanup based on risk. We stand committed to that principle today. I ask my distinguished colleague to confirm that he shares my understanding on these fundamental points.

Mr. INHOFE. Again, I agree completely with my colleague. There is absolutely no intent to change the Department's current policy of prioritization through this provision. Those sites presenting the greatest risk to the public should be cleaned up first. This provision is silent with regard to where on that priority list sites in Narragansett Bay may fall.

Mr. WARNER. With that understanding, I support this provision and I believe it may be helpful in ensuring that this cleanup in the Narragansett Bay takes place, as it should.

Mr. REED. Mr. President, I thank my colleagues for including this provision in the Water Resources Development Act. More than 100 abandoned camels litter Narragansett Bay, creating a safety hazard for boaters and divers and contaminating the bay's water with creosote, which has been listed by the Environmental Protection Agency as a probable human carcinogen. Camels were commonly used as fendering systems at the Newport Navy Base, the Quonset Point Naval Air Station carrier pier, Davisville Naval Construction Battalion Center, and the Melville Fuel Depot. As my colleagues from Virginia and Oklahoma pointed out, this

language claries that funding from the formerly used Defense sites' account could be used to remove abandoned marine camels located in the waters of formerly used Defense sites in Narragansett Bay, including removal of debris that is linked to a formerly used Defense site even if that debris has drifted off land and into the water. The ecological health and water quality of Narragansett Bay is vital to the economy of Rhode Island, and I believe that this language will aid in the cleanup of this precious natural resource.

AQUATIC NUISANCE SPECIES

Mr. LEVIN. Mr. President, as the leaders of this bill know, aquatic nuisance species cause unwanted and potentially harmful environmental changes in the Nation's waters. Aquatic nuisance species are introduced through various pathways, with ballast water on ships being the most predominant. Having a strong program to address the challenges presented by new introductions, allow rapid response actions, screen imports of aquatic organisms, and conduct research in all of these areas is extremely important and something this Congress needs to address.

In an attempt to develop a system to confront the challenges presented by these species, Senator COLLINS and I have sponsored comprehensive legislation to address this issue. While the Water Resources Development Act addresses protecting our Nation's waters, my colleague from Maine and I have decided not to address the need for comprehensive aquatic nuisance species legislation in this bill because the Environment and Public Works Committee leadership has committed to try to move a comprehensive bill forward this year.

Mr. INHOFE. I do understand the concerns about the impacts of aquatic nuisance species. I want to assure the Senate that it is my intention to resume discussions on a bill and try to bring a comprehensive bill to the Senate floor this year.

Mr. LEVIN. I thank the chairman and ranking member for their commitment to continue the process and look forward to working with you and continuing the discussion on this issue.

COMPREHENSIVE EVERGLADES RESTORATION PLAN

Mr. MARTINEZ. Senator INHOFE, as you know, the 2000 WRDA bill authorized the Comprehensive Everglades Restoration Plan. CERP created a permanent and independent peer review panel. The process used to develop CERP had broad public and technical review and participation. Therefore, all CERP projects have already gone through an initial planning stage. However, there are approximately 50 CERP projects that still need additional authorization from Congress. During conference negotiations with the House, would you be willing to examine the impact of additional peer review on CERP projects and its current independent review process?

Mr. INHOFE. Senator MARTINEZ, I am aware of the CERP review process established in WRDA 2000, and during conference we will examine its established independent review process to ensure that Everglades restoration is not unduly impeded.

Mr. MARTINEZ. Thank you, Senator INHOFE. I appreciate your leadership and diligence on this important issue.

SECTION 2019

Mr. INHOFE. I am aware that section 2019 of the WRDA bill before us has some problems with how we have attempted to deal with balancing the needs of municipal water suppliers and hydroelectric power generation. Complicating the issue is how CBO has scored our proposals to achieve balance. I fully intend to resolve this issue and do not intend to preempt existing statutory authorities that govern the Corps' ability to reallocate storage and provide municipal and industrial water supply. I ask my colleague, the senior Senator from New Mexico, to accept my assurances that I will work towards a compromise that treats all parties fairly.

Mr. DOMENICI. I thank my colleague for his efforts on these difficult issues and appreciate his consideration of the importance of hydroelectric generation to the nation's power supply. I also appreciate his working with me to ensure that this has no unintended impact on existing authorities that govern the Corps' ability to reallocate storage. I look forward to working with the senior Senator from Oklahoma on these issues.

COMPREHENSIVE EVERGLADES RESTORATION PLAN

Mr. NELSON of Florida. Senator FEINGOLD, as you know, the legislation establishing the Everglades Restoration Comprehensive Plan creates a permanent, independent peer review panel with extensive responsibilities for reviewing the Everglades restoration plan in detail. The Corps of Engineers has contracted with the National Academy of Sciences to establish that panel, and it has been working productively for years, issuing a number of major reports. Would this legislation create duplication with that panel?

Mr. FEINGOLD. Senator NELSON, I am familiar with the excellent peer review system that has been established for the comprehensive Everglades project. In many ways, that peer review system is a model for this amendment. There is nothing in this amendment that would keep the Director of Independent Peer Review from determining that the Everglades peer review is the functional equivalent of the peer review or substitute for the peer review required by this amendment and satisfies this requirement. In many ways, the Everglades peer review goes beyond that required by this amendment, and works smoothly with the requirements of this amendment.

Mr. NELSON of Florida. I appreciate and agree with your understanding of this amendment. I fully support the view that expensive controversial Corps of Engineers projects should be subject to independent peer review. In case there is any possible need for clarification of this issue, would the Senator from Wisconsin be willing to work with me during the conference on this bill?

Mr. FEINGOLD. Absolutely.

Mr. LAUTENBERG. Mr. President, I rise to speak in support of S. 728, the bill to reauthorize the Water Resources Development Act, WRDA.

I want to join my colleagues in expressing my sincere appreciation to Environment and Public Works Committee Chairman INHOFE and Ranking Member JEFFORDS, and to Senator BOND, who chairs the Subcommittee on Transportation and Infrastructure, and Senator BAUCUS, who serves as the ranking member of the Subcommittee. I also want to commend their dedicated staff for their hard work and consideration on this important legislation. The leaders in our committee and their staff have literally worked for years to bring this bill to the floor for consideration, and they deserve credit for their patience and perseverance.

I particularly thank Senator INHOFE and Senator BOND for the New Jersey project authorizations they have included in this bill. As do other States, New Jersey depends on the Army Corps to carry out projects that are vital to our economy. This bill contains authorizations for three important projects in New Jersey. The first is a South River storm damage and ecosystem restoration project. The second is a Raritan Bay and Sandy Hook Bay project at Union Beach which will address hurricane and storm damage and provide for beach nourishment over the 50-year life of the project. The third is a Manasquan to Barnegat Inlets project to address hurricane and storm damage and provide for beach nourishment over the 50-year life of the project.

The bill also contains a contingent authorization for a Great Egg Harbor Inlet to Townsends Inlet project for hurricane and storm damage reduction and periodic nourishment over the 50-year life of the project. I also appreciate the bill managers' willingness to accept my language on the shore protection demonstration program. This program will help us learn how to nourish our shore in smarter and cheaper ways.

While I supported the Feingold-McCain amendment regarding independent peer review, I hope this won't be construed to take anything away from the underlying bill or the hard work of its managers. The underlying bill is one that I am pleased to support, and I will vote for its final passage.

Mr. AKAKA. Mr. President. I want to express my support of S. 728, the Water Resources Development Act, WRDA, of 2006. S. 728 authorizes the U.S. Army Corps of Engineers to study water resource problems, undertake construction projects, and make major modifications to existing projects. It has

been 5 years since the last WRDA was enacted into law and I thank my colleague, the Senior Senator from Missouri, for his leadership in bringing this bill to the floor. This is a bipartisan piece of legislation that must be passed to address our Nation's critical navigation, flood control, and environmental restoration needs.

I am a cosponsor of S. 728 because I recognize the need to authorize essential flood control, shore protection, dam safety, storm damage reduction, and environmental restoration projects. These projects carried out by the U.S. Army Corps of Engineers protect communities across the country from destruction caused by severe weather and flooding, and also promote protection and restoration of our Nation's ecosystems. In addition, the legislation establishes standards that balance the safety and interest of the public with the economic and environmental feasibility of projects.

I am pleased that provisions from S. 2735, the Dam Safety Act of 2006, which I introduced with Senator BOND, are included in the managers' amendment to S. 728. This will advance dam safety in the United States and prevent loss of life and property damage from dam failures at both the Federal and State programmatic levels. Specifically, the reauthorization of the National Dam Safety Program Act will provide much needed assistance to State dam safety programs that regulate 95 percent of the 80,000 dams in the United States. Of the approximately $13 million authorized annually through 2011, $8 million will be divided among the States to improve safety programs and $2 million will be dedicated for research to identify more effective techniques to assess, construct, and monitor dams. In addition, $700,000 will be available for training assistance for State engineers, $1 million for the employment of new staff and personnel for Federal Emergency Management Agency, and $1 million for the National Inventory of Dams.

An additional provision that mirrors S. 2444, the National Dam Safety Program Act, which I introduced with Senator INOUYE, is included in S. 728. This authorizes appropriations of $25 million for small dam removals and dam rehabilitation projects. Although the amount included in S. 728 is not as large as in S. 2444, this is still an important first step in ensuring the safety of the public. I will continue to work with my colleagues to ensure that both public and private dams receive the maintenance they need.

The cost of failing to maintain our Nation's dam infrastructure is extremely high. There have been at least 29 dam failures in the United States during the past 2 years causing more than $200 million in property damage. In my home State in March, the Ka Loko Dam, a 116-year earthen dam, on the island of Kauai breached during heavy rains killing seven people. This tragic event serves as an important reminder of the responsibility held by the State and local governments, but also of the leadership role of the Federal Government in supplementing State resources and developing national guidelines for dam safety.

I urge my colleagues to join me in supporting S. 728. Again, I express my appreciation to my colleagues Senators BOND, INHOFE, JEFFORDS, FEINGOLD, BOXER, SPECTER and MCCAIN for their leadership in bringing this bill to the floor. This bill is essential in improving economic growth, safety, and the quality of life of all Americans.

Mr. OBAMA. Mr. President, I rise today in strong support of the Water Resources Development Act. First, let me commend my colleague from across the Mississippi River, Senator BOND, for his efforts in bringing this bill to the floor. I was pleased to support his efforts in the Environment and Public Works Committee and to be an original cosponsor of this bill.

Last year, Senator BOND and I worked together on a letter, signed by 40 of our colleagues, saying it was time for this bill to be considered on the floor of the Senate. When we were told that 40 was not enough, that we needed 60 signatures, we came back and got 81.

That was 7 months ago, and I am pleased that the Senate is now on the verge of passing this bill because this is an important bill both to my State of Illinois and to the entire country. It authorizes and revises the policies and practices of the U.S. Army Corps of Engineers in waterway navigation, including the construction of locks and dams, the construction of levees and wetlands restoration to promote flood control, and other ecosystem and environmental mitigation activities.

For two decades, Congress has enacted revisions and updates to WRDA roughly every 2 years. It is now been 6 years since the last WRDA bill and, in light of the devastation wrought by Hurricanes Katrina and Rita last year, this bill is long overdue.

Recently, the American Society of Civil Engineers conducted a report card of the Nation's infrastructure and gave a D-minus to our navigable waterways. More than 50 percent of our lock and dam systems in the United States are functionally obsolete, and that figure will rise to 80 percent in the next 10 years.

Now, if you are not from a farm State, you might not understand why navigable waterways are important to all of us. But a major component of the cost of farm commodities is the cost of transportation. That affects both the price of food that we buy in grocery stores and the price of homegrown fuels that fuel our cars. If U.S. agriculture is to remain competitive in the worldwide market during the 21st century, we need to improve our transportation infrastructure.

Countries such as Brazil and China understand the importance of efficient commerce for their farmers and have made significant investments in improvements. Unfortunately, American farmers still rely on pre-World War II-era infrastructure when transporting their goods to market. When we talk about the responsibility of Congress and the U.S. Government to create jobs and economic development, upgrading these locks and dams is part of that responsibility.

This bill provides $1.8 billion for lock and dam upgrades along these waterways to replace transportation infrastructure almost 70 years old. This is an important provision to Illinois farmers and to everyone around the world who uses the products that we grow in Illinois.

The bill also provides an unprecedented $1.6 billion in Federal funds for ecosystem restoration along the Illinois and Mississippi Rivers to improve fish and wildlife habitat as well as land and water management.

Finally, there is a small, but important, provision to authorize continued funding for the electric barriers that prevent the Asian carp from entering into the Great Lakes. The Asian carp is an invasive species with a voracious appetite that, if left unchecked, would disrupt the natural ecosystem in the Great Lakes and crowd out the native fish. Senator VOINOVICH and I were able to get a temporary fix put into the supplemental appropriations bill, but we need a more permanent guarantee of funding, and WRDA will provide just that.

I will also take a minute to discuss the subject of reforming the Army Corps of Engineers. Serious questions have been raised as to how the Corps develops its calculations and analyses for projects. I believe that subjecting some projects to an independent review process is necessary to ensure that taxpayer dollars are used in the most effective manner.

In closing, I commend Chairman INHOFE and Ranking Member JEFFORDS for their leadership, and I thank the EPW Committee staff for their fine efforts in preparing this bill. I am pleased to cosponsor this bill and urge my colleagues to support it as well.

Mr. SARBANES. Mr. President, our Nation's waterways, harbors, and ports are vital to our economic prosperity, the safety of those who navigate our waters, and to our quality of life. It is estimated that one out of every five jobs in the United States is dependent, to some extent, on commercial activities handled by our ports and harbors. In many instances, ship and barge transport is the safest, cheapest, and cleanest transportation mode. Likewise, our waterways provide critical habitat for fish and wildlife, recreational opportunities for boaters, and contribute to the health and well-being of millions of people through their diversity, beauty, history, and natural environment. This legislation authorizes the U.S. Army Corps of Engineers to undertake water resource projects of great importance to our Nation's and

our states' economy and maritime industry, public safety and to our environment.

I am particularly pleased that the measure includes a number of provisions for which I have fought to help ensure the future health of the Port of Baltimore, the Chesapeake Bay, and Maryland's waterfront communities. With more than 4,000 miles of shoreline around the Chesapeake Bay and Atlantic Ocean, 126 miles of deepwater shipping channels leading to the Port of Baltimore, some 70 small navigation projects critical to commercial and recreational fisherman and to local and regional economies, Maryland is a State which relies heavily on the navigation, flood control, and environmental restoration programs of the U.S. Army Corps of Engineers. Over the years, I and other members of the Maryland congressional delegation have worked hard to maintain and improve the Federal channel system—serving the Port of Baltimore and other communities throughout Maryland, to address the severe shoreline erosion problems on Maryland's Atlantic Coast, and to bring the Army Corps of Engineers' expertise to bear in the restoration of the Chesapeake Bay and Maryland's rivers and streams. While other ports are just now beginning to deepen their channels to 45 or 50 feet, we succeeded in deepening the port's main shipping channel to 50 feet 16 years ago making navigation safer, easier, and cheaper for ships using the channel and assuring that the route can handle the deep draft bulk cargo carriers in use today.

We recently completed two critical safety improvements to the Port's channel system—the straightening of the Tolchester ''S'' turn and the widening and deepening of the Brewerton channel eastern extension—as well as some long-needed improvements to Baltimore harbor's anchorages and branch channels. We constructed a hurricane protection project at Ocean City, MD to help protect the citizens and the billions of dollars in public and private infrastructure in the area and restored the beach at the north end of Assateague Island National Seashore. We also completed numerous environmental restoration projects throughout the Chesapeake Bay watershed from Jennings Randolph Lake in western Maryland to the Poplar Island Environmental Restoration Project—the largest and most environmentally significant island habitat restoration project ever undertaken in the Chesapeake Bay. These projects would not have taken place without the authorities and funding provided in previous Water Resources Development Acts. The measure before us will enable several, much-needed water resource infrastructure projects in Maryland to move forward.

First, the bill authorizes a 50-percent expansion of the Poplar Island environmental restoration project, to provide additional dredged material capacity for the Port of Baltimore and additional habitat for the Chesapeake Bay's wildlife. Initially authorized by section 537 of the Water Resources Development Act, WRDA, of 1996, the Poplar Island project has proved to be a tremendous success and a model for the Nation on how to dispose of dredged material.

Instead of the traditional practice of treating the dredged material as a waste and dumping it overboard, we are putting approximately 40 million cubic yards of clean dredged material from the shipping channels leading to the Port of Baltimore into a productive use, restoring 1,140 acres of remote island habitat in the Chesapeake Bay, creating a haven for fish and wildlife, and helping reduce sediment degradation of the Bay's water quality. This represents a win-win situation for two of Maryland's most important assets—the Port of Baltimore and the Chesapeake Bay.

Last year, the Army Corps of Engineers completed two studies—a Baltimore Harbor and Channels Dredged Material Plan, DMMP, and an integrated General Reevaluation Report, GRR/Supplemental Environmental Impact Statement, SEIS, on the Poplar Island Environmental Restoration Project—which identified a critical need for new dredged material placement capacity for the Port of Baltimore by 2009 in order to meet Federal and State of Maryland requirements and recommended the expansion of Poplar Island as a preferred alternatives for addressing the dredged material capacity gap in an economically and environmentally sound manner. A subsequent Chief's Report submitted to Congress on March 31, 2006, recommended a 575-acre expansion of the existing Poplar Island and the raising of the island's existing upland cells to add approximately 28 million cubic yards of dredged material placement capacity and extend the project life by approximately 7 years. This measure authorizes the expansion of the existing Poplar Island project as recommended in the Chief's Report. It authorizes $256.1 million for the expansion project, bringing the total cost of the existing project and the expansion project to $643.4 million, with an estimated Federal cost of $482.4 million and an estimated non-Federal cost of $161 million. The Poplar Island environmental restoration project has been a top priority of mine, of the Maryland Port Administration and of the shipping and environmental communities for many years, and I am delighted that this legislation will enable us to move forward with the expansion of this project.

Second, the bill contains three additional provisions authorizing a total of nearly $100 million which are critical to our continuing efforts to restore the Chesapeake Bay. It reauthorizes and expands a program that we established in section 510 of WRDA 1996 known as the Chesapeake Bay Environmental Restoration and Protection Program, raising the authorized funding from the current level of $10 million to $30 million. It increases the funding for Chesapeake Bay native oyster restoration to $50 million—a $20 million increase over current levels. And it authorizes the Smith Island ecosystem restoration project to reverse the tremendous loss of wetlands and submerged aquatic vegetation around Smith Island, MD.

In 1984, the U.S. Army Corps of Engineers completed a comprehensive study—the first such study ever undertaken—of the present and future uses and problems of Chesapeake Bay's water and related land resources. Since then the Corps has undertaken or participated in a variety of projects to help restore the Chesapeake Bay's water quality and living resources, including sewage treatment plant upgrades, making beneficial use of dredged materials, removing impediments to fish passage, mitigating the impacts of shoreline erosion, and restoring wetlands, habitat and oyster reefs. But despite these efforts, the Chesapeake Bay's health continues to languish.

To restore the integrity of the ecosystem and to meet the goals established in the Chesapeake 2000 Agreement, nutrient and sediment loads must be significantly reduced, oyster populations must be increased, SAV and wetlands must be protected and restored, and remaining blockages to fish passage must be removed, among other actions. As the lead Federal agency in water resource management, the Corps has a vital role to play in this endeavor, and the programs authorized in this measure will enable the Corps to continue to participate in this effort. The funding increase provided for the Chesapeake Bay Environmental Restoration and Protection Program will allow the Corps to expand design and construction assistance to State and local authorities for a variety of environmental restoration projects in the bay. The additional funds provided for native oyster restoration will help support the Chesapeake 2000's goal of increasing oyster populations by tenfold by the year 2010. And the new authority to construct the Smith Island environmental restoration projects will help stem the alarming loss of SAV and wetlands along the coastline of Martin National Wildlife Refuge and Smith Island, protecting approximately 720 acres and restoring about 1,400 acres of valuable habitat.

Third, the measure provides the funding necessary to complete the C&O Canal rewatering project in Cumberland, MD. In 1952 a 1.2-mile section of the historic C&O Canal and turning basin at its Cumberland terminus was filled in by the Corps of Engineers during construction of the Cumberland, MD, and Ridgely, WV, flood protection project. The National Park Service and State and local authorities have long sought to rebuild and rewater the C&O Canal in this area to restore the integrity of the historic canal and assist in

revitalizing the area as a major hub for tourism and environmentally sound economic development. The Corps investigated the feasibility of reconstructing and rewatering the turning basin and canal near its terminus and determined that it is feasible to rewater the canal successfully without compromising the flood protection for the city of Cumberland.

Subsequently, Senator MIKULSKI and I secured a provision in WRDA 1999 authorizing the Corps to construct this project at a then-estimated total project cost of $15 million. Those estimates were based on a 50-percent design document completed in 1998. Since that time, the estimated cost of the project has increased due, in large part, to the finding of archeological objects and petroleum in the canal turning basin and prism as well as design refinements. The provisions included in this bill increase the authorized funding level for the project from $15 million to $25.75 million and will ensure that the full 1.2-mile section of canal and turning basin are completed.

Fourth, the bill contains provisions to facilitate the restoration of the Anacostia River, one of the most degraded rivers in the Chesapeake Bay watershed and in the Nation.

Through a cooperative and coordinated Federal, State, local, and private effort, significant progress has been made over the past decade to restore the Anacostia watershed. Today there are more than 60 local, State, and Federal agencies involved in Anacostia watershed restoration efforts, and more than $100 million in Federal, State, and local funds have been invested in this endeavor. The U.S. Army Corps of Engineers has played a key role in improving tidal waterflow through the marsh, reducing the concentration of nitrogen and phosphorus, and restoring wetlands, but the job of restoring the Anacostia watershed is far from complete. The provisions in this legislation require the Secretary of the Army, 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, MD, and other stakeholders, to 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.

I wish to compliment the distinguished chairmen of the committee and the subcommittee, Senators INHOFE and BOND, and the ranking members, Senators JEFFORDS and BAUCUS, for including these provisions and for their work on this legislation. This legislation is long overdue, and I urge my colleagues to join me in supporting this measure.

Mr. HARKIN. Mr. President, I am very pleased that we are finally going to conclude the Water Resources Development Act. My hope is that the conference with the House can be completed before the Congress recesses in early October. This is a good bill, providing for flood control, improvements to navigation, and considerable improvements to the environment. The bill also provides some real improvements to the way the Corps works.

I am very pleased that the bill includes improvements for navigation and environmental improvements for the Upper Mississippi River. It includes five expanded locks, a number of long-overdue efficiency improvements, and a major boost to the Corps of Engineers' environmental programs. I was pleased to work with Senator BOND to develop this important and very balanced proposal. The unfortunate thing is that our Upper Mississippi lock and dam measure was first introduced in 2004 and then made a part of the Senate WRDA bill that year. But we are only now getting a chance to move it to the Senate floor.

I have been deeply involved with navigation because of its importance to farmers in Iowa and across the upper Midwest. River transportation is critical to keeping commodity costs low enough to remain competitive.

When shipping on the river is constrained, costs rise. When that happens, prices for moving bulk farm commodities by alternative means, mainly rail, go up as well. These price differentials seem relatively small compared to the total price, but they make a huge difference in farm income.

Clearly, river traffic on the Mississippi is incredibly important to producers in my State and elsewhere in the upper Midwest. As a result of traffic congestion on the Mississippi, producers face longer shipping times, which are very costly. Clearly, traffic management and helper boats to push long barges through crowded locks will be very helpful, and this bill will help that happen. In the long run, though, that won't be enough. It is incredibly important that we address ways to modernize a number of the locks on the upper Mississippi.

And we face substantial improvements from our competitors in their transportation capabilities, particularly in Brazil. I visited there a few years ago and saw firsthand how Brazil was rapidly moving to improve its Amazon River facilities. In contrast, we are sitting with 60-year-old locks that raise our costs.

I would also note that moving goods like corn down to the Gulf by river instead of by rail, and building material up from the Gulf in the same manner means considerable saving in fuel both lowering costs and air pollution.

Existing law requires exhaustive analysis of future river use levels decades into the future. The studies required for such predictions are, by their nature, highly speculative at best. While many have been critical of the methods of the U.S. Army Corps of Engineers, the Corps is essential to our ability to compete, to ensure that we keep the arteries and veins of America's river transportation system in smooth running order. We must remain competitive. We cannot wait any longer to authorize construction for 1,200-foot locks so barge tows can move through the upper Mississippi and Illinois without being split.

Of course, navigation needs cannot be our sole concern. Over the years, I have heard time and time again from constituents and national leaders concerned about the environment, about the need to maintain a balance among navigation, flood control and the environment. Habitat for many species—indeed, the Mississippi River ecosystem as a whole—has deteriorated since the construction of the original lock system in the 1930's.

The Mississippi River is home to a wide variety of fish and birds, as well as other wildlife. These animals and abundant plant life are important to the character and life of the Mississippi River. Approximately, 40 percent of North America's waterfowl and shorebirds use the Mississippi Flyway.

Parts of the Upper Mississippi River may serve as the most important area for migrating diving ducks in the United States. And the Mississippi River serves as habitat for breeding and wintering birds, including the bald eagle.

We are all aware of the problems that have plagued the Corps' actions on the Mississippi River. However, the Corps has pledged and is putting a much stronger emphasis on environmental protection. We need to work with the Corps to ensure that all updates and renovations of the locks and dams are done with the utmost care for the environment and the wildlife that depends on the Mississippi River habitat.

In addition to that mitigation, we need to give the Corps the authorization and the funding it needs to accomplish real ecosystem restoration, and not just make up for the lost habitat of specific identified species. The legislation we are proposing does just that.

This is going to be a challenge in these difficult budget times, but not to do so would be penny-wise and pound-foolish. We need to be thinking both of the long-term economic health of our agricultural producers and shippers, in tandem with the long-term health of the diverse ecosystems on the river.

I would like to note that I am pleased that bill authorizes improvements to the Des Moines flood control system. Des Moines suffered major flooding in 1993 and clearly needs the improvements to reduce the chance of flooding in the future.

I believe the legislation we are proposing strikes the correct balance. I urge our colleagues to support this important bill.

Mr. DURBIN. Mr. Presient, I thank Chairman INHOFE and Senator JEFFORDS and both of their staffs for their tireless effort writing this bill. It has not been an easy bill to write due to the many competing demands on water resources as well as interests regarding Corps reform.

Traditionally, Congress passes WRDA every 2 years, ensuring that the Corps of Engineers can stay current in studying the most pressing water resource problems, constructing projects, and modifying existing projects to meet various needs across the country.

We have been waiting 6 long years for a bill to reauthorize navigation, ecosystem restoration, fish and wildlife conservation, and flood and storm damage reduction projects all over the country.

Today, I am pleased to see this bill on the floor of the Senate, a measure that is the product of bipartisan negotiations and has the support of 80 Senators.

I strongly support this legislation.

Most significant to my home State of Illinois is the bill's authorization of navigation improvements and restoration of the ecosystem of the Upper Mississippi River and Illinois Waterway System. This project will increase lock capacity and improve the ecosystem of both the Upper Mississippi River and the Illinois River.

Specifically, this bill authorizes improvements to Locks 12, 14, 18, 20, 22, and 24 on the Mississippi River. It also authorizes the construction of 7 new 1,200-foot locks at Locks 20, 21, 22, 24, and 25 on the Mississippi River and at the LaGrange and Peoria Locks on the Illinois River. Many of the locks on the rivers were built nearly 70 years ago and are in desperate need of an overhaul. Inland waterway shipping relies on the successful operation of these locks. Frequent delays caused by the antiquated lock system increase shipping costs, which hurts American farmers.

Updating these locks is critical for industry and agriculture in the Midwest and in my home State of Illinois. Every year, the river moves $12 billion worth of products. It moves 1 billion bushels of grain—about 60 percent of all grain exports—to ports around the world. More than half of Illinois' annual corn crop and 75 percent of all U.S. soybean exports travel via the Upper Mississippi/Illinois River system. Shipping via barge keeps exports competitive and reduces transportation costs. That is good for producers and consumers. In addition, increased barge shipping displaces shipments by rail and truck, which lowers transportation costs for all businesses nationwide.

There are significant cost savings and environmental benefits to updating these locks as well. Barges operate at 10 percent of the cost of trucks and 40 percent of the cost of rail traffic. They also emit much less carbon monoxide, nitrous oxide, and hydrocarbons, and use less fuel to transport the equivalent tonnage of products.

It is estimated that the construction of the 7 locks will create 48 million man-hours of jobs and provide 3,000 to 6,000 jobs per year, including many high-paying manufacturing jobs. Currently, in the Upper Mississippi River Basin alone, more than 400,000 jobs are connected to the river. This includes 90,000 well-paid manufacturing jobs.

In addition, this project manages to balance the navigation needs of commercial shippers on our inland waterways with ecosystem restoration. Quite simply, this project authorizes the most ambitious ecosystem restoration project in the history of the Corps of Engineers. At a time when many believe this waterway is losing its habitats and eco-diversity, this $1.65 billion ecosystem restoration project is an important step toward fostering wildlife and natural habitats along the inland waterway system.

This restoration project will restore over 100,000 acres of habitat and create new recreational opportunities and additional jobs in the area.

Ecosystem restoration projects that are authorized in this bill include flood plain restoration, island building, construction of fish passages, island and shoreline protection and tributary confluence restoration, among others. When this project was developed, I worked diligently to ensure that the natural ecosystem of the Mississippi and Illinois Rivers received the same attention as the navigational needs of the area.

I also thank the managers of this bill for the inclusion of a project that is critically important to Illinois as well as the entire Great Lakes region—the authorization to make permanent the Chicago Sanitary and Ship Canal Dispersal Barrier system. This project is critical to protecting the Great Lakes from the Asian Carp, an invasive species now found in the Mississippi River. Asian carp can grow to 4 feet, weigh 60 pounds, and are capable of consuming up to 40 percent of their body weight in plankton per day. While the Mississippi River and the Great Lakes were once separate water systems, the construction of the Chicago Sanitary and Ship Canal connected these two water bodies. Today, the Asian carp threatens a $4.1 billion sport and commercial fishing industry in the Great Lakes. Permanent operation of the barrier system to prevent the Asian carp from entering the waters of the Great Lakes is critical to the protection of this valuable ecosystem. I appreciate the inclusion of language in this bill that recognizes the threat of the Asian carp and the need to protect the Great Lakes ecosystem from this invasive species.

Finally, we must recognize that Hurricane Katrina was a wake-up call; one that requires us in Congress to take those steps that ensure we don't witness another Katrina-type disaster caused by a failure of engineering, analysis or any other failure of oversight. We must ensure that projects meant to protect the public wellbeing do just that. This bill is critically important to the agricultural interests in my State. I will encourage the advancement of this bill through Congress and am committed to seeing that it is sent to the President.

Mr. FEINGOLD. Mr. President, when a bill like this one comes to the floor, especially after 6 years, there are so many people to thank. First, I want to thank the support of my principal cosponsor, the Senator from Arizona, Mr. MCCAIN, who has worked with me since the 108th Congress.

I know he shares my view that future Corps projects should no longer fail to produce predicted benefits, should stop costing the taxpayers more than the Corps estimated, should not have unanticipated environmental impacts, and should be built in an environmentally compatible way.

He saw the importance of ensuring that the Corps does a better job, which is what the taxpayers and the environment deserve. He and his staffer, Becky Jensen, deserve commendation.

I am particularly grateful for the help and support of the chairman of the committee, Mr. INHOFE. He directed his staff to work closely with mine, and Ruth Van Mark, Angie Giancarlo, and Steven Aaron did so ably, and I thank them, and the majority staff director, Andy Wheeler.

I would also be remiss if I did not acknowledge the support of another former EPW chairman, the former Senator from New Hampshire, Mr. Smith. It was he who brought conservative groups and taxpayer groups to the table on these issues, honored my request for a hearing in 2002 along with then-Ranking Member BAUCUS, and I am deeply grateful.

I want to thank our current esteemed and retiring ranking member, the Senator from Vermont, Mr. JEFFORDS. This may be the committee's last major bill this Congress, and he is to be commended for his leadership.

He and I have spoken personally about my interests in improving the Corps, and I am grateful for his support.

Several of the minority staff of the committee have been working on the issues I am raising in my amendments since my first independent review amendment on the 2000 WRDA bill. At the time, Jo-Ellen Darcy worked on the committee for the Senator from Montana, Mr. BAUCUS, who was then the ranking member, and she has followed my interest in these issues for Senator BAUCUS, Senator REID, and now Senator JEFFORDS.

I also want to acknowledge the help and support of several others on the minority staff, Catharine Ransom, Alison Taylor, Ken Connolly, and Mary Frances Repko, who worked for me until 2003, and provided invaluable help to me with my first Corps reform bill in the 107th Congress and the WRDA amendment that preceded it.

I also have a long history working with the Senator from Missouri, Mr. BOND, on Corps issues. I appreciate the effort that he, and his staffers, Brian Klippenstein and Letmon Lee, have made to improve the Corps' performance.

Our work together goes back to 1999. The reauthorization of the Environmental Management Program in the

Upper Mississippi was the only permanent authorization in WRDA 99. Included in the final EMP provisions was a requirement that Senator BOND and I developed to have the Corps create an independent technical advisory committee to review EMP projects, monitoring plans, and habitat and natural resource needs assessments. Our work helped to cement the Environment Committee's commitment to secure outside technical advice in Corps habitat restoration programs, like the EMP.

The amendments I offered to the WRDA bill are widely supported in the environmental and taxpayer community, and several individuals have worked hard for this day, including Chelsea Maxwell, former staffer to the retired Senator from New Hampshire, Mr. SMITH, and now with National Wildlife Federation, Adam Kolton, David Conrad and Tim Eder with National Wildlife Federation, Joan Mulhern with Earth Justice, Melissa Samet with American Rivers, Steve Ellis and Jill Lancelot with Taxpayers for Common Sense, Tim Searchinger with Environmental Defense, and Pete Sepp and Kristina Rasmussen with the National Taxpayers Union.

Finally, I want to thank my own staff. My staffer, Jessica Maher, has worked tirelessly on this legislation. She has talked to countless offices and constituents, and has worked to address their concerns and questions with grace and good humor, as has Mike Schmidt, another member of my staff. I am deeply grateful to Jess and to her predecessor, Heather White.

Mr. JEFFORDS. Mr. President, while we are nearing completion of this bill, I would like to take a few minutes to highlight some of the projects in the bill for my State of Vermont.

Throughout our work on this bill, I have worked to find a way to use the Army Corps of Engineers' expertise in a series of ''Vermont style'' projects. I believe we have succeeded.

This bill would provide $67 million in new authorities for the State of Vermont. Vermonters identified four major priorities for the Corps during my discussions with them: keep Vermont projects in the Vermont style, continue ongoing Lake Champlain efforts, address Connecticut River issues, and find a way to repair or eliminate the thousands of small dams throughout the State creating flood hazards and causing ecosystem damage. This bill addresses each of these areas.

First, during our discussion on the WRDA bill, I advocated strongly for an increase in the authorization for small ecosystem restoration projects like those in Vermont. In this bill, we increase that program from $25 million to $50 million, allowing smaller, Vermont-scale projects to move forward.

Second, we have continued our ongoing support of the Lake Champlain program, authorized in WRDA 2000, by adding $2 million in authority for geographic mapping and $10 million for streambank stabilization projects to protect water quality. We also authorize a study of the Lake Champlain Canal dispersal barrier to help prevent invasive species from entering the lake.

Third, this bill includes major changes for the Connecticut River. We authorize $30 million for modifications to existing Corps dams on the Connecticut River to regulate flow and temperature to mitigate impacts on aquatic habitat and fisheries. The bill also includes a $20 million authorization for ecosystem restoration on the Upper Connecticut River and $5 million for a wetlands restoration partnership.

Finally, the WRDA bill includes both nationwide and Vermont-specific programs for small dam remediation, removal, and rehabilitation. I authored a continuing authority for small dams that allows $25 million to be used for small dam removal or rehabilitation. I joined my colleagues, Senators KERRY and KENNEDY, as a cosponsor of this provision as a stand-alone bill, S. 1887. In addition, the existing Vermont dams remediation authority is expanded to allow for measures to restore, protect, and preserve an ecosystem affected by one of the dams included in the program.

When I first took over as chairman of this Committee in 2001, I started working with the State of Vermont to identify how we could get the Corps more involved in Vermont. At first blush, this seemed counterintuitive to me, and to many Vermonters. After all, early on in my career as the States attorney general, I led efforts to derail several major flood control dams proposed by the Corps for the Moose River, White River, and Saxtons River.

Did we really want to open the door again? At the time, my answer was, and still remains, a guarded yes.

In my opening statement when WRDA reached the Senate floor on Tuesday, I referenced some of the reforms contained in the underlying bill as well as some of the amendments proposed by Senator FEINGOLD that will further improve the Corps. However, over the last 30 years, the Corps has made much progress. Ecosystem restoration is a defined mission area. Continuing authorities programs allow small-scale projects, like the ones usually found in Vermont, to proceed without the excessive bureaucracy that smallest States tend to dread.

Beginning in 2003, I held a series of annual workshops with the New England and the New York districts, the State of Vermont, and local stakeholders at multiple locations in Vermont. The first year we were in Bennington, Norwich, and Barrer, and the second year we were in Norwich and Burlington.

The projects included in this bill for Vermont are a direct result of those workshops, and I thank everyone who helped make them possible. Specifically, I thank LTC Brian Green, Acting New England District Commander; John Kennelly, Chief of Planning, and Bobby Byrne, Chief of Programs and Civil Project Management with the New England District.

With the New York District, I thank COL John O'Dowd, the former District Commander; COL Richard Polo, the current District Commander; Gene Brickman, Deputy Chief of the Planning Division; Paul Tumminello, the Waterbury Dam Project Manager; and Jason Shea, the Lake Champlain Basin Program Coordinator.

In addition, from the North Atlantic Division, BG Bo Temple, the former Division Commander; Joseph Vietri, the Planning Director; and Stuart Piken, the former Project Management Chief at Division and the current New York District Deputy District Engineer for Project Management.

Finally, I thank Rob Vining, formerly with Army Corps Headquarters.

Mr. President, I especially thank my colleagues on the EPW Committee, particularly Senators BAUCUS, BOND, and INHOFE, for working with me on these critical priorities, and I look forward to the enactment of the Water Resources Development Act of 2006.

Mr. BOND. Mr. President, we have been advised by both sides a voice vote would suffice on this measure. Many Members want to be recorded, but if we all speak loudly we can do that without going through the time of a rollcall vote.

I suggest to my colleague from Vermont, if his side is happy with it, we accept a voice vote.

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

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

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

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2864; all after the enacting clause is stricken, and the text of S. 728, as amended, is inserted in lieu thereof, and the bill is read the third time.

The question is, Shall it pass?

The bill (H.R. 2864), as amended, was passed as follows:

H.R. 2864

Resolved, That the bill from the House of Representatives (H.R. 2864) entitled ''An Act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Water Resources Development Act of 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 REROUTE, TEXAS.—The project for navigation, Gulf

Intracoastal Waterway, Brazos River to Port O'Connor, Matagorda Bay Re-Route, Texas: Report of the Chief of Engineers dated December 24, 2002, at a total cost of $17,280,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(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 PEER REVIEW.

(a) DEFINITIONS.—In this section:

(1) CONSTRUCTION ACTIVITIES.—The term ''construction activities'' means development of detailed engineering and design specifications during the preconstruction engineering and design phase and the engineering and design phase of a water resources project carried out by the Corps of Engineers, and other activities carried out on a water resources project prior to completion of the construction and to turning the project over to the local cost-share partner.

(2) PROJECT STUDY.—The term ''project study'' means a feasibility report, reevaluation report, or environmental impact statement prepared by the Corps of Engineers.

(b) DIRECTOR OF INDEPENDENT REVIEW.—The Secretary shall appoint in the Office of the Secretary a Director of Independent Review. The Director shall be selected from among individuals who are distinguished experts in engineering, hydrology, biology, economics, or another discipline related to water resources management. The Secretary shall ensure, to the maximum extent practicable, that the Director does not have a financial, professional, or other conflict of interest with projects subject to review. The Director of Independent Review shall carry out the duties set forth in this section and such other duties as the Secretary deems appropriate.

(c) SOUND PROJECT PLANNING.—

(1) PROJECTS SUBJECT TO PLANNING REVIEW.—The Secretary shall ensure that each project study for a water resources project shall be reviewed by an independent panel of experts established under this subsection if—

(A) the project has an estimated total cost of more than $40,000,000, including mitigation costs;

(B) the Governor of a State in which the water resources project is located in whole or in part, or the Governor of a State within the drainage basin in which a water resources project is located and that would be directly affected economically or environmentally as a result of the project, requests in writing to the Secretary the establishment of an independent panel of experts for the project;

(C) the head of a Federal agency with authority to review the project determines that the project is likely to have a significant adverse impact on public safety, or on environmental, fish and wildlife, historical, cultural, or other resources under the jurisdiction of the agency, and requests in writing to the Secretary the establishment of an independent panel of experts for the project; or

(D) the Secretary determines on his or her own initiative, or shall determine within 30 days of receipt of a written request for a controversy determination by any party, that the project is controversial because—

(i) there is a significant dispute regarding the size, nature, potential safety risks, or effects of the project; or

(ii) there is a significant dispute regarding the economic, or environmental costs or benefits of the project.

(2) PROJECT PLANNING REVIEW PANELS.—

(A) PROJECT PLANNING REVIEW PANEL MEMBERSHIP.—For each water resources project subject to review under this subsection, the Director of Independent Review shall establish a panel of independent experts that shall be composed of not less than 5 nor more than 9 independent experts (including at least 1 engineer, 1 hydrologist, 1 biologist, and 1 economist) who represent a range of areas of expertise. The Director of Independent Review shall apply the National Academy of Science's policy for selecting committee members to ensure that members have no conflict with the project being reviewed, and shall consult with the National Academy of Sciences in developing lists of individuals to serve on panels of experts under this subsection. An individual serving on a panel under this subsection shall be compensated at a rate of pay to be determined by the Secretary, and shall be allowed travel expenses.

(B) DUTIES OF PROJECT PLANNING REVIEW PANELS.—An independent panel of experts established under this subsection shall review the project study, receive from the public written and oral comments concerning the project study, and submit a written report to the Secretary that shall contain the panel's conclusions and recommendations regarding project study issues identified as significant by the panel, including issues such as—

(i) economic and environmental assumptions and projections;

(ii) project evaluation data;

(iii) economic or environmental analyses;

(iv) engineering analyses;

(v) formulation of alternative plans;

(vi) methods for integrating risk and uncertainty;

(vii) models used in evaluation of economic or environmental impacts of proposed projects; and

(viii) any related biological opinions.

(C) PROJECT PLANNING REVIEW RECORD.—

(i) IN GENERAL.—After receiving a report from an independent panel of experts established under this subsection, the Secretary shall take into consideration any recommendations contained in the report and shall immediately make the report available to the public on the internet.

(ii) RECOMMENDATIONS.—The Secretary shall prepare a written explanation of any recommendations of the independent panel of experts established under this subsection not adopted by the Secretary. Recommendations and findings of the independent panel of experts rejected without good cause shown, as determined by judicial review, shall be given equal deference as the recommendations and findings of the Secretary during a judicial proceeding relating to the water resources project.

(iii) SUBMISSION TO CONGRESS AND PUBLIC AVAILABILITY.—The report of the independent panel of experts established under this subsection and the written explanation of the Secretary required by clause (ii) shall be included with the report of the Chief of Engineers to Congress, shall be published in the Federal Register, and shall be made available to the public on the Internet.

(D) DEADLINES FOR PROJECT PLANNING REVIEWS.—

(i) IN GENERAL.—Independent review of a project study shall be completed prior to the completion of any Chief of Engineers report for a specific water resources project.

(ii) DEADLINE FOR PROJECT PLANNING REVIEW PANEL STUDIES.—An independent panel of experts established under this subsection shall complete its review of the project study and submit to the Secretary a report not later than 180 days after the date of establishment of the panel, or not later than 90 days after the close of the public comment period on a draft project study that includes a preferred alternative, whichever is later. The Secretary may extend these deadlines for good cause.

(iii) FAILURE TO COMPLETE REVIEW AND REPORT.—If an independent panel of experts established under this subsection does not submit to the Secretary a report by the deadline established by clause (ii), the Chief of Engineers may continue project planning without delay.

(iv) DURATION OF PANELS.—An independent panel of experts established under this subsection shall terminate on the date of submission of the report by the panel. Panels may be established as early in the planning process as deemed appropriate by the Director of Independent Review, but shall be appointed no later than 90 days before the release for public comment of a draft study subject to review under subsection (c)(1)(A), and not later than 30 days after a determination that review is necessary under subsection (c)(1)(B), (c)(1)(C), or (c)(1)(D).

(E) EFFECT ON EXISTING GUIDANCE.—The project planning review required by this subsection shall be deemed to satisfy any external review required by Engineering Circular 1105–2–408 (31 May 2005) on Peer Review of Decision Documents.

(d) SAFETY ASSURANCE.—

(1) PROJECTS SUBJECT TO SAFETY ASSURANCE REVIEW.—The Secretary shall ensure that the construction activities for any flood damage reduction project shall be reviewed by an independent panel of experts established under this subsection if the Director of Independent Review makes a determination that an independent review is necessary to ensure public health, safety, and welfare on any project—

(A) for which the reliability of performance under emergency conditions is critical;

(B) that uses innovative materials or techniques;

(C) for which the project design is lacking in redundancy, or that has a unique construction sequencing or a short or overlapping design construction schedule; or

(D) other than a project described in subparagraphs (A) through (C), as the Director of Independent Review determines to be appropriate.

(2) SAFETY ASSURANCE REVIEW PANELS.—At the appropriate point in the development of detailed engineering and design specifications for each water resources project subject to review under this subsection, the Director of Independent Review shall establish an independent panel of experts to review and report to the Secretary on the adequacy of construction activities for the project. An independent panel of experts under this subsection shall be composed of not less than 5 nor more than 9 independent experts selected from among individuals who are distinguished experts in engineering, hydrology, or other pertinent disciplines. The Director of Independent Review shall apply the National Academy of Science's policy for selecting committee members to ensure that panel members have no conflict with the project being reviewed. An individual serving on a panel of experts under this subsection shall be compensated at a rate of pay to be determined by the Secretary, and shall be allowed travel expenses.

(3) DEADLINES FOR SAFETY ASSURANCE REVIEWS.—An independent panel of experts established under this subsection shall submit a written report to the Secretary on the adequacy of the construction activities prior to the initiation of physical construction and periodically thereafter until construction activities are completed on a publicly available schedule determined by the Director of Independent Review for the purposes of assuring the public safety. The Director

of Independent Review shall ensure that these reviews be carried out in a way to protect the public health, safety, and welfare, while not causing unnecessary delays in construction activities.

(4) SAFETY ASSURANCE REVIEW RECORD.—After receiving a written report from an independent panel of experts established under this subsection, the Secretary shall—

(A) take into consideration recommendations contained in the report, provide a written explanation of recommendations not adopted, and immediately make the report and explanation available to the public on the Internet; and

(B) submit the report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(e) EXPENSES.—

(1) IN GENERAL.—The costs of an independent panel of experts established under subsection (c) or (d) shall be a Federal expense and shall not exceed—

(A) $250,000, if the total cost of the project in current year dollars is less than $50,000,000; and

(B) 0.5 percent of the total cost of the project in current year dollars, if the total cost is $50,000,000 or more.

(2) WAIVER.—The Secretary, at the written request of the Director of Independent Review, may waive the cost limitations under paragraph (1) if the Secretary determines appropriate.

(f) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the implementation of this section.

(g) SAVINGS CLAUSE.—Nothing in this section shall be construed to affect any authority of the Secretary to cause or conduct a peer review of the engineering, scientific, or technical basis of any water resources project in existence on the date of enactment of this Act.

SEC. 2008. MITIGATION FOR FISH AND WILDLIFE LOSSES.

(a) COMPLETION OF MITIGATION.—Section 906(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(a)) is amended by adding at the following:

''(3) COMPLETION OF MITIGATION.—In any case in which it is not technically practicable to complete mitigation by the last day of construction of the project or separable element of the project because of the nature of the mitigation to be undertaken, the Secretary shall complete the required mitigation as expeditiously as practicable, but in no case later than the last day of the first fiscal year beginning after the last day of construction of the project or separable element of the project.''.

(b) USE OF CONSOLIDATED MITIGATION.—Section 906(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(b)) is amended by adding at the end the following:

''(3) USE OF CONSOLIDATED MITIGATION.—

''(A) IN GENERAL.—If the Secretary determines that other forms of compensatory mitigation are not practicable or are less environmentally desirable, the Secretary may purchase available credits from a mitigation bank or conservation bank that is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigations Banks (60 Fed. Reg. 58605) or other applicable Federal laws (including regulations).

''(B) SERVICE AREA.—To the maximum extent practicable, the service area of the mitigation bank or conservation bank shall be in the same watershed as the affected habitat.

''(C) RESPONSIBILITY RELIEVED.—Purchase of credits from a mitigation bank or conservation bank for a water resources project relieves the Secretary and the non-Federal interest from responsibility for monitoring or demonstrating mitigation success.''.

(c) MITIGATION REQUIREMENTS.—Section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking ''to the Congress unless such report contains'' and inserting ''to Congress, and shall not select a project alternative in any final record of decision, environmental impact statement, or environmental assessment, unless the proposal, record of decision, environmental impact statement, or environmental assessment contains''; and

(B) in the second sentence, by inserting '', and other habitat types are mitigated to not less than in-kind conditions'' after ''mitigated in-kind''; and

(2) by adding at the end the following:

''(3) MITIGATION REQUIREMENTS.—

''(A) IN GENERAL.—To mitigate losses to flood damage reduction capabilities and fish and wildlife resulting from a water resources project, the Secretary shall ensure that the mitigation plan for each water resources project complies fully with the mitigation standards and policies established pursuant to section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344).

''(B) INCLUSIONS.—A specific mitigation plan for a water resources project under paragraph (1) shall include, at a minimum—

''(i) a plan for monitoring the implementation and ecological success of each mitigation measure, including a designation of the entities that will be responsible for the monitoring;

''(ii) the criteria for ecological success by which the mitigation will be evaluated and determined to be successful;

''(iii) land and interests in land to be acquired for the mitigation plan and the basis for a determination that the land and interests are available for acquisition;

''(iv) a description of—

''(I) the types and amount of restoration activities to be conducted; and

''(II) the resource functions and values that will result from the mitigation plan; and

''(v) a contingency plan for taking corrective actions in cases in which monitoring demonstrates that mitigation measures are not achieving ecological success in accordance with criteria under clause (ii).

''(4) DETERMINATION OF SUCCESS.—

''(A) IN GENERAL.—A mitigation plan under this subsection shall be considered to be successful at the time at which the criteria under paragraph (3)(B)(ii) are achieved under the plan, as determined by monitoring under paragraph (3)(B)(i).

''(B) CONSULTATION.—In determining whether a mitigation plan is successful under subparagraph (A), the Secretary shall consult annually with appropriate Federal agencies and each State in which the applicable project is located on at least the following:

''(i) The ecological success of the mitigation as of the date on which the report is submitted.

''(ii) The likelihood that the mitigation will achieve ecological success, as defined in the mitigation plan.

''(iii) The projected timeline for achieving that success.

''(iv) Any recommendations for improving the likelihood of success.

''(C) REPORTING.—Not later than 60 days after the date of completion of the annual consultation, the Federal agencies consulted shall, and each State in which the project is located may, submit to the Secretary a report that describes the results of the consultation described in (B).

''(D) ACTION BY SECRETARY.—The Secretary shall respond in writing to the substance and recommendations contained in each report under subparagraph (C) by not later than 30 days after the date of receipt of the report.

''(5) MONITORING.—Mitigation monitoring shall continue until it has been demonstrated that the mitigation has met the ecological success criteria.''.

(d) STATUS REPORT.—

(1) IN GENERAL.—Concurrent with the submission of the President to Congress of the request of the President for appropriations for the Civil Works Program for a fiscal year, the Secretary shall submit to the Committee on the Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the status of construction of projects that require mitigation under section 906 of Water Resources Development Act 1986 (33 U.S.C. 2283) and the status of that mitigation.

(2) PROJECTS INCLUDED.—The status report shall include the status of—

(A) all projects that are under construction as of the date of the report;

(B) all projects for which the President requests funding for the next fiscal year; and

(C) all projects that have completed construction, but have not completed the mitigation required under section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

(e) MITIGATION TRACKING SYSTEM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a recordkeeping system to track, for each water resources project undertaken by the Secretary and for each permit issued under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344)—

(A) the quantity and type of wetland and any other habitat type affected by the project, project operation, or permitted activity;

(B) the quantity and type of mitigation measures required with respect to the project, project operation, or permitted activity;

(C) the quantity and type of mitigation measures that have been completed with respect to the project, project operation, or permitted activity; and

(D) the status of monitoring of the mitigation measures carried out with respect to the project, project operation, or permitted activity.

(2) REQUIREMENTS.—The recordkeeping system under paragraph (1) shall—

(A) include information relating to the impacts and mitigation measures relating to projects described in paragraph (1) that occur after November 17, 1986; and

(B) be organized by watershed, project, permit application, and zip code.

(3) AVAILABILITY OF INFORMATION.—The Secretary shall make information contained in the recordkeeping system available to the public on the Internet.

SEC. 2009. STATE TECHNICAL ASSISTANCE.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) by striking ''SEC. 22. (a) The Secretary'' and inserting the following:

''SEC. 22. PLANNING ASSISTANCE TO STATES.

''(a) FEDERAL-STATE COOPERATION.—

''(1) COMPREHENSIVE PLANS.—The Secretary'';

(2) in subsection (a), by adding at the end the following:

''(2) TECHNICAL ASSISTANCE.—

''(A) IN GENERAL.—At the request of a governmental agency or non-Federal interest, the Secretary may provide, at Federal expense, technical assistance to the agency or non-Federal interest in managing water resources.

''(B) TYPES OF ASSISTANCE.—Technical assistance under this paragraph may include provision and integration of hydrologic, economic, and environmental data and analyses.'';

(3) in subsection (b)(1), by striking ''this section'' each place it appears and inserting ''subsection (a)(1)'';

(4) in subsection (b)(2), by striking ''up to ½ of the'' and inserting ''the'';

(5) in subsection (c)—

(A) by striking ''(c) There is'' and inserting the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) FEDERAL AND STATE COOPERATION.—There is'';

(B) in paragraph (1) (as designated by subparagraph (A)), by striking ''the provisions of

this section except that not more than $500,000 shall be expended in any one year in any one State.'' and inserting ''subsection (a)(1).''; and

(C) by adding at the end the following:

''(2) TECHNICAL ASSISTANCE.—There is authorized to be appropriated to carry out subsection (a)(2) $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.

Section 3(c)(7)(B) of the Act of August 11, 1888 (33 U.S.C. 622; 25 Stat. 423), is amended by adding at the end the following: ''This subparagraph shall not apply to the Federal hopper dredges Essayons and Yaquina of the Corps of Engineers.''.

SEC. 2021. EXTRAORDINARY RAINFALL EVENTS.

In the State of Louisiana, extraordinary rainfall events such as Hurricanes Katrina and Rita, which occurred during calendar year 2005, and Hurricane Andrew, which occurred during calendar year 1992, shall not be considered in making a determination with respect to the ordinary high water mark for purposes of carrying out section 10 of the Act of March 3, 1899 (33 U.S.C. 403) (commonly known as the ''Rivers and Harbors Act'').

SEC. 2022. WILDFIRE FIREFIGHTING.

Section 309 of Public Law 102–154 (42 U.S.C. 1856a–1; 105 Stat. 1034) is amended by inserting ''the Secretary of the Army,'' after ''the Secretary of Energy,''.

SEC. 2023. NONPROFIT ORGANIZATIONS AS SPONSORS.

Section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)) is amended—

(1) by striking ''A non-Federal interest shall be'' and inserting the following:

''(1) IN GENERAL.—In this section, the term 'non-Federal interest' means''; and

(2) by adding at the end the following:

''(2) INCLUSIONS.—The term 'non-Federal interest' includes a nonprofit organization acting with the consent of the affected unit of government.''.

SEC. 2024. PROJECT ADMINISTRATION.

(a) PROJECT TRACKING.—The Secretary shall assign a unique tracking number to each water resources project under the jurisdiction of the Secretary, to be used by each Federal agency throughout the life of the project.

(b) REPORT REPOSITORY.—

(1) IN GENERAL.—The Secretary shall maintain at the Library of Congress a copy of each final feasibility study, final environmental impact statement, final reevaluation report, record of decision, and report to Congress prepared by the Corps of Engineers.

(2) AVAILABILITY TO PUBLIC.—

(A) IN GENERAL.—Each document described in paragraph (1) shall be made available to the public for review, and an electronic copy of each document shall be made permanently available to the public through the Internet website of the Corps of Engineers.

(B) COST.—The Secretary shall charge the requestor for the cost of duplication of the requested document.

SEC. 2025. PROGRAM ADMINISTRATION.

Sections 101, 106, and 108 of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2252–2254), are repealed.

SEC. 2026. 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—

(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.''.

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.—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. 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 deep-water 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. TENANT'S 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.

Mr. BOND. I move to reconsider the vote.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. I thank all Senators for the passage of this very important bill. There has been tremendous bipartisan cooperation. I especially thank Senator JEFFORDS and Catharine Ransom, Jo-Ellen Darcy, and the great leadership of our chairman, Senator INHOFE. He did an outstanding job, with the great help of Angie Giancarlo, Ruth Van Mark and Stephen Aaron.

On my staff I express a special thanks to a fellow, Letmon Lee, who has worked on this tirelessly for better than 2 years, Karla Klingner, on my staff, Brian Klippenstein, who worked so hard. I believe we have a product we can take to the House.

It is long overdue that we pass the Water Resources Development Act. It was due to be passed in 2002. We have finally done it. My thanks to both sides.

Mr. JEFFORDS. I commend the Senator for his statement. I concur with him wholeheartedly. Let's get on with it.

Mr. BOND. 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. SPECTER. I ask unanimous consent that the order for the quorum call be rescinded.

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

UNANIMOUS CONSENT AGREEMENT—H.R. 9

Mr. SPECTER. Mr. President, I ask unanimous consent that on Thursday at 9:30 a.m. the Senate proceed to Calendar No. 521, H.R. 9, the Voting Rights Act. I further ask there be 8 hours of debate equally divided between the two leaders or their designees with no amendments in order to the bill, and that following the use or yielding of time, the Senate proceed to a vote on passage without any intervening action or debate.

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

MORNING BUSINESS

Mr. SPECTER. Mr. President, I further ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

Mr. SPECTER. Mr. President, since we will be proceeding to the Voting Rights Act tomorrow morning at 9:30, I thought you would be interested to know, since you are on the Judiciary Committee, there will be no executive committee meeting because Senator LEAHY and I cannot be in two places at the same time. There will be no executive meeting tomorrow at 9:30. We will try to have a meeting off the floor if we can to pass out the judges.

I yield the floor and 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. WYDEN. 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. WYDEN. Mr. President, I ask unanimous consent to speak in morning business for up to 20 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator is recognized for 20 minutes.

OIL ROYALTIES

Mr. WYDEN. Mr. President, last week a group of Senators announced they had reached an agreement to open more offshore areas to oil drilling. For the first time, they would allow nearby States, under their proposal, to share in the oil royalties from drilling in Federal waters.

I have come to the floor tonight to say that while I am very hopeful the Senate can come to agreement on a plan that provides significantly more relief to the areas that have been ravaged by Hurricane Katrina, I am also hopeful that the Senate will use this opportunity to finally address a current program, a current royalty relief program, that is out of control and is diverting billions of dollars away from the Federal Treasury.

What the Senate is going to confront, apparently next week, is the prospect that while there is a royalty relief program now that needs to be fixed and has not been fixed, the Senate is going to start a new royalty relief program.

Usually, the first thing you do is fix the program that is not working today before you start anything else. Apparently, some would not be supportive of that taking place. I am one who sees this otherwise.

I also think if you can fix the current royalty relief program, where the Government Accountability Office says $20 billion to possibly $60 billion is being wasted, you could use that money from the current program—that even the sponsor, our respected former colleague, Senator Bennett Johnston, says is out of control—you could use that money from the current program, that wastes so much money, and get some of that to these areas that have been ravaged by Katrina.

There were two floods, in effect, that the Congress must now confront. First, we have to help rebuild the States of Louisiana, Mississippi, and Alabama that were destroyed by the storm surge of August 29 of last year. But the second flood that needs to be stemmed is the flood of billions of dollars of oil royalties that have gone into the pockets of the world's largest oil companies at a time when they have enjoyed extraordinary profits. They have enjoyed tremendous profits. We have seen extraordinary prices, and yet they continue to get these great subsidies.

As I say, if we can clean up the current royalty program, which is so inefficient that even its sponsor thinks is out of control, we will have more money to help these flood-ravaged areas of the gulf that are the legitimate concern of all of my colleagues from those States.

The existing oil royalty giveaways have grown over the years to become the biggest oil subsidy of all and one of the largest boondoggles that wastes taxpayer money of any Federal program.

The General Accountability Office estimates that at a minimum the Federal Government and the taxpayers are going to be out $20 billion in lost revenues. If the Government loses pending lawsuits, that amount could reach as high as $80 billion. This comes at a time when, according to the Congressional Research Service, the oil companies are enjoying record profits.

It will be very difficult to explain to the American public how Congress can be proposing to allow additional billions of dollars of royalty money to be given away before it first puts a stop to what is already going out the door.

Now, in opening this discussion tonight—I expect the Senate will look at this formally next week—I want to be very clear in saying that I understand the need of the gulf States to secure Federal funds to restore their coastlines and rebuild their communities. There is no question that Katrina and Rita flattened New Orleans and other communities up and down the gulf coast, and that there is a clear need for all Americans, including my constituents at home in Oregon, to be part of going to bat for our fellow Americans.

But I do hope, fervently, that as the Senate looks to find additional resources for these gulf States, the Senate will not be given a false choice between either aiding the gulf States or standing up for the public interest in the face of the outrageous oil company windfalls now being paid for today. We can and should do both.

Helping the victims of Katrina is not mutually exclusive from helping taxpayers. It is possible to do both. And as

I have outlined, if you clean up the oil royalty giveaway that is on the books today, that is so inefficient, you can take those dollars and give some of them to folks in the gulf States that are suffering.

Mr. President, my seatmate, Senator LANDRIEU, for whom I have the greatest respect, is from the great State of Louisiana, and she and other colleagues from the gulf States have come to the floor again and again and again to describe eloquently the devastation their States have faced from these hurricanes. Senator LANDRIEU has been a tireless advocate for her State. They have made a compelling case why Congress and the American people ought to provide real assistance to these communities.

Like my colleagues, like Senators of both parties, I want to help the hurricane victims in the gulf rebuild. But I also do not want to continue wasting taxpayer money in unnecessary giveaways to oil companies that have been raking in gushers of cash in the past few years.

As I indicated earlier when we talked about this subject at length on the floor of the Senate, the mistakes that were made in the current royalty relief program have been bipartisan. Certainly, the Clinton administration muffed the ball back in the 1990s when they did not step in and put a solid price threshold on this program. That caused a significant amount of money to be given away. But the mistakes made by the Clinton administration were compounded by Secretary Gale Norton in the Bush administration, and also by the Congress in the energy bill, which continued to sweeten the current royalty relief program.

So citizens and taxpayers have a bit of history: The current oil royalty relief program, which is such a colossal waste of taxpayer money, began when oil was $19 a barrel, and has been continuing at a time when oil has been well over $70 a barrel.

So I think it is important for the Senate to look at ways to provide additional help to the needs of the gulf States without turning a blind eye to this boondoggle that is on the books today—the oil royalty giveaway program that came about in the 1990s.

A possible solution to the current predicament is to use some of the money from the program, which does not work, to try to provide an additional boost of funding for the gulf States at present. Reforming the current royalty program could provide more money for areas hit by hurricanes and possibly other urgent priorities.

As long as we are on that subject, I would very much like to see some of the money that now goes to this inefficient oil royalty giveaway program used for the Secure Rural Schools legislation that is so important in my home State and much of the West and the South.

The oil companies are supposed to pay royalties to the Federal Government when they extract oil from Federal lands. But in order to stimulate production of oil in our country—this was back when oil was $19 a barrel—the Federal Government has been giving oil producers what has been known as royalty relief for some period of time.

Royalty relief is a nice way of saying that the oil companies are taking something from the American people without paying for it. That relief now amounts to billions of taxpayer dollars that are given away to companies that do not need them.

In fact, the President has said that with the price of oil at $55 a barrel, companies do not need incentives at all to drill for oil. That is the President of the United States, not some anti-oil advocate. The President of the United States has said that you do not need incentives with the price of oil above $55 a barrel. In fact, with prices shooting up to more than $75 a barrel—more than $20 higher than the price the President said meant there should not be any subsidies—I do not see how you can make a case at all for the current out-of-control oil royalty giveaway.

I am not the only person who is making this argument. For example, in May, a few weeks after I spent about 5 hours on the floor talking about this program, the other body, the House, held a historic vote to put an end to taxpayer-funded royalty giveaways to profitable oil companies. The House of Representatives, the other body, voted overwhelmingly, on a bipartisan basis, to put a stop to this waste of taxpayer dollars.

So what I spent 5 hours talking about on the floor of the Senate earlier this year—and Senators were saying: What is the point of this? What are going to be the implications? I think it is important to note that a few weeks after I took that time on the floor of this great body, the other body voted overwhelmingly to cut these unnecessary subsidies.

Even officials in the oil industry are saying that you cannot make a case for this multibillion-dollar subsidy at this time. The architect of the program, our respected former colleague, Senator Bennett Johnston, has said that what has taken place with respect to the royalty relief program is far removed from what he had in mind when he wrote the program.

Now, I believe the Senate ought to have another opportunity to debate and vote on the oil royalty issue, just as the other body did this spring. I was unable, earlier this year, despite being close to 5 hours on the floor, to even get an up-or-down vote on my proposal to stop ladling out tens of billions of dollars of unnecessary subsidies to the oil industry.

It seems to me if the U.S. Senate is going to vote on a new royalty scheme that will involve, again, enormous sums of money, the Senate certainly should have the opportunity to vote on reforming the existing program at that time.

We are, of course, in the middle of the summer driving season. This is a time of the year when our citizens drive more, as they go on summer vacations, when demand for gas goes up, and when prices at the pump continue to escalate. I am sure our citizens, who are now facing the highest gas prices ever at this time of the year, will be interested to know when the Senate will have a chance to vote on the question of whether, at this time of record prices, oil companies making record profits should continue to get record taxpayer subsidies in the form of royalty relief.

Along with several colleagues, I have written to the distinguished majority leader asking for the Senate to hold an up-or-down vote on ending royalty relief to profitable oil companies before the August recess. I will continue to press for a floor vote on reforming the oil royalty program at the earliest possible opportunity. I am going to do everything I can to see that this vote happens in a fashion that will expedite aid to the people and communities in the Gulf States who await our best efforts.

It is my understanding that the legislation to open up more offshore areas to oil drilling will come up under expedited procedures next week. I am going to work with colleagues who I know have a great interest in this. I have already spoken with Senator KYL, for example, who helped me greatly when we tried to roll back the oil royalty program earlier this year. I have also spoken with Senators LOTT and LANDRIEU and Chairman DOMENICI. I will continue to have those discussions. I simply wanted to take the time tonight, with the Senate having completed business for the week, to go through some of the implications of this offshore oil drilling program that will be debated next week.

What it comes down to is, before you start a brandnew program that will involve vast sums, you ought to clean up one that is on the books today and is currently out of control, wasting billions of dollars, according to the Government Accountability Office. Secondly, if you clean up the program that doesn't work today, you save some dollars and you can apply them to those devastated gulf States which have such a great need.

I intend to talk about this further next week. I do think it is time for the Senate to start thinking about the implications of what happens if you start a new program and you haven't fixed the one on the books today that even its author thinks is completely out of control and far removed from what he intended.

Mr. HATCH. Mr. President, today we have the opportunity to do something very important for a precious national resource: our children.

We must seize this opportunity and approve H.R. 4472, the Adam Walsh Child Protection and Safety Act of 2006.

As the father of six and the grandfather of 22, and about to be 23, my heart reaches out to parents whose children become the victims of sexual predators.

I cannot imagine what a nightmare that must be.

And as a legislator, I want to assure those parents that we are doing all we can to make certain this never happens again.

I am very confident that due to passing this legislation, there will be fewer sex offender victims in America, and fewer sex offenders roaming free.

This bill has enjoyed vast bipartisan support. When Senator BIDEN and I first introduced the legislation in the Senate, in the form of S. 1086 the Sex Offender Registration and Notification Act—42 Senators quickly signed on as cosponsors.

In particular, I thank for their support my colleague from Utah, BOB BENNETT, and Senator GRASSLEY. I also thank Representative MARK FOLEY who introduced a companion bill in the House and Chairman JIM SENSENBRENNER, who moved this through the House Judiciary Committee.

Majority Leader BILL FRIST and Speaker HASTERT are to be applauded for coming together to make sure this bill passed. I thank them all.

Technology of the 21st century, such as DNA testing, has empowered law enforcement to identify, prosecute, and punish sex offenders—the most despicable of criminals—as never before.

But advanced technology has also empowered sexual predators in way that outrages and disgusts me.

Some have compared the Internet to an ''open game preserve'' where sex offenders can prey on vulnerable children, meeting them in chat rooms and luring them into horrible situations.

Pedophiles use the web to hunt our children; now we will start using the web to hunt down sexual predators when this bill passes.

Today, there are more than 500,000 registered sex offenders in the United States.

Unfortunately, many of them receive limited sentences and roam invisibly through our communities.

With too many, we don't know where they are until it is too late.

We have tried tracking sex offenders through Web sites before, but these sites are virtually useless because the information is frequently wrong and outdated.

Most offenders register once a year, by mail. Moreover, state Web sites do not correspond with each other, and sex offenders are under penalty of only a misdemeanor if they lie or just decide not to participate. There are 150,000 out there that we do not know where they are.

This bill will enhance the web technology available for tracking convicted sex offenders and replace outdated, inaccurate Web sites with meaningful tools to protect children.

It will be a searchable national Web site that interacts with state sites.

Citizens in every state will be able to inform themselves about predators in their communities with accurate information.

Under this legislation, offenders will be required to report regularly to the authorities in person, and let them know when they move or change jobs.

And if they don't want to follow the rules, they will go to jail, because failure to provide truthful information will become a felony.

Those who break such a sacred trust and harm our children, no matter who they are, where they are from, or where they commit their crime, will have obligations under this law to make their whereabouts known voluntarily or subject themselves to additional prison time.

The bill also provides money to put tracking devices on high-risk sex offenders who are released from jail. If we convict these monsters, we can't lose track of them.

These are all common-sense solutions to a dark and horrible problem in our society.

We have all heard with horror the tales of sexual predators.

One of those tales that has captured national headlines comes from my home state of Utah. Elizabeth Smart, then a 14-year-old girl, was kidnapped from her home in 2002. Miraculously, she was rescued nine months later.

Since then, she and her father, Ed Smart, have vigorously labored on behalf of sex-crime victims and laws to help them, including this law.

Ed and Elizabeth have joined me in the Senate today. I thank them publicly, both for standing up and for fighting back. It means so much to all of us.

I have come to know and love them both, and I am grateful for the devotion they have shown for the children of this country.

This bill will call for the creation of a new office within the Department of Justice—called the SMART Office—the Director of which will be appointed by the President and confirmed by the Senate. SMART is an acronym which represents the reaffirmed efforts of the Justice Department to, Sentence—Monitor—Apprehend—Register—and Track, sex offenders. It is also named after Elizabeth Smart.

I thank the Department of Justice for their commitment to the issues of sex offenders, child pornography and the creation of the SMART Office—and I want to, again, thank the Smart family for their active participation in this debate and for helping to move this bill forward.

This legislation is truly ''smart'' legislation.

Also included in this legislation are child protection provisions first introduced in the House by Representative MIKE PENCE, and which I introduced here in the Senate.

This legislation will help prevent children from participating in the production of sexually explicit material.

It strengthens current law by requiring producers of sexually explicit material to keep records regarding the identity and age of performers.

I thank the Senator from Kansas, Senator BROWNBACK, who was this bill's original cosponsor, and the 29 other Senators, on both sides of the aisle, who joined as cosponsors of this bill.

As my colleagues are aware, Congress previously approved the PROTECT Act of 2003 against the backdrop of Department of Justice regulations applying recordkeeping statutes to both primary and secondary producers.

Along with the act's specific reference to the regulatory definition that existed at the time, this signaled Congress's agreement with the Department's view that it already had the authority to regulate secondary producers.

A Federal court in Colorado, however, recently enjoined the Department from enforcing the statute against secondary producers, a decision that conflicted with a DC court ruling on this point.

Title V of the Adam Walsh Act will eliminate any doubt that the recordkeeping statute applies to both primary and secondary producers. It clearly expresses Congress's agreement with the Department's regulatory approach and gives the Department the tools to enforce the statute.

I want to thank the American press corps for the attention it has given to this issue. News outlets have diligently raised the American public's awareness of the grave threat posed by today's sexual predators. And the press have followed the lead of John Walsh, host of ''America's Most Wanted.'' He and his wife, Reve, have waited nearly 25 years for the passage of this bill.

Next Thursday, July 27, 2006, marks 25 years since the abduction and murder of their son Adam. And on that 25th anniversary, it is our hope the President will sign into law legislation that will help law enforcement do what John has been doing all along—hunt down predators and criminals.

Ernie Allen, president of the National Center for Missing and Exploited Children, along with Robbie Callaway, John Libonati, and Carolyn Atwell-Davis were also very prominent spokespeople for this legislation, and I want to personally thank them.

The National Center for Missing and Exploited Children is one of the unsung heroes in the efforts to stop the abduction, exploitation, and murder of children. Their staff works long hours, and their commitment to stopping child pornography and sexual assault against kids is hard to match.

I am grateful that the Senate will soon act on this bill. In the preamble to our Nation's great Constitution, we the people promise to establish justice, promote the general welfare, and provide for the common defense. There is no defense more sacred, nor welfare more precious, than those of our children.

Currently, we track library books in this country better than we do sex offenders. With this measure, however, law enforcement will have the best means possible to protect our Nation's most precious national resource: our children.

Now, I appreciate the help of all of my colleagues. I certainly appreciate this time from the distinguished Senator from Oklahoma because I wanted to make this statement, and this was a good time to make it. I am grateful to him for providing the time. I yield back the remainder of my time and ask everybody in the Senate to vote for this bill.

VIOLENCE IN THE MIDDLE EAST

Mr. SCHUMER. Madam President, I rise to speak about the situation in the Middle East. As we have seen, the missiles are continuing to fly, the fighting continues, the situation gets volatile. This morning, another Hezbollah rocket attack—this time on Nazareth—caused the death of two more Israelis. So it is vitally important that we seriously discuss this issue.

Israel and its immediate neighbor Lebanon are in a state of peril that concerns the entire world. If I had one point to make this morning, it is this: President Bush is correct to fully support Israel in her effort to bring peace, to bring the soldiers home, to prevent missiles from flying on the northern fifth of Israel.

Mr. President, 1.2 million people are living in shelters. That is a fifth of the entire population. Israel has an inherent right as a sovereign nation not only to secure her borders but to defend herself from outside attack. I am urging the President to continue to stand tall and give Israel the space she needs, the time she needs, to defend herself and make sure that these missiles cannot continue to rain down upon her people at Hezbollah's will.

There is a great deal of pressure from the European community and from others that Israel should not be given the ability to defend herself. In short, if we were to prevent Israel from doing everything she could to stop these rockets from flying down on her people, we would be back where we are now 3 months, 6 months, a year from now, in the same situation.

So should there be peace and negotiations? Yes. Might it be possible eventually to have an international force in southern Lebanon? Perhaps, although many of us who believe in Israel are worried about that force because in the past it has not stopped terrorist attacks on Israel. But at the moment, we cannot allow the status quo to continue, where a militant terrorist organization, Hezbollah, has the ability to rain torture down on the northern part of Israel.

Israel must be allowed to defend herself like any nation. Can you imagine if some group were operating in Canada and continued to fire missiles at Buffalo and Detroit and Minneapolis and Seattle? Would the rest of the world tell the U.S. ''show restraint'' even though every night a hundred missiles came down on the cities, even though millions of people might be living in shelters? Of course not.

Every country has the right to defend herself. Israel is no exception. I salute President Bush for understanding that and hope he continues on that course because any other course, any appeasement of Hezbollah, will lead to this same sorry situation repeating itself.

Let's be clear: The state of Israel is not an aggressor here. Israel has stated over and over again its desire to live in peace with the Arab world. It is Israel's policy to allow a Palestinian state. And there are some in the Palestinian and Arab world who agree with it. But there are some who do not.

Hezbollah believes Israel has no right to exist, not simply in the West Bank and Gaza but in Tel Aviv and Jerusalem and Ashdod and Ashkelon. And Hezbollah has said they will do all they can to eradicate the state of Israel. Hezbollah is the aggressor.

I feel deeply for those who are injured, both Israeli and Lebanese, both Jew and Arab. But the Lebanese Government also has an obligation here; that is, not to allow terrorists to operate on her soil. I was so pleased to see that Saudi Arabia and other countries in the Arab world understand that Hezbollah is the provocateur here. But the world must unite against terrorism. The sad lesson we learn is that if terrorism is first directed at one country, it will inevitably spread, unless we have a strong, united world against terrorism.

In this case, Israel is not the aggressor. She is defending herself against an unlawful incursion into her borders by the terrorist organization Hezbollah. Hezbollah has rockets, and they shoot indiscriminately at civilians. Israel, on the other hand, in defending herself, goes out of her way and sacrifices the lives of her soldiers not to punish and hurt civilians. It is awfully difficult when people store missiles in their garages and in their homes.

But all Israel asks for is the ability to defend herself. To create some moral equivalency between Israel's response to these rocket attacks and the terrorist attacks themselves is, in my opinion, immoral. What other country would allow it? Would Prime Minister Chirac stand for restraint if missiles rained from Switzerland to Lyon? Would President Putin ask for restraint? Why he asks for restraint against terrorists in the Middle East but asks for world support against terrorists in Chechnya is beyond me. He seems to have a double standard.

Would any country simply watch as dozens of its own citizens were killed, countless more injured, the whole nation frantic with fear and uncertainty? No, of course not. Every nation would respond with strength and do everything it could to eradicate the terrorists. And that is just what Israel is doing now.

Prime Minister Olmert has publicly called for peace. He is right to do so. Israel did not seek out this conflict and does not seek its continuance. But neither will nor should Israel back down and simply allow Hezbollah to continue its reign of terror over Israel and its citizens at any time of its choosing.

So this is a sad situation. Lebanon's entire population is paying the price for Hezbollah's outrageous actions. The Prime Minister, Siniora, said in a statement:

> Lebanon cannot grow and develop if the government is the last to know and yet the first to pay the price.

The great mistake was allowing Hezbollah into the government and then allowing them free reign in southern Lebanon. It should not be a mistake that Lebanon repeats, and it should not be a mistake to which the world acquiesces.

Lebanese Prime Minister Siniora has called for his government to assert ''sovereignty in all Lebanese territory.'' I agree with this. You cannot have a terrorist separate nation living within your nation and then disclaim any responsibility and blame the country that is simply defending itself against terror.

As I said, I welcome the stance of Saudi Arabia and Egypt and Jordan and Kuwait, which characterized Hezbollah's actions as ''unexpected, inappropriate and irresponsible.'' This is a welcome stance, a new stance. But talk is cheap. We should hold the Arab League's feet to the fire and pressure them to take concrete steps that will force Hezbollah to stop its attacks and return the captured soldiers.

In short, our President is doing the right thing. Americans of all political philosophies and all parties back him in doing it. Our plea, Mr. President: Stay the course. Continue strong. Let Israel, who does not ask for United States troops or United States casualties in any way—defend herself. All she needs is the support of the world to help her fight terrorism, a terrorism which could afflict any one of our nations.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I think this may be the first time I have had occasion to stand on the floor and associate myself with the remarks of the distinguished Senator from New York. I appreciate his thoughtful remarks.

PRESIDENT'S VETO OF H.R. 810

Mr. HARKIN. Mr. President, I just watched the President of the United States veto the bill that passed here yesterday by 63 votes, the bill to provide that our scientists in this country, under the guidance of the National Institutes of Health, could conduct lifesaving research on embryonic stem cells, with strong ethical guidelines.

I will mince no words about the President's action and the words he used. I think this veto is a shameful display of cruelty and hypocrisy and ignorance. It is cruel because it denies hope to millions of Americans who suffer from Parkinson's, Alzheimer's, ALS, juvenile diabetes, and spinal cord injuries.

The best scientists in the world, overwhelmingly—including dozens of Nobel Prize winners, every director at the National Institutes of Health—say that embryonic stem cell research offers enormous potential to ease human suffering.

I think this veto displays some hypocrisy. The President describes it as immoral, yet himself provided funding for it in 2001. How is it that for those stem cells derived before 9 p.m. August 9, 2001, it is moral to do research on them, but it is immoral to do research on any stem cells after that? Please, explain that, Mr. President.

Quite frankly, I think this is a shameful display of ignorance about what stem cell research is. His spokesman today, Mr. Snow, said we are not going to kill these embryos to provide life to someone else. What a shameful display of ignorance. These cells are not killed. They are kept alive. These stem cells are kept alive to grow tissue and heart muscle, nerve muscle, reconnect spinal cords. If you kill them, they cannot do that. What sheer ignorance was on display by Mr. Snow this morning when he said that.

So, Mr. President, I will have more to say about this later. I only have a few minutes now. But I think what the President did is to condemn millions of Americans to suffering—needless suffering—and to take away the hope so many people have that this research could ease their suffering. I think it was a shameful display.

I congratulate the Senate which, in a bipartisan effort—63 votes—passed H.R. 810 yesterday. Now the President has vetoed it. We cannot bring it up again this year. But I can assure you that this Senate will take it up next January. We will be back, Mr. President. We will be back, and we will have more Senators next year willing to stand up—willing to stand up—against ignorance and hypocrisy and cruelty, more Senators who will stand up for embryonic stem cell research and help those who are suffering in our society. We will be back next January, and we will pass it again. And if this President vetoes it again, we will override it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I wish to respond to the Senator from Iowa very briefly.

I voted with the majority. I think we ought to give the President of the United States credit for a firmly based, knowledgeable position on this issue. Reasonable people can disagree on this issue. I think the debate generally that we had was good for America, but I respect the President's right to carry out his responsibilities as he sees fit. An exercise of a veto is within the President's authority.

I disagree with the President on this issue, but I respect his views and I respect his right to act as he feels is in the Nation's interest.

TRIBUTE TO WINTHROP PAUL ROCKEFELLER

Mrs. LINCOLN. Mr. President, I thank my colleague from West Virginia and my colleagues from Oklahoma and Vermont for allowing us this opportunity.

Today I rise to pay tribute to one of Arkansas' great public servants, business leaders, and philanthropists, our Lieutenant Governor, Winthrop Paul Rockefeller. Winthrop passed away quietly last Sunday after a period of illness. Words can hardly express the sense of loss we in Arkansas feel at the passing of Winthrop.

Everyone has heard of the Rockefeller name, there is no doubt. It is renowned the world over. Truth be told, Win could have used that name and the family fortune to do whatever he wanted or nothing at all. Many in similar circumstances have chosen to indulge themselves in personal excess. But not Win. He chose to live the life of a servant.

He had a plaque placed at his home on Petit Jean Mountain in Arkansas that really sums up how he lived and what he believed. The plaque quoted Micah, chapter 6, verse 8:

> He has showed us, O man, what is good. And what does the Lord require of you? To act justly and to love mercy, and to walk humbly with thy God.

All through his life, you see evidence of his desire to live out that Scripture. He was compassionate and thoughtful. He showed a strong love for his fellow man and a commitment to leaving this world a better place than he found it. Part of that commitment was expressed through his work at Little Rock-based Winrock International—one of the world's leading incubators of economic progress for developing economies.

His work there not only has had a profound impact on 107 nations spread across the globe but also has impacted Arkansas' rural areas as well. I have worked closely with Winrock International on many of those initiatives and have been proud to do so.

His Winthrop Rockefeller Foundation has also helped enrich the quality of life for rural America, particularly in the area of home ownership in my home area; that is, the Mississippi Delta.

He also strongly believed in developing the potential in our young people. One of his favorite organizations was the Boy Scouts of America. He served on the executive board of the National Council, and he was president of the Quapaw Area Council in 1997 and thereafter was a vice president. He also founded a program called Books in the Attic in which Boy Scouts could collect used books to distribute to families. Most importantly, however, he served for many years as an assistant Scoutmaster for Troop 12, and he attended Scout camp with his son regularly, as well as Scout meetings.

Win was also the father of two special needs children. His desire to see them and others like them succeed in life moved him to open a school for differently abled children called the Academy at Riverdale in Little Rock. This is just another example of the kind of heart he possessed.

Throughout his lifetime, Win also served in charitable organizations in many ways. The list is long, but some of the charities include the Arkansas State Police Commission, the President's Council on Rural America, and on and on. He served as a Texas Christian University trustee and was on the national boards of Ducks Unlimited, and the Nature Conservancy.

He served on the boards of the Arkansas Cancer Research Center and the Arkansas Arts Center Foundation. He was a trustee of the Winthrop Rockefeller Charitable Trust and Rockefeller Foundation.

In his spare time he was one of the finest Lieutenant Governors the State of Arkansas has ever known.

As I close paying tribute to this thoughtful, kind man, I am reminded of the story of David. He was looked upon as the most unlikely of men to become king of Israel. In the same way, it was easy for many to believe that they could look at outward things—Win's money perhaps, family connections, and his status—and draw conclusions about who he was.

But, as with David, man looks on the outside but God looks in the heart. Win's heart was always in the proper place, a faithful place. I truly believe that his heart has now found its rightful place in the hands of his King.

My condolences go out to his lovely wife Lisenne, his three daughters and five sons, to his extended family and my very dear friend and colleague, Senator JAY ROCKEFELLER, and I pray the Lord will keep this entire Rockefeller family in this time of grief.

Mr. President, I am proud to yield to my colleague from the great State of Arkansas, Senator PRYOR.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, we lost a great Arkansan this week and also a great American. I rise today to give tribute to Winthrop Paul Rockefeller.

When I think of Win Paul, I think of a man who demonstrated throughout the course of his life great faith, courage, and humility. He was a friend to me, but he was a friend to thousands of people around our State and around our Nation. He set a high standard for public service and for philanthropy and a high standard for leadership. In fact, he is one of those people who, regardless of his station in life, even had he

been born without a penny to his name, would have been selfless, and he would have lived a sacrificial life just as he did.

He has done so many great things for the State of Arkansas, for the country and for the world. Let me just name a few of the charities that he has been deeply involved with: The Boy Scouts of America, Project ChildSave, the Arkansas Literary Festival, the President's Council on Rural America, the Bill Fish Foundation, Ducks Unlimited, the Nature Conservancy, the Arkansas Coalition for Juvenile Justice—to name just a few.

He has helped so many people along the way. He has inspired people with the time he spent with them but also with his generosity.

I experienced that when I was about 10 or so years old. My father was the newly elected Governor of Arkansas and Win Paul walked in, a young man, and on the spot he bought for the Governor's mansion and gave to the State of Arkansas a new stove for the kitchen because he thought that Liza Jane Ashley, the cook at Governor's mansion, should not have to labor over that old, dilapidated stove she had. That is the way he was. We will never know the thousand acts of kindness he did for people.

I have to single out one organization that he loved so much and he is closely identified with in Arkansas and that is the Boy Scouts. He was involved in that organization for 30 years, and he led by example. The Boy Scouts' motto is ''Be prepared.'' I think that Win Paul Rockefeller was always prepared to help his fellow man. He was always looking for ways to be of service. The Boy Scouts' slogan is ''Do a good turn daily,'' and certainly he lived by that and lived by a very deep faith. He demonstrated his faith every single day that we all knew him.

Like my colleague from Arkansas, we extend our prayers to Lisenne, their children, and to JAY ROCKEFELLER and the entire Rockefeller family and all of their friends and all the people they have touched. We just want to say we know that he is in a better place. We know that he has been greeted at the Pearly Gates with open arms.

We will truly miss Winthrop Paul Rockefeller.

I yield the floor.

Mr. ROCKEFELLER. Mr. President, I thank the chairman of the full committee and ranking member for their generosity in allowing, hopefully, 15 minutes for eulogizing Win Paul. Win Paul was my first cousin. I think people need to know, he died from a really horrible form of cancer. We knew it was going to be difficult. He went to Seattle to get a variety of bone marrow transplants, and wasn't going anywhere. So, in effect, he came back to Arkansas, his home. In many ways like his father, in some ways under the shadow of his father, but in all ways committed to the people of Arkansas.

He originally came back to Arkansas at the age of 24 when his father died. He wanted to do good. When I think about him, I just think of his desire to be helpful to people. Both of my colleagues from Arkansas mentioned his relations, working with the Boy Scouts. One thing he was really proud of is that he racially integrated the Little Rock Boy Scouts, so that there were two sides.

I feel a great sense of loss personally as his first cousin, who knew him very well. He had a great affinity for Arkansas, which is a State that I love because it is very much like West Virginia.

He had a wonderful family, eight children. Several of them have very difficult developmental disabilities. He has, for that reason, and I think because of his general humanity, poured himself into people who do have developmental problems. Both Senators from Arkansas mentioned the Riverdale Academy, which I think tripled in size since it was founded in 2004.

He was ultimately a Lieutenant Governor who wanted to be Governor to do what all Governors want to do, which is to live out their vision, make his vision for Arkansas come true. He didn't have that chance. He gracefully withdrew from the race when it became evident to him that things weren't going to be very good in terms of his health. He came back to Arkansas a very, very sick person to die, to his home and to his God.

I am going to miss him. I thank my colleagues for indulging in this moment of thought about a family member to me and a political leader and friend to my two beloved colleagues from Arkansas.

He will be at home in Heaven.

PRESIDENTIAL REPORT

Mr. STEVENS. Mr. President, I ask unanimous consent that a letter from the President of the United States be printed in the RECORD today pursuant to the war powers resolution.

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

Hon. TED STEVENS,
President pro tempore of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Hostilities involving Israeli military forces and Hezbollah terrorists in Lebanon commenced on July 12, 2006, and have included military operations in the vicinity of the U.S. Embassy in Beirut.

Although there is no evidence that Americans are being directly targeted, the security situation has deteriorated and now presents a potential threat to American citizens and the U.S. Embassy. On July 14, the Department of State first requested Department of Defense assistance to support the departure of American citizens from Lebanon. On July 15, U.S. military helicopters temporarily deployed to Cyprus. On July 16, these combat-equipped helicopters delivered to U.S. Embassy, Beirut, a contingent of U.S. military personnel who will assist in planning and conducting the departure from Lebanon of U.S. Embassy personnel and citizens and designated third country personnel. The helicopters also transported U.S. citizens from Beirut to Cyprus. It is expected that these helicopters will continue to provide support to the Embassy, including for the departure of additional personnel from Lebanon. It is likely that additional combat-equipped U.S. military forces may be deployed to Lebanon and Cyprus and other locations, as necessary, in order to support further efforts to assist in the departure of persons from Lebanon and to provide security.

These actions are being undertaken solely for the purpose of protecting American citizens and property. United States forces will redeploy as soon as it is determined that the threat to U.S. citizens and property has ended and the departure of any persons, as necessary, is completed.

I have taken this action pursuant to my constitutional authority to conduct U.S. foreign relations and as Commander in Chief and Chief Executive. I am providing this report as part of my efforts to keep the Congress informed, consistent with the War Powers Resolution.

Sincerely,

GEORGE W. BUSH.

THE WHITE HOUSE, *July 18, 2006.*

COMMENDING SHARON DALY

Mr. REID. Mr. President, I am pleased to rise today to commend Sharon Daly for her more than 30 years of service to those in need. Through her tireless advocacy, she has truly made an important contribution to the well-being of real people and has improved the character of this Nation.

Most of those who have benefited from her efforts will never know her name or the impact that she had on their lives. That is because Sharon wasn't one to seek the limelight or publicity for herself. Instead, she has quietly but determinedly dedicated herself to helping the most vulnerable among us—including those with disabilities, the homeless, victims of domestic violence, disadvantaged and abused children, and immigrants. Sharon's leadership and commitment truly exemplifies what it means to ''love you neighbor as yourself.''

Through her service at the Children's Foundation, the U.S. Conference of Catholic Bishops, the Children's Defense Fund, and most recently as vice president and then senior public policy advisor at Catholic Charities USA she has worked to make Federal programs, including the Food Stamps Program, Medicaid, the earned-income tax credit and many others, more responsive to the needs of those facing significant challenges in their lives. She helped Members of Congress and our staffs understand how the support provided by these programs helps low-income families and children address the ravages of poverty.

Sharon worked successfully on bipartisan efforts to enact the Family and Medical Leave Act and the Americans with Disabilities Act. She also played a lead role in the enactment of a 1993 package of benefits for low-income families with children, including major expansions in the earned-income tax credit, food stamps, immunization, and family preservation/child welfare services.

Mr. President, Sharon Daly is retiring from Catholic Charities USA. She will be deeply missed for her thoughtful guidance and leadership. I have confidence, however, that she will remain an inspiration to those who will follow in her footsteps.

TEEN DRIVER SAFETY

Mr. DURBIN. Mr. President, during the recent district work period, I read a front-page Chicago Tribune news article that reminded me of the importance of educating young adults about driving safety. And as students in Gibson City, IL, can tell you, the story is also a testament to what can be achieved through dedication, perseverance, and heart.

Summer can be a dangerous time for teen drivers, many of whom are just beginning to build their experience behind the wheel. In my home State of Illinois, July is the deadliest month for teen drivers. An average of 12 Illinois teens have been killed in car accidents every July for the last 10 years. We must work to prevent these tragic losses by educating America's teenage drivers about driver safety.

The Tribune article highlighted the story of the Arends family, of Gibson City, IL, who have turned an unimaginably heartbreaking tragedy into a successful campaign to save the lives of teen drivers. Three and a half years ago, 17-year-old twins Greg and Steve Arends were driving to work when Greg, the driver, lost control of the car, which slammed sideways into a telephone pole at 80 miles per hour. Neither boy was under the influence of drugs or alcohol, and both boys' seatbelts were fastened, but unfortunately, Greg's side of the vehicle bore the impact of the crash, and he died at the hospital. Miraculously, his twin brother Steve survived, thanks in part to wearing a seatbelt.

A year and a half after the accident, despite their immense pain and grief, the Arends family responded to a call from Judy Weber-Jones, a teacher at the local high school, who asked if they would be willing to help launch a teen driver safety campaign in Gibson City. They agreed, and Steve Arends even decided to participate in presentations for his peers. His is a powerful message, and it is already making a difference in the lives of teens in Gibson City. Though the accident left Steve with injuries that he is still trying to overcome, he has displayed great courage in sharing his unfortunate experience with his peers in Central Illinois.

Over the last year and a half, the campaign at Gibson City-Melvin-Sibley High School, called Project Ignition—License to Live, has grown to attract the participation of dozens of students and community volunteers. The Arends family has allowed students to place pictures of Greg around the school and gave the group a picture of the car mangled in the accident. Roadside signs erected all over town read ''Slow Down. Buckle Up. Remember Greg and Steve.'' Students have staged mock car accidents and organized demonstrations with crash simulators. The group has also produced videos, PowerPoint presentations, and public service announcements aimed at increasing seatbelt use, reducing speeding, and promoting safe driving practices among teens.

I commend the Arends family, Ms. Weber-Jones, and all those who collaborate with the Project Ignition—License to Live program for their work to save the lives of young drivers in Illinois. The campaign's success has been remarkable.

Since the start of the Project Ignition—License to Live program, seatbelt use among teens at Gibson City-Melvin-Sibley High School has increased at least 20 percent, the number of speeding tickets issued to teens has decreased by more than 70 percent, and the number of accidents reported to local police departments has dropped by more than half. This program is indeed saving lives. Six teens were involved in car accidents this past school year, and in all six cases, the teens were wearing their seatbelts and walked away with only minor injuries.

So what is Project Ignition—License to Live doing differently than other teen driver safety programs? In just a short time, this program has been able to achieve levels of improvement in teen driver safety and accident prevention that parents, teachers, law enforcement, and other leaders have not been able to accomplish in decades. The most notable difference is that this program is fueled by teens themselves. They have found a way to package messages about wearing seatbelts, slowing down, and staying alert that truly resonate among their peers. Theirs is a model that I believe should be replicated across the Nation.

The SAFETEA highway and transit bill that Congress passed 1 year ago included a provision to reward States that have passed strong primary seatbelt laws. Such laws allow law enforcement officials to stop, ticket, and fine drivers for not wearing a seatbelt. My home State of Illinois is one of those States that have already passed a primary seatbelt law. In 2006, Illinois will receive a one-time payment of $30 million in Federal funds authorized by SAFETEA. I commend Illinois for not only passing a primary seatbelt law that will save lives but also for dedicating all of the $30 million to highway safety programs. I recently sent a letter to Governor Blagojevich urging him to use the funds to bolster the efforts of groups like Project Ignition License to Live.

As the example of Gibson City and the Arends family shows, young adults take to heart the life lessons of their peers. Therefore, Governor Blagojevich and the State of Illinois would be wise to coordinate with groups such as Project Ignition—License to Live so that young adults can share their personal experiences and remind their peers to drive safe and buckle up. I urge my fellow Senators to continue to fund these important safety programs and to work with their State governments to pass primary seatbelt laws so that other States can follow Illinois' example and make highway safety a priority.

HONORING OUR ARMED FORCES

AIRMAN JASON J. DOYLE

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of U.S. Navy Airman Jason Doyle of Nebraska. Airman Doyle died after falling overboard from the USS *Kitty Hawk* off the eastern coast of Japan on July 8. He was 19 years old.

Airman Doyle grew up near Sunset, UT. In 2000, he moved to Bellevue, NE and was a 2005 graduate of Papillion-La Vista South High School. He joined the Navy immediately following graduation.

Airman Doyle had a lifelong interest in flying and in Japanese culture. He turned those interests into an opportunity with the Navy. He was deployed with the Electronic Attack Squadron, VAQ, 136 aboard the USS *Kitty Hawk* in October 2005. His first leave was at a Japanese port, where he was able to experience a culture he had been fascinated with his entire life. Thousands of brave Americans like Airman Doyle are serving the United States worldwide.

Airman Doyle is survived by his father, Dale Doyle; his mother, Martha Bower; his stepmother, Susie Doyle; his brother Brandon; and sisters Shauna, Whitney, and Ashley.

I ask my colleagues to join me and all Americans in honoring Airman Jason Doyle.

REAUTHORIZATION OF THE NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

Mr. AKAKA. Mr. President, I am pleased to be an original cosponsor of a bipartisan bill to reauthorize the National Veterans Business Development Corporation, commonly known as the Vets Corp. This bill, the Veterans Corporation Reauthorization Act of 2006, was developed in a cooperative fashion by members of the Small Business and Veterans Affairs' Committees, in conjunction with Senator TALENT who was involved in the original establishment of the Vets Corp during his tenure in the other body.

The Vets Corp has a crucial mission—to foster entrepreneurship and business opportunities for veterans, with a special focus on service-disabled veterans. During this time of conflict abroad, this mission is extremely relevant. A seamless transition from military to civilian status requires that we give our veterans the tools necessary to succeed in their post-military lives. The Vets Corp seeks to do just this for veteran-owned small businesses.

Created by Congress in 1999, the Vets Corp had a slow start. While I believe that the new Vets Corp leadership is turning things around, there are some lingering concerns about the Vets Corp's funding and mission. I am hopeful that this legislation we are introducing today will help remedy these concerns. Under the terms of the legislation, the Vets Corp would be provided matching funds instead of a straight allocation. In addition, this bill would clarify the purpose of the organization as well as improve the structure of their advisory board.

Mr. President, I am proud to be a cosponsor of this bill. I applaud the hard work of Senators KERRY, SNOWE, TALENT, and their staffs in crafting this bipartisan bill. I hope my colleagues will support this bill and I urge its speedy passage.

VIOLENCE IN DARFUR

Mr. FEINGOLD. Mr. President, I am deeply troubled that violence in Darfur continues. It is disheartening to learn that the Government of Sudan continues to serve as an obstacle to the deployment of U.N. peacekeeping forces that could bolster the African Union Mission in Sudan, AMIS. While AMIS has conducted its mission to the best of its ability, it is clear that it has neither the resources nor the mandate to stop the violence that is affecting the lives of millions of innocent people. It remains critical that an international peacekeeping force be allowed to deploy to Darfur to augment the African Union Mission in Sudan and to establish a lasting and sustainable peace.

Peace in Darfur has been elusive, but it is not unattainable. The Government of Sudan must be a willing partner for peace; it must work with the international community to find an acceptable and expedient plan to introduce peacekeeping forces to that region. Until a more robust peacekeeping force can deploy to Darfur, it is important that the international community support continuing AMIS efforts there. Finally, parties to the conflict in Darfur must also abide by the recently agreed upon Darfur Peace Agreement, DPA, although it is apparent that this peace agreement is showing signs of strain.

Peace in Darfur is critical for establishing a lasting and comprehensive peace throughout Sudan and the region. That said, we must not ignore the continuing need to press for progress on the North-South Comprehensive Peace Agreement, CPA. The U.S. Government, with the international community and the United Nations, must continue to press for progress in implementing the CPA between the north and the south of Sudan. Unfortunately, well over a year from the signing of the CPA, it has become painfully clear that various important elements of the agreement have yet to be implemented, let alone completed. Key issues concerning land tenure rights, critical border agreements, oil revenue sharing, and armed militias in southern Sudan have yet to be settled or addressed fully.

While much of the lack of progress relating to the CPA relates to the complexity of the peace agreement, much of it relates to the limited capacity of the Government of Southern Sudan, GOSS, to provide effective governance, services, and protection of its citizens. There remain serious obstacles to the establishment of a viable and strong GOSS, including a continuing lack of sufficient infrastructure throughout the south and sporadic violence that disrupts various parts of the region. The international community must continue its support of Sudan's CPA, which means addressing the capacity that parties to the agreement have to implement the agreement.

The U.S. Government and the international community need to be sustained, coordinated, and comprehensive. We cannot dismiss the significance of the linkages and impact that each of these agreements have on one another, nor their significance for developing a solid foundation for addressing conflict throughout the region. Successful implementation of both the CPA and DPA will provide significant benefits to all communities in Sudan and will set the stage for a new era of peace for the entire country and region.

NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

Ms. SNOWE. The Veterans Entrepreneurship and Small Business Development Act of 1999 created the National Veterans Business Development Corporation—The Veterans Corporation—to address gaps in providing small business and entrepreneurship assistance to veterans and service-disabled veterans. These services are to be delivered through newly created, community-based veterans business resource centers, VBRCs. The legislation authorized Federal funding through fiscal year 2004, with the requirement that the Corporation ''institute and implement a plan to raise private funds and become a self-sustaining corporation.''

While the Veterans Corporation's purpose and mission are well-intentioned, in practice, the Corporation has been unable to become self-sustaining and continues to rely on congressional appropriations. Furthermore, the Corporation's funding concerns have diminished its ability to create a vibrant national network of VBRCs. The Corporation's struggles have led it astray from the original intent of the law and hurt its delivery of services to our Nation's veterans. As such, my colleagues and I are introducing legislation to reauthorize the Veterans Corporation and to improve the direction of the Corporation as it works to serve veteran and service-disabled veteran entrepreneurs.

Although the Veterans Corporation has fallen on hard times, its vision of assisting veterans with their business needs is still admirable. In fact, according to the Small Business Administration, about 22 percent of veterans were either purchasing or starting a new business or considering doing so in 2004. Moreover, almost 72 percent of these new veteran entrepreneurs planned to employ at least one person at the outset of their new venture. Supporting veterans' small business needs has become increasingly important as soldiers begin to return from continuing U.S. military operations worldwide.

I have worked hard to put the Veterans Corporation on the track to success and to support the veteran entrepreneurs and veteran-owned small businesses that it serves. I have led efforts to ensure proper oversight of the Corporation, as well as assisted the Corporation through appropriate legislative action.

As Chair of the Senate Committee on Small Business and Entrepreneurship, I requested a Government Accountability Office, GAO, study, released in August 2004, to ensure that the Veterans Corporation was meeting its responsibilities and the needs of our Nation's veterans. The GAO report concluded that the Veterans Corporation faced a number of challenges in achieving self-sufficiency, noting that dramatically lower-than-expected revenues delayed the estimated date for achieving self-sustaining operations from fiscal year 2004 to fiscal year 2009. The GAO was also concerned with the Corporation's distinction as a government corporation,'' as determined by the Office of Management and Budget and the Department of Justice. This determination subjected the Corporation to numerous agency requirements and drained significant resources away from serving veterans. Again, this designation inhibited the Corporation's ability to become self-sustaining.

In the fall of 2004, I introduced emergency legislation that was passed into law to clarify the Corporation's status as a ''quasi-private entity,'' not a ''government corporation.'' At the time, this legislation relieved the 12-employee Corporation from burdensome Federal agency reporting requirements.

Following the enactment of this legislation, many of my colleagues and I encouraged the Corporation to work hard to get its fiscal house in order and to focus on reaching out to veterans in local communities, particularly through VBRCs. Unfortunately, the Corporation's most recent efforts to become self-sustaining have yielded insufficient results. Furthermore, since its inception, the Corporation has only succeeded in establishing four VBRCs. Therefore, it is appropriate to restructure the corporation to meet the original intent of the law and to better serve our veteran entrepreneurs.

I would like to thank Senators KERRY, TALENT, and AKAKA for working together with me to craft the bipartisan ''Veterans Corporation Reauthorization Act of 2006.'' We believe that this bill will clarify current law directing the Veterans Corporation, improve the Corporation's services to veterans by stressing the need to create VBRCs, and protecting the American taxpayer by ensuring that the Corporation meets its self-sustaining requirement.

More specifically, this legislation will focus the Corporation's purpose and mission to emphasize establishing a national network of information and assistance centers for use by veterans and the public.

This bill would strictly guide the Corporation's ability to access public funds. Although the legislation would reauthorize funding at $2 million for fiscal year 2007–fiscal year 2009, the funds would be directed through the Small Business Administration's Office of Veterans' Business Development. These funds would only be allocated to the Corporation if it first matches those funds on a dollar-for-dollar basis. Any funds not expended would revert back to the Treasury. Furthermore, there is a provision that restricts the amount of revenue the Corporation can raise from fee-for-service tools or direct charge, to the veteran receiving services.

Our legislation also reinforces current law by requiring that the Veterans Corporation must develop a plan to become self-sustaining and would add the requirement that the Corporation include an independent audit in its annual report to Congress, and includes a GAO audit to ensure review and compliance.

Finally, the legislation will postpone the transfer of duties from the SBA's Advisory Committee on Veterans Business Affairs to the Corporation, and improve notification of the Corporation's services to veterans and transitioning service members.

VOTING RIGHTS ACT REAUTHORIZATION

Mr. LEAHY. Mr. President, There are few things as critical to our Nation, and to American citizenship, as voting. Like the rights guaranteed by the first amendment, the right to vote is fundamental because it secures the effective exercise of all other rights. As people are able to register, vote, and elect candidates of their choice, their interests and rights get attention. The very legitimacy of our democratic Government is dependent on the access all Americans have to the electoral process.

The Voting Rights Act of 1965 transformed the landscape of political inclusion. As amended, the act contains important provisions for language assistance. Section 203, added as part of the second reauthorization of the Voting Rights in 1975, broadened this landscape by allowing millions more American citizens to participate fully in our democracy. Section 203, which requires bilingual voting assistance for certain language minority groups, was enacted to remove obstacles to voting posed by illiteracy and lack of bilingual language assistance resulting in large measure from unequal educational opportunities available to minorities. These provisions helped overcome discriminatory barriers which limited access to the political process for language minority groups and resulted in low turnout and registration. Along with section 4(f)(4), section 203 has led to extraordinary gains in representation and participation made by Asian Americans and Hispanic Americans.

Hispanic-American populations have been one of the primary minority language groups to benefit from the protections of the bilingual provisions of the Voting Rights Act. For example, effective implementation of the bilingual provisions in San Diego County, CA, helped increase voter registration by more than 20 percent. And voter turnout among Hispanic Americans in New Mexico rose 26 percent between 2000 and 2004 after television and radio spots were aired in districts with Spanish-educated listeners about voter registration and absentee ballots. Yet more needs to be done. Historically, Hispanic Americans have low voter turnout and less than 1 percent of all elected offices in the United States are held by Hispanic Americans.

I was troubled during the immigration debate that the rhetoric of some Members of the Senate appeared to be anti-Hispanic in supporting the adoption of an English language amendment. Senator SALAZAR and I wrote to the President following up on this provision. We asked whether the President will continue to implement the language outreach policies of President Clinton's Executive Order No. 13166. A prompt and straightforward affirmative answer would have gone a long way. Sadly, we have received no response from this White House. I have, however, raised the matter when the opportunity presented itself with the Secretary of Commerce and the Attorney General and both have assured me that the Bush administration will continue to adhere to the outreach efforts of the Clinton Executive order.

I understand why those efforts to amend the immigration bill to make English the official or national language provoked a reaction and seemed mean-spirited to so many. It elicited the extraordinary May 19 letter from the League of United Latin American Citizens, the Mexican American Legal Defense and Educational Fund, the National Association of Latino Elected Officials Educational Fund, the National Council of La Raza and the National Puerto Rican Coalition and from a larger coalition of interested parties from 96 national and local organizations.

Until that vote, in our previous 230 years we had not found it necessary or wise to adopt English as our official or national language. I believe it was in the Commonwealth of Pennsylvania that the State legislature shortly after the Revolutionary War authorized official publication of Pennsylvania's laws in German as well as English to serve the German-speaking population of that State. We have been a confident Nation unafraid to hear expressions in a variety of languages and willing to reach out to all within our borders. That tradition is reflected in section 203 of the Voting Rights Act and in President Clinton's Executive Order No. 13166. It is an honorable and just tradition.

We demean our history and our welcoming tradition when we disparage languages other than English and those who speak them. I have spoken about our including Latin phrases on our official seal and the many States that include mottos and phrases in Latin, French and Spanish on their State flags. We need not fear other languages. We would do better to do more to encourage and assist those who wish to be citizens to learn English, but we should recognize English, as Senator SALAZAR's amendment suggested, as our common and unifying language.

I hope that the President will join with us to protect language minority voters. As a presidential candidate, then-Governor Bush told a New Hampshire audience in September 1999, ''English-only would mean to people 'me, not you.' As the Washington Times noted recently:

> Mr. Bush speaks some Spanish and occasionally peppers speeches and conversations with words and phrases from the language. Speaking to a group of adults taking civics lessons yesterday at the Catholic Charities-operated Juan Diego Center, he lapsed into Spanish. Asked whether Mr. Bush planned to drop Spanish from his stump speeches, a White House spokeswoman said she does not expect that to happen.

The White House, government agencies and a number of Senators include Spanish language outreach on their official government websites. I am glad that they do. Ironically, some who pushed most strongly for some variant of English-only treatment in the immigration bill have bent our rules to address the Senate in Spanish.

We have been engaged in a contentious debate about immigrants who are not yet citizens, which is unfortunate. I wish we could join together to pass fair and comprehensive immigration reform. But the issue related to section 203 and section 4(f)4 of the Voting Rights Act affects American citizens. These provisions provide assistance to Native Americans and indigenous peoples, who speak languages which preceded the first English speakers on this continent. These are citizens who are trying to vote but many of them are struggling with the English language due to disparities in education and the incremental process of learning. It is imperative that all citizens be able to exercise their rights as citizens, particularly a right as fundamental as the

right to vote. Renewing the language provisions of the Voting Rights Act that are expiring and continue to be needed, will help make that a reality.

At this time I would like to summarize some of the evidence received by the Senate Judiciary Committee demonstrating the continuing need for sections 203 and 4(f)4.

We received extensive testimony about past and continuing educational disparities in jurisdictions covered by section 203 and section 4(f)4. According to multiple witnesses, many Alaska Natives, Native Americans, Asian Americans and Hispanic Americans suffer from inadequate educational opportunities to learn English. Unfortunately, our Judiciary Committee record demonstrates that the high illiteracy rates experienced by language minorities result from the failure of State and local officials to afford equal educational opportunities.

Several witnesses testified that these educational disparities are the major form of discrimination against language minorities. John Trasviña, president of MALDEF, testified, ''while they may speak conversational English well, these U.S. citizens may not be fully proficient because they were intentionally denied the academic instruction necessary to vote effectively in English-only elections that employ complicated language and terminology.'' The problem of unequal educational opportunities existed before the Voting Rights Act was passed in 1965 and continues today. Language minority children who were educated in the 1970s, 1980s and 1990s and given unequal education opportunities are the adults that today need the assistance of sections 203 and 4(f)(4). Children who are in schools today where they receive unequal education will need the assistance of these provisions to fully participate in the political process as adults.

Over the course of nine hearings, we heard and received testimony that not only are all states with the most limited English proficient students covered by section 203, but all the school districts with most limited English proficient students are also covered by section 203. These children will first begin to vote over the next 25 years while this proposed reauthorization of the Voting Rights Act is in effect, and they will not have had equal access to education and the opportunity to learn English.

In Alaska, which has the single largest indigenous population in the United States, an attorney for Native American Rights Fund testified about the dramatic educational disparity between Native people and non-Natives. Only 75 percent of all Alaska Natives completed high school compared to 90 percent of non-Natives. And still Alaska persists in holding all-English elections—in violation of section 203—which has impacted Alaska Natives' ability to vote with their turnout lagging behind statewide voter turnout by 17 percent.

According to the 2000 Census, the educational attainment of Hispanic Americans nationally is also lacking. Only 52.4 percent of all Hispanic Americans have a high school education or more, compared to 80.4 percent for all persons in the United States. Efforts to combat this educational disparity have resulted in dozens of lawsuits against states for failing to provide equal education to native and nonnative English speakers. We received testimony that successful school funding cases have been brought in half of all the section 203 covered States and are pending in many others. In Arizona in 2005, a Federal court cited the State of Arizona for contempt for failing over the course of the preceding 13 years to provide opportunities for Spanish-language students to learn English in the public schools. The court has been fining the State at least $500,000 a day until the problem is corrected and equal opportunities are provided to the 175,000 English language learner students estimated to be in Arizona's schools in 2006.

And I personally understand the challenges of learning English as your second language. As I have said before, my wife was born of immigrant parents and English became her second language. My mother was born of immigrant parents, with English as her second language. Fortunately, they learned it as young people. But for adults learning English, it can be much harder.

We received extensive testimony that classes for adult students to increase their English proficiency are too few and oversubscribed. Senator KENNEDY told us that in his own section 203 covered jurisdiction of Boston, the waiting period for English as a second language, ESL, classes is 17,000 students long which translates into a wait of as much as 3 years. In New York City, the ESL need is estimated to be 1 million, but only 41,347 adults were able to enroll in 2005 because of limited availability. It is a sad fact that most adult ESL programs no longer keep waiting lists because of the extreme demand, but use lotteries in which at least 75 percent are turned away, and the waiting time can be several years.

Continuing acts of discrimination against language minorities, such as those contained in the committee record, chill minority voting participation denying these citizens equal access to the balloting process. We heard countless examples of the continuing discrimination that minority language citizens face when participating or attempting to participate in the political process. These experiences will no doubt stick with each voter for some time.

Civil Rights organizations testified about numerous instances of discrimination that were documented while monitoring elections in covered jurisdictions in New York. For example, in the 2001 elections at Public School 228, a polling site coordinator, trying to thwart bilingual interpreters from performing their duties, yelled ''You f---ing Chinese, there's too many of you!'' In 2002, at Public School 82 and at the Botanical Garden, some of the comments made to Asian-American voters included poll workers calling South Asian voters ''terrorists'' and mocking the physical features of Asian eyes. While monitoring the 2003 elections, independent observers reported that in Public School 126 in Manhattan's Chinatown, poll inspectors ridiculed a voter's surname—Ho; in Public School 115 in Queens, disparaging remarks were directed at South Asian voters, with one coordinator continuously referring to herself as a ''U.S. citizen'' and that she, unlike them, was ''born here'' and that the other workers needed to ''keep an eye'' on all South Asian voters; at Flushing Bland Center in Queens, the site coordinator complained that Asian-American voters ''should learn to speak English.''

During the 2004 election, a Hispanic voter in San Antonio, TX, was told by an election judge that she was not on a voter registration list and could not cast a provisional ballot, despite the recently enacted Help America Vote Act which provides for provisional ballots in such situations. She and her family had been voting at the same polling station for over 20 years. The election judge refused to unlock the provisional ballot box until a Mexican American Legal Defense and Education Fund—MALDEF—attorney arrived and negotiated on behalf of the voter.

And the House of Representatives received equally disturbing testimony which was incorporated into our own RECORD. In 2003, the chairman of the Texas House Redistricting Committee stated that he did not intend to hold redistricting hearings in the Rio Grande Valley in South Texas, where many U.S. citizens are limited English proficient Spanish speakers, because only two members of the Redistricting Committee spoke Spanish. Chairman Crabb stated that the members of the committee who did not speak Spanish ''would have a very difficult time if we were out in an area other than Austin or other English speaking areas to be able to have committee hearings to be able to converse with the people that did not speak English.'' Many citizens living in areas of Texas with high concentrations of limited English proficient citizens would have been excluded from participating in local Redistricting Committee hearings had Hispanic advocates not interceded on their behalf. In another part of the country, due to a lack of sufficient bilingual ballots, Hispanic voters in Pima County, AZ, were forced to crowd around one translated poster of more than a dozen initiatives left in a poorly lit area during the 2004 elections.

Sadly, these examples are not isolated incidents of discrimination. Assistant Attorney General Wan Kim testified that the Department of Justice has brought more lawsuits to enforce

the language minority provisions of the Voting Rights Act in the previous 5 years than in all previous years combined. These facts and all the other testimony we received in Committee clearly demonstrate the ongoing need for section 203's protections and the need that we reauthorize these provisions of the Voting Rights Act.

Of course there are critics. There are critics who say that the language assistance provisions in the Voting Rights Act should be eliminated entirely because immigrants must learn English to pass the citizenship test and therefore should be able to vote in English. This argument is unsound for two reasons.

First, we received overwhelming testimony that the level of English proficiency required to pass a citizenship test does not approach the level of proficiency required to register to vote or to understand ballot measures. Naturalization requires a third or fourth grade knowledge of English. Sample test sentences on the Immigration and Naturalization Services Web site reveal that no sentence is more than 10 words long and most are seven or less, containing one or two syllable words. In addition, most candidates for citizenship are exempt from the English language requirements of the citizenship test because they are over the age of 50. Between 1986 and 2004, 9,055,732 people were naturalized of which 4,925,553 or 54 percent were over the age of 50.

Voting requires English proficiency at levels much higher than the citizenship test. A survey of voter registration materials reported on the Warren Institute on Race, Ethnicity and Diversity, admitted into our RECORD, found the English grade level of the materials just to register to vote was much higher than third or fourth grade knowledge. In Texas, a ''covered jurisdiction'' for section 203 purposes, the voter registration material required nearly a twelfth grade English comprehension for completion with an average of 21 words per sentence. The situation is similar in Arizona—ninth grade level with 15 words per sentence—California, college freshman level with 22 words per sentence, and New Mexico, twelfth grade level with 19 words per sentence. This survey only covers materials required to register to vote. We also heard testimony about the complexity of actually casting votes on ballot initiatives and directions to operate voting machines as examples of other English language barriers to language minority voters. Ballot initiatives are often long and complicated requiring high school level education or higher. Deborah Wright, Acting Assistant Registrar-Recorder and County Clerk for Los Angeles County, testified that written translations are provided in L.A. County because of the complex nature of the issues facing the voters in that state.

Complex ballots are not limited to California. We received evidence of numerous examples. Perhaps the one that struck me the most was a 2004 Fargo, ND, election ballot, where a single question concerning tax increases for infrastructure improvement was one sentence which contained 150 words written at the graduate school level.

Second, most language minorities protected by the Voting Rights Act are United States citizens by birth. The vast majority of language minorities are not immigrants. In fact, 3.4 million of the 4.5 million language minority students in the public schools are native-born U.S. citizens. Hispanic Americans are the single largest minority group covered by Sections 203 and 4(f)(4). According to 2000 Census data, 84.2 percent of all Hispanic American citizens in the United States were born here. Nearly half of the 11.9 million Asian Americans citizens in the United States were born here. Further, 98.6 percent of all Puerto Rican persons in the United States are native born and the language of Puerto Rican public schools is Spanish with English taught as a subject.

The committee received testimony that although there are costs associated with implementing the minority language assistance provisions, they are reasonable. Los Angeles, the largest and most diverse local election jurisdiction in the United States, provides assistance to voters in six languages other than English, and its compliance with section 203 requirements costs 10 percent or less of its annual election budget. And the Secretary of State for New Mexico testified before the House Judiciary Committee characterizing the costs of complying with section 203 as, ''a minimal cost to the State of New Mexico.''

One witness testified that she believed the costs of section 203 to be extremely burdensome. Linda Chavez, president of One Nation Indivisible, testified that Los Angeles County spent $3.3 million in 2002 to comply with section 203, which she thought was too much to ask the County to bear. However, as Deborah Wright's testimony on behalf of Los Angeles County made clear this number is a small percentage of the overall election budget, and is proportional to the 12.9 million limited English proficient voters in her jurisdiction. Ms. Chavez also alleged that ''[f]requently the cost of multilingual voter assistance is more than half of a jurisdiction's total election costs,'' citing a 1997 General Accounting Office report. However, a close look at that GAO report shows that only 3 out of the 34 jurisdictions surveyed spent over 50 percent of their total election budget on multilingual voter assistance. Contrary to Ms. Chavez's testimony, the report reveals that the costs of providing language assistance made up, on average, a little over 10 percent of total expenditures. Ensuring full access to American's right to vote certainly is worth this reasonable cost.

For jurisdictions that struggle with the costs of implementing sections 203 or 4(f)(4), the Department of Justice, DOJ, provides commendable assistance in managing the costs. Acting Assistant Attorney General Bradley Schlozman testified that ''the Civil Rights Division recognizes, of course, that States and municipalities do not have unlimited budgets, and we have thus designed our enforcement strategy to minimize unnecessary costs for local election officials.''

The DOJ urges covered jurisdictions to avoid costly and unhelpful expenditures such as publishing Spanish language notices in English language newspapers that are not read by those who rely on the Spanish language. Election officials are encouraged to identify the most effective and efficient channels of communication that are used by private enterprise, service providers, tribal governments, and the like to get information effectively to the language minority community at low cost.

The DOJ also encourages the use of fax and e-mail ''information trees,'' whereby bilingual election notices are sent at no cost to a wide array of businesses, unions, social and fraternal organizations, service providers, churches and other organizations with a request that these entities make announcements or otherwise disseminate the information to their membership's language minority voters. And the DOJ has incorporated ''best practices'' from around the country to help jurisdictions recruit sufficient numbers of bilingual poll workers. As a consequence of the testimony submitted on costs of implementation, we determined that costs are both reasonable and manageable.

There has been some discussion about allegations that in some jurisdictions no one uses the translated materials, but we also received hard research showing that limited English proficient citizens utilize the written and oral assistance offered in jurisdictions, but must be made aware it exists. According to a November 2000 exit survey of language minority voters in Los Angeles and Orange Counties in California, 54 percent of Asian and Pacific Islander voters and 46 percent of Hispanic voters reported that they would be more likely to vote if they received language assistance. These numbers are consistent with other exit surveys done in the same counties in March 2000 and November 1998.

Examples of ''low use'' of bilingual election materials are not evidence that bilingual materials are not needed. ''Low use'' more likely suggests that a jurisdiction is not conducting sufficient outreach to the communities that would most benefit. In a survey of 810 section 203 covered jurisdictions, nearly two-thirds of election officials admitted they do not engage in community outreach to covered language groups. How are people supposed to know the help is there, if there is no community outreach? We can, and we must do better.

I am nonetheless happy to report, that when sufficient outreach to language minorities is accomplished, materials are being used to assist in voting according to evidence received in Committee. In the 1990 general election, bilingual assistance was used by 25 percent of Hispanic voters in the State of Texas, and 18 percent of Hispanic voters in the State of California. In the 1988 general election, bilingual assistance was used by 20 percent of Hispanic voters in the State of New Mexico, 19 percent of Hispanic voters in the State of Texas, and 10 percent of Hispanic voters in the State of California.

Being from a small state, I know the importance and the power of community involvement, but perhaps the best evidence we heard that shows the power of community outreach was the experience of Chinese-American voters in King County, WA, which includes the city of Seattle. One witness who urged an opt-out provision in section 203 for low use cited King County's experience in 2000, the first year it became a covered jurisdiction for voters who speak Chinese. That year, according to the witness, only 24 Chinese ballots were used, demonstrating that ballots were not needed. But that is not the full story. The real story is that after that election, officials in King County worked with Chinese-American community organizations and increased the publicity about the availability of bilingual election materials. In 2005, the number of requested Chinese ballots increased by more than 5,800 percent. It shows the power of community outreach cannot be overstated.

Much has been made by some witnesses in committee, and even in the press, that any provision of bilingual election materials contribute to the balkanization of American society. Research offered in committee shows this allegation to be faulty. On the contrary, making bilingual election materials available has encouraged more language minorities to participate in all political aspects of American society. After the section 203 coverage was expanded to include a numeric trigger during the last reauthorization, the number of Asian Americans registered to vote increased dramatically. Between 1996 and 2004, Asian Americans had the highest increase of new voter registration—58.7 percent. And we received testimony that in districts where the Department of Justice has conducted enforcement ensuring bilingual election materials, participation not only in voting but in running for political office has increased. After an enforcement proceeding in Harris County, TX, the Vietnamese-American voter turnout doubled, and the first Vietnamese-American candidate in history, Hubert Vo, was elected to the Texas Legislature—defeating the incumbent chair of the Appropriations Committee by 16 votes out of over 40,000 cast.

These voting rights provisions work—they tell new citizens and citizens by birth who may not always feel they are afforded all of the opportunities they deserve that they are welcome to join our political process. They help new citizens and first time voters to overcome cultural differences which further contribute to disenfranchisement for limited English proficient citizens who are often unfamiliar with the American voting process and do not know about registration, referenda and voting machines. The charge of ''balkanization,'' as one witness put it is ''a loaded term of mythical proportions that has absolutely no basis in fact, and is used as a divisive measure.'' Based on the evidence we received, it is clear that the provisions of Sections 203 and 4(f)(4) have led to increased participation and representation. These provisions, that caused significant problems in the House of Representatives, have enabled language minorities to overcome what are tantamount to literacy tests at the polling place so that they can access their fundamental right to vote. Section 203 and section 4(f)4 of the Voting Rights Act must be reauthorized.

ADDITIONAL STATEMENTS

TRIBUTE TO JONATHON SOLOMON

• Mr. LIEBERMAN. Mr. President, today in Fort Yukon, people from all over the State of Alaska and the country will come together to celebrate the life of a remarkable leader of the Gwich'in Nation, Jonathon Solomon, who passed away last week at the age of 74.

As traditional chief of Fort Yukon, and chairman of the Gwich'in Steering Committee, Jonathon was a tireless advocate for the Gwich'in people. Born in Fort Yukon, he was raised to live a traditional subsistence lifestyle, and his upbringing directly influenced his passion and work throughout his life. Although Jonathon fought for many issues on behalf of the Gwich'in, his life's passion was the protection of the porcupine caribou herd and their birthing grounds on the coastal plain of the Arctic National Wildlife Refuge. Jonathon's efforts to protect the Arctic Refuge began in 1978, as the Alaska National Interest Lands Conservation Act was first being negotiated and he continued this work determinedly throughout his entire life. Among his many accomplishments, he led the 7-year effort to negotiate the U.S.-Canada agreement to protect the porcupine caribou herd and its habitat, signed July 1987, and was one of the chief organizers of the first Gwich'in gathering in 1988, which led to the creation of the Gwich'in Steering Committee. It was at this meeting in 1988, that the Gwich'in first came together as a nation to pass a resolution calling for permanent protection of the caribou calving and nursery grounds as congressionally designated wilderness.

Jonathon's work took him all over the country, including to Washington, DC, where on numerous occasions he spoke to Members of Congress and their staffs about the importance of protecting the Arctic Refuge. Throughout his life, Jonathon was an inspiration to all who knew him. He represented the Gwich'in people with dignity, devotion and respect. While we mourn his loss, I know that his energy will live on in all of us who carry on the fight to protect the Arctic Refuge and other places throughout the country that are special to all of us.•

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 9:32 a,m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

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.

H.R. 42. An act to ensure that the right of an individual to display the flag of the United States on residential property not be abridged.

H.R. 810. An act to amend the Public Health Service Act to provide for human embryonic stem cell research.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

At 2:58 p.m., a message from the House of Representatives, delivered by Mr. Hays, 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. 860. An act to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clint Independent School District, El Paso County, Texas.

H.R. 4962. An act to designate the facility of the United States Postal Service located at 100 Pitcher Street in Utica, New York, as the ''Captain George A. Wood Post Office Building''.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 435. Concurrent resolution congratulating Israel's Magen David Adom Society for achieving full membership in the International Red Cross and Red Crescent Federation, and for other purposes.

H. Con. Res. 438. Concurrent resolution expressing the sense of the Congress that continuation of the welfare reforms provided for in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 should remain a priority.

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 108. Concurrent resolution authorizing the printing of a revised edition of a pocket version of the United States Constitution, and other publications.

ENROLLED BILL SIGNED

At 7:22 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 5117. An act to exempt persons with disabilities from the prohibition against providing section 8 rental assistance to college students.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 860. An act to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clint Independent School District, El Paso County, Texas; to the Committee on Foreign Relations.

H.R. 4962. An act to designate the facility of the United States Postal Service located at 100 Pitcher Street in Utica, New York, as the ''Captain George A. Wood Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 435. Concurrent resolution congratulating Israel's Magen David Adom Society for achieving full membership in the International Red Cross and Red Crescent Federation, and for other purposes; to the Committee on Foreign Relations.

H. Con. Res. 438. Concurrent resolution expressing the sense of the Congress that continuation of the welfare reforms provided for in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 should remain a priority; to the Committee on Finance.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, July 19, 2006, she had presented to the President of the United States the following enrolled bill:

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.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–347. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to the authorization and appropriation of funds to allow all members of the armed forces reserve component to access the TRICARE program; to the Committee on Armed Services.

SENATE CONCURRENT RESOLUTION NO. 147

Whereas, Army National Guard members are fulfilling commitments in Iraq, Afghanistan, Bosnia, and the Sinai, with members of the Hawaii Army National Guard having recently served in Iraq and Afghanistan; and

Whereas, presently almost half of all service personnel deployed in Iraq are members of the reserve components of the United States armed forces, including members of the National Guard and Army, Navy, Air Force, and Marine Corps Reserves; and

Whereas, under present law, for every ninety day period on active duty, a member of the reserve component receives one year of cost-share TRICARE health benefits if the member agrees to serve that year with a reserve component; and

Whereas, while well-intentioned, this measure does not go far enough to solve the problem of medical readiness that exists in the reserve component and can affect the mobilization and deployment of intact reserve component units; now, therefore, be it

Resolved by the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, the House of Representatives concurring, that the Congress of the United States is urged to authorize and appropriate funds to allow all members of the reserve component to access TRICARE health benefit coverage on a cost-share basis, without restrictions; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of Defense, members of Hawaii's congressional delegation, the Governor, and the Adjutant General.

POM–348. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to require a minimum time period for a business to refund an unauthorized overcharge on a debit card; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE CONCURRENT RESOLUTION NO. 208

Whereas, businesses across the Nation engage in the unfair trade practice of overcharging a debit cardholder's account for more than the sales price of goods or services without the cardholder's knowledge and consent; and

Whereas, this practice causes financial harm to debit cardholders by the assessment of overdraft fees and inability to access funds depleted by the overcharged amount; and

Whereas, legislation requiring a minimum time period for refunds by businesses who overcharge a debit cardholder's account without permission should be enacted: Now, therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to require a minimum time period for refunds by businesses who overcharge a debit cardholder's account without permission; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–349. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to urging and requesting the attorney general and the legislative auditor to continue to pursue all options necessary to permit the state to have an accurate accounting of assistance for which the state is required to pay a portion of the costs and urging and requesting the Louisiana congressional delegation to support such efforts; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE CONCURRENT RESOLUTION NO. 170

Whereas, the Federal Emergency Management Agency has requested a combined payment of almost one hundred fifty-six million dollars for the state's twenty-five percent share of the six hundred twenty-three million dollars spent through November 30, 2005, for Other Needs Assistance to one hundred eighty-one thousand Louisiana citizens affected by Hurricanes Katrina and Rita; and

Whereas, 44 CFR 206.16 requires the FEMA associate director or regional director to conduct audits and investigations as necessary to assure compliance with the Stafford Act and, for purposes of such audits and investigations, authorizes FEMA or state auditors, the governor's authorized representative, the regional director, the associate director, and the comptroller general of the United States, or their duly authorized representatives to inspect any books, documents, papers, and records of any person relating to any activity undertaken or funded under the Stafford Act; and

Whereas, Attorney General Charles Foti and Legislative Auditor Steve Theriot sent letters dated February 7, 2006, and February 17, 2006, requesting pursuant to 44 CFR 216.16, 206.62(b), and 206.64, source documentation which will allow the legislative auditor to g1ve assurance to the leaders of the state of Louisiana that these monies are, in fact, owing, and due: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby urge and request the attorney general and the legislative auditor to continue to pursue all options necessary to permit the state to have an accurate accounting of assistance for which the state is required to pay a portion of the costs and to urge and request the Louisiana congressional delegation to support such efforts; be it further

Resolved, That the Legislature of Louisiana does hereby urge and request the members of the Louisiana congressional delegation to support the efforts of the attorney general and the legislative auditor to permit the state to have an accurate accounting of money the Federal Emergency Management Agency claims the state owes; be, it further

Resolved, That copies of this Resolution be transmitted to the attorney general, the legislative auditor, each member of the Louisiana congressional delegation, and the acting director of the Federal Emergency Management Agency.

POM–350. A concurrent memorial adopted by the Senate of the Legislature of the State of Arizona relative to rejecting attempts to lower the mortgage index deduction in the Internal Revenue Code; to the Committee on Banking, Housing, and Urban Affairs.

SENATE CONCURRENT MEMORIAL NO. 1003

Whereas, it has been the federal tax policy since the inception of the Internal Revenue Code to encourage home ownership; and

Whereas, the real estate industry generates 15 to 18 per cent of the gross domestic product, and the housing market has been the most vibrant sector of our state and national economies in the past five years, fueling much of the 2001–2002 economic recovery; and

Whereas, home ownership in Arizona and the United States is at record levels with more than 70 percent of families owning their own homes; and

Whereas, homes are the foundations of our culture, the basis for our community life and the bedrock value of the American dream; and

Whereas, with a low national savings rate and the impending retirement of the baby boom generation, home ownership and its resulting equity growth is in itself a method of savings and capital formation and should be encouraged; and

Whereas, the capital invested in housing and the equity it generates should be preserved for families and is generally the prime savings choice for lower and middle income Americans; and

Whereas, real estate and home ownership is almost always acquired with debt of some sort; and

Whereas, the current $1 million cap on mortgage indebtedness as a measure of allowable mortgage interest deductions was adopted nearly 20 years ago in 1987 and has not been indexed for inflation; and

Whereas, the Tax Reform Act of 1986 provided ample evidence that when the tax benefits associated with real estate ownership are curtailed, the value of real estate declines; and

Whereas, the President's Advisory Panel on Tax Reform has suggested lowering the cap on mortgage interest deductions; and

Whereas, any change in lowering the mortgage cap would cause a government-created collapse of housing prices, wiping out equity and wealth for millions of working families across this nation; and

Whereas, any change in lowering the mortgage cap would create a further barrier to home ownership for young families by diminishing the savings families could have in their homes and would lead to a decline in the homeownership rate.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the United States Congress reject any attempt to lower the mortage index deduction in the Internal Revenue Code.

2. That the United States Congress enact legislation raising the current mortgage cap and index it for inflation.

3. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–351. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to providing funding for local housing authorities located in Vermilion Parish which were impacted by Hurricane Rita; to the Committee on Banking, Housing, and Urban Affairs.

SENATE CONCURRENT RESOLUTION NO. 74

Whereas, the parish of Vermilion was severally impacted by the devastation and destruction inflicted by Hurricane Rita; and

Whereas, the availability of safe and secure housing remains the greatest need for residents impacted by the hurricane; and

Whereas, in many areas of Vermilion Parish, nearly 100 percent of the available public housing units were either destroyed or rendered unlivable; and

Whereas, in addition to those areas which were directly impacted by the devastation caused by Hurricane Rita, numerous other communities in Vermilion Parish have been indirectly impacted as Louisiana residents have relocated and are in search of safe, secure, and affordable housing; and

Whereas, the shortage of such public housing is an immediate need that must be addressed prior to the start of the 2006 hurricane season; and

Whereas, in order to meet these housing needs, additional federal funds must be appropriated in order to construct and repair public housing units located in Vermilion Parish; and

Whereas, public housing authorities located in Vermilion Parish are poised to purchase additional property in order to locate and construct essential housing for the citizens of Louisiana; and

Whereas, the Congress of the United States must immediately address the significant public housing shortage being experienced by the parish of Vermilion: Therefore be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to provide funding for local housing authorities located in Vermilion Parish which were impacted by Hurricane Rita; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–352. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to reconsidering the decision to exclude Plaquemines Parish from the federal plan to invest $2.5 billion for levee re-enhancement in south Louisiana; to the Committee on Banking, Housing, and Urban Affairs.

SENATE CONCURRENT RESOLUTION NO. 83

Whereas, as the southernmost land area of Louisiana, Plaquemines Parish creates a corridor surrounding the Mississippi River as it flows to the Gulf of Mexico and the peninsula of saltwater marshes and estuaries forms the rich delta of the river; and

Whereas, Plaquemines Parish is the operational center for the offshore oil and gas industry, its port and harbor terminal district is sought after as the coal exporting capital of Louisiana, and the area provides a substantial portion of the state's shrimping industry, the nation's largest, and its commercial fishing is second only to Alaska; and

Whereas, the parish's location and geographical structure are vital to Louisiana and the nation as a buffer for tropical storms and hurricanes as without Plaquemines Parish, Hurricane Katrina would have advanced directly into New Orleans with no protection; and

Whereas, Hurricane Katrina washed away 57 square miles of the Plaquemines coastline, destroyed barrier islands that once protected the region from storms, and severely damaged levees on both east and west banks of the parish; and

Whereas, while Katrina-damaged levees will be ''repaired,'' President Bush has announced he will not seek the $1.6 billion needed to ''upgrade'' levees in the southern half of Plaquemines Parish and it has been proposed to exclude Plaquemines Parish from the $2.5 billion levee re-enhancement in south Louisiana pending further study on cost effectiveness; and

Whereas, the Legislature of Louisiana opposes this exclusion and urges the reconsideration of all of Plaquemines Parish as a top priority in the proposed levee upgrades for south Louisiana: therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to reconsider the decision to exclude Plaquemines Parish from the federal plan to invest $2.5 billion for levee re-enhancement in south Louisiana; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–353. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to extend Louisiana's seaward boundary in the Gulf of Mexico to twelve geographical miles; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 205

Whereas, Louisiana's seaward boundary in the Gulf of Mexico has been judicially determined to be three geographical miles, and the United States has jurisdiction outside of three geographical miles; and

Whereas, Congress has the power to amend the Submerged Lands Act of 1953 to provide that Louisiana's seaward boundary extends twelve geographical miles into the Gulf of Mexico; and

Whereas, Louisiana acts as a significant energy corridor vital to the entire United States and provides intersections of oil and natural gas intrastate and interstate pipeline networks, which serve as references for futures markets, such as the Henry Hub for natural gas, the St. James Louisiana Light Sweet Crude Oil, and the Mars Sour Crude Oil contracts; and

Whereas, Louisiana provides storage for the nation's Strategic Petroleum Reserve and is the home of the nation's major import terminal for foreign oil, known as the Louisiana Offshore Oil Port; and

Whereas, Louisiana and its coastal wetlands provide access to nearly thirty-four percent of the United States natural gas supply and nearly twenty-nine percent of the United States oil supply; and

Whereas, the United States' economic growth depends on access to stable supplies of oil and natural gas; and

Whereas, Louisiana ranks first in crude oil production, including the outer continental shelf production, and ranks second in natural gas production, including the outer continental shelf production; and

Whereas, in 2001, the state of Louisiana received only one-half of one percent of the federal oil and gas revenues from its coast; and

Whereas, Hurricanes Katrina and Rita have shown that the loss of vital oil and gas infrastructure in Louisiana and the Gulf of Mexico has an immediate and direct impact upon the economy and well-being of the entire country and its citizens; and

Whereas, the hurricanes shut-in approximately fifty-three percent of the daily oil production in the Gulf of Mexico and shut-in approximately forty-seven percent of the daily gas production in the Gulf of Mexico; and

Whereas, for the time period of August 26, 2005, through November 3, 2005, the cumulative shut-in of oil production was approximately fourteen percent of the yearly oil production in the Gulf of Mexico, and the cumulative shut-in of gas production was approximately eleven percent of the yearly gas production in the Gulf of Mexico; and

Whereas, due to Hurricanes Katrina and Rita, Louisiana has suffered loss of life and tremendous devastation to its economy, its citizens, infrastructure, and coastal landscape; and

Whereas, the state has provided ten million dollars from our Rapid Response Fund for short-term, interest-free loans to struggling businesses and granted the full Interim Emergency Fund in the amount of sixteen million dollars to local governments in order for the governments' vital services to operate; and

Whereas, Louisiana has paid out approximately three hundred million dollars in unemployment benefits to hurricane-affected employees; and

Whereas, Louisiana has established a Rainy Day Fund that is worth approximately four hundred sixty million dollars, and the state is in the process of using at least one-third of this fund to balance the state budget; and

Whereas, in this regular session the Louisiana Legislature along with the governor are considering other options for balancing the budget, increasing revenues, and funding the massive cleanup, rebuilding, and restoration of southern Louisiana; and

Whereas, Hurricanes Katrina and Rita turned approximately one hundred square miles of southeast Louisiana coastal wetlands into open water and destroyed more wetlands east of the Mississippi River in one

month than experts estimated would be lost in over forty-five years; and

Whereas, monies are desperately needed to fund the state's cleanup, rebuilding, and restoration of southern Louisiana; and

Whereas, the state of Louisiana and its citizens are in a financial crisis; and

Whereas, in order to rebuild the state of Louisiana and protect its citizens, the state needs a significant, consistent, and ongoing stream of revenue: and

Whereas, the extension of Louisiana's seaward boundary into the Gulf of Mexico for twelve geographical miles will provide such stream of revenue; therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to extend Louisiana's seaward boundary in the Gulf of Mexico to twelve geographical miles; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–354. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Kansas relative to urging the federal government to lift the moratorium on offshore drilling for oil and natural gas; to the Committee on Energy and Natural Resources.

SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NO. 5030

Whereas, policies of the federal government have placed much of the coastal Outer Continental Shelf off limits to oil and natural gas production; and Whereas, development of oil and natural gas resources, where allowed off our shores, has coexisted for decades with recreational and commercial activities while benefiting the entire nation; and

Whereas, Offshore oil and natural gas operations have a long history of environmentally sensitive and safe performance; and

Whereas, offshore development of oil and natural gas has provided needed supplies of American energy, generated substantial local, state and federal revenues and created thousands of jobs and economic development; and

Whereas, America's increased dependence on foreign energy supplies and global competition for oil and natural gas will create a threat to our national security; and

Whereas, the nation's farming and ranching sector depend on a reliable and affordable supply of energy to run equipment, fertilize crops and transport products to market; and

Whereas, the Economic Research Service of the United States Department of Agriculture estimates that farmers' fuel expenses for 2005 will have exceeded their 2004 fuel expenses by 41 percent, and higher energy prices mean increased costs to farmers and ranchers, who already face tremendous economic challenges; and

Whereas, the fertilizer industry depends on natural gas, and since 2002, 36 percent of the U.S. fertilizer industry has been shut down or mothballed and the industry has been forced to move production to other countries, creating a threat to our food security; and

Whereas, the Energy Information Administration of the United States Department of Energy projects that the average residential customer this winter will spend approximately 48 percent more on natural gas than last winter, creating a serious hardship for those who lived on a fixed or limited income, especially senior citizens; and

Whereas, today, the Outer Continental Shelf represents one of the brightest spots in terms of potential United States energy resources: now, therefore, be it

Resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the State of Kansas urges the Minerals Management Service of the United States Department of Interior to include all Outer Continental Shelf planning areas in its proposed five-year plan for 2007 through 2012 and approve the broadest possible plan for offshore development; and be it further

Resolved, That the Secretary of State is directed to send enrolled copies of this resolution to the United States Secretaries of Commerce, Interior and Energy, and to the administrators of the Minerals Management Service, Federal Energy Regulatory Commission, National Oceanic and Atmospheric Administration, and the Environmental Protection Agency, and to the President and Congressional leadership, and to each member of the Kansas congressional delegation.

POM–355. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania relative to providing funding to the National Park Service to expedite repairs of damage caused by vandalism at Gettysburg National Military Park and urging the National Park Service to work with Federal, State and local law enforcement officials to apprehend and prosecute to the fullest extent available under statute the perpetrators of the vandalism; to the Committee on Energy and Natural Resources.

SENATE RESLUTION NO. 232

Whereas, on February 15, 2006, unknown individuals vandalized three Civil War monuments and stole a 120-year-old sword at the Gettysburg National Military Park; and

Whereas, the individuals desecrated the monument for the 4th New York Battery, also known as ''Smith's Battery,'' which was dedicated on July 2, 1888; and

Whereas, a bronze statue of a Zouave infantryman was pulled from the pedestal of the 114th Pennsylvania Volunteer Infantry Monument, which was dedicated on July 2, 1886; and

Whereas, the top stone and sculpture of the 11th Massachusetts Volunteer Infantry Monument, dedicated on October 8, 1885, was dislodged and its sword taken; and

Whereas, the Battle of Gettysburg on July 1 through 3, 1863, represents a pivotal point in the history of the United States in which thousands of men lost their lives and the reunification of our nation was ultimately ensured; and

Whereas, in the cemetery of Gettysburg, President Abraham Lincoln delivered one of the most historic and enduring speeches in American history; and

Whereas, the Gettysburg National Military Park and its cemetery, monuments and memorials are a treasured and sanctified landmark for the Commonwealth of Pennsylvania and the nation, honoring the men who fought valorously and who made the ultimate sacrifice; and

Whereas, the acts of vandalism are a malicious and heinous attack on the sanctity of the Gettysburg National Military Park and the memory of the men who fought there; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize the Congress of the United States to provide funding to the National Park Service to expedite repairs of damage caused by vandalism at Gettysburg National Military Park and urge the National Park Service to work with Federal, State and local law enforcement officials to apprehend and prosecute to the fullest extent available under statute the perpetrators of the vandalism; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–356. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to provide hurricane tidal flood protection to south Louisiana, including the United States Army Corps of Engineers to evaluate both federal and nonfederal tidal levees in south Louisiana, to consider adding nonfederal tidal levees into the federal program, and to fully fund upgrading hurricane tidal flood protection in south Louisiana; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 182

Whereas, as a result of the massive flooding suffered by the citizens in Orleans, Plaquemines, and St. Bernard parishes due to the overtopping of levees and levee breaches during Hurricanes Katrina and Rita, the issue and challenge of providing hurricane tidal flood protection for south Louisiana has gotten the attention of the nation; and

Whereas, not only were Orleans, Plaquemines, and St. Bernard parishes flooded as a result of the hurricane tidal surge, massive flooding was also prevalent in smaller communities in Terrebonne and Lafourche parishes; and

Whereas, the United States Army Corps of Engineers is focusing its attention on repairing the federal levees which breached during the 2005 hurricane season; however, there is also a system of nonfederal tidal levees, which offers a level of protection to the citizens of south Louisiana and which needs to be assessed, and in some cases, needs to be strengthened; and

Whereas, nonfederal tidal levees have long been a concern of the local citizens of smaller communities of this state since local and state funds to repair and strengthen such levees have fallen well short of the need; and

Whereas, nonfederal tidal levees are a valuable asset for citizens in south Louisiana because in many cases this system of levees is the only hurricane tidal flood protection these citizens enjoy; and

Whereas, since the state suffered such massive flooding as a result of the 2005 hurricane season, the need for a greater, more comprehensive hurricane tidal flood protection system for south Louisiana has never been more urgent; and

Whereas, the United States Army Corps of Engineers should evaluate both federal and nonfederal tidal levees in south Louisiana and should consider including nonfederal tidal levees in the federal program in order to provide comprehensive hurricane tidal flood protection for all of south Louisiana; and

Whereas, in order to avoid the costs of rebuilding entire communities, the federal government should consider fully funding the costs of repairing and upgrading the level of hurricane tidal flood protection for south Louisiana: therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to provide hurricane tidal flood protection to south Louisiana, including requiring the United States Army Corps of Engineers to evaluate both federal and nonfederal tidal levees in south Louisiana, to consider adding nonfederal tidal levees into the federal program, and to fully fund upgrading

hurricane tidal flood protection in south Louisiana; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–357. A resolution adopted by the Senate of the Legislature of the State of New Jersey relative to requesting that Rutgers, the State University, assist the Governor's ''Flood Mitigation Task Force'' in examining and determining the causes and solutions to help reduce flooding along the Delaware River, especially in Trenton; to the Committee on Environment and Public Works.

SENATE RESOLUTION NO. 29

Whereas, from Friday April 1, 2005 through Sunday April 5, 2005, a major storm deposited four inches of rain on New Jersey, causing heavy main stream and river flooding, and prompting the Governor to declare a state of emergency; and

Whereas, an estimated 3,500 homes were affected by the flooding, with at least 5,600 people evacuated; and

Whereas, the April 2005 flood marks the third major flood in less than a year for New Jersey communities, emphasizing a strong need to establish safeguards for the areas most affected by the flooding; and

Whereas, the Governor has announced the creation of the ''Flood Mitigation Task Force'' to study and implement measures to reduce the impacts of flooding in New Jersey communities; and

Whereas, the members of the task force include the Commissioner of the Department of Environmental Protection, the Chair of the Department of Geography of Rutgers University, public and elected officials, and academic experts; and

Whereas, the task force will consult with the State climatologist, the Office of Emergency Management and the United States Geological Survey on ways to manage flooding; and

Whereas, it is in the best interest of the State to request the additional assistance of Rutgers, the State University, in determining the fundamental causes of the recent flooding in Trenton, New Jersey, as well as solutions to reduce flooding along the Delaware River in the future: Now, therefore, be it

Resolved by the Senate of the State of New Jersey:

1. This Senate resolution requests that Rutgers, the State University, assist the Governor's ''Flood Mitigation Task Force'' in determining the fundamental causes of the recent flooding in Trenton, New Jersey, as well as solutions to reduce flooding along the Delaware River in the future.

2. Duly authenticated copies of this resolution, signed by the President of the Senate and attested by the Secretary thereof, shall be transmitted to the Vice President of the United States, the Speaker of the United States House of Representatives, the majority and minority leaders of the United States Senate and the United States House of Representatives, and each member of Congress elected from this State.

POM–358. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to immediately authorizing the Morganza to the Gulf Hurricane Protection Project, and urging and requesting the U.S. Army Corps of Engineers to include such recommendation in its pending interim report to Congress; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 72

Whereas, an interim report being prepared by the U.S. Army Corps of Engineers as part of the Category 5 Hurricane Protection Study will shortly be submitted to Congress; and

Whereas, one purpose of the interim report is to allow Congress to act immediately on recommendations contained in the report; and

Whereas, Terrebonne Parish was severely impacted by Hurricane Rita, with flooding affecting approximately ten thousand businesses and homes; and

Whereas, with the exception of assistance in the two weeks immediately following the hurricane, Terrebonne Parish has received no further assistance from the federal government to repair flood control infrastructure; and

Whereas, funding for such flood control infrastructure has been excluded from significant federal appropriations for Louisiana and from the proposed federal budget for the coming fiscal year; and

Whereas, the Morganza to the Gulf Hurricane Protection Project has been ready for authorization for Congress since 2002, and was presented to Congress in that year after ten years of study, analysis, and evaluation; and

Whereas, such study and analysis shows that immediate implementation of the Morganza to the Gulf Hurricane Protection Project is the best way to obtain Category 5 hurricane protection for affected parts of Terrebonne and Lafourche parishes; and

Whereas, without implementation of such project, these areas lack protection from almost any significant storm levels and face potential disaster if implementation is further delayed: therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to immediately authorize implementation of the Morganza to the Gulf Hurricane Protection Project, be it further

Resolved, That the interim report being prepared by the U.S. Army Corps of Engineers for Congress as part of the Category 5 Hurricane Protection Study should include a recommendation for immediate authorization of the Morganza to the Gulf Hurricane Protection Project, be it further

Resolved, That a copy of this Resolution shall be transmitted, to the commander of the U.S. Army Corps of Engineers, the executive office of the New Orleans District of the U.S. Army Corps of Engineers, the secretary of the United States Senate and the clerk of the United States House of Representatives, and to each member of the Louisiana delegation to the United States Congress.

POM–359. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to provide hurricane tidal flood protection to south Louisiana, including requiring the United States Army Corps of Engineers to evaluate both federal and nonfederal tidal levees in south Louisiana, to consider adding nonfederal tidal levees into the federal program, and to fully fund upgrading hurricane tidal flood protection in south Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 182

Whereas, as a result of the massive flooding suffered by the citizens in Orleans, Plaquemines, and St. Bernard parishes due to the overtopping of levees and levee breaches during Hurricanes Katrina and Rita, the issue and challenge of providing hurricane tidal flood protection for south Louisiana has gotten the attention of the nation; and

Whereas, not only were Orleans, Plaquemines, and St. Bernard parishes flooded as a result of the hurricane tidal surge, massive flooding was also prevalent in smaller communities in Terrebonne and Lafourche parishes; and

Whereas, the United States Army Corps of Engineers is focusing its attention on repairing the federal levees which breached during the 2005 hurricane season; however, there is also a system of nonfederal tidal levees, which offers a level of protection to the citizens of south Louisiana and which needs to be assessed, and in some cases, needs to be strengthened; and

Whereas, nonfederal tidal levees have long been a concern of the local citizens of smaller communities of this state since local and state funds to repair and strengthen such levees have fallen well short of the need; and

Whereas, nonfederal tidal levees are a valuable asset for citizens in south Louisiana because in many cases this system of levees is the only hurricane tidal flood protection these citizens enjoy; and

Whereas, since the state suffered such massive flooding as a result of the 2005 hurricane season, the need for a greater, more comprehensive hurricane tidal flood protection system for south Louisiana has never been more urgent; and

Whereas, the United States Army Corps of Engineers should evaluate both federal and nonfederal tidal levees in south Louisiana and should consider including nonfederal tidal levees in the federal program in order to provide comprehensive hurricane tidal flood protection for all of south Louisiana; and

Whereas, in order to avoid the costs of rebuilding entire communities, the federal government should consider fully funding the costs of repairing and upgrading the level of hurricane tidal flood protection for south Louisiana: therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to provide hurricane tidal flood protection to south Louisiana, including requiring the United States Army Corps of Engineers to evaluate both federal and nonfederal tidal levees in south Louisiana, to consider adding nonfederal tidal levees into the federal program, and to fully fund upgrading hurricane tidal flood protection in south Louisiana; be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–360. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to ensure that the Centers for Medicare and Medicaid Services do not penalize senior citizens who resided in areas affected by Hurricane Katrina for taking advantage of the special enrollment period set for enrollment in Medicare Part D; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 203

Whereas, prescription drug costs have risen at a rapid rate over the past decade; and

Whereas, the rising costs of prescription drugs have proven unsustainable for millions of America's senior citizens; and

Whereas, in order to curb the ever-increasing burden of prescription drug costs on senior citizens, congress adopted a prescription drug benefit program as part of Medicare; and

Whereas, on December 8, 2003, President Bush signed the Medicare Prescription Drug, Improvement and Modernization Act, and this legislation provides senior citizens of the United States with a Medicare prescription drug benefit; and

Whereas, the drug benefit, otherwise known as Medicare Part D, is estimated by the Bush administration to currently have thirty-seven million enrollees; and

Whereas, Hurricane Katrina put an additional financial burden on many of Louisiana's seniors, as well as exacerbating many of the already severe health concerns of the state's citizens; and

Whereas, additional time to review and choose the proper prescription drug benefit is necessary, as many seniors have been occupied by the travails of rebuilding after the devastation wrought by Hurricane Katrina; and

Whereas, on March 8, 2006, Randy Brauer, the acting director of the division of enrollment and eligibility policy of the CMS issued a letter stating that evacuees of Hurricane Katrina will be granted a special enrollment period in which to enroll in Medicare Part D; and

Whereas, the normal deadline for enrollment is May fifteenth, and the extended deadline is over seven months later on December thirty-first; and

Whereas, state and local agencies as well as civic and community groups have informed senior citizens of the extended enrollment period; and

Whereas, though a special enrollment period has been created, CMS is considering penalizing seniors who decide to take advantage of the extended enrollment period; and

Whereas, many of the elderly have experienced financial hardship as a result of the hurricane that makes an increase in the cost of the drug benefit even more pernicious: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to ensure that the Centers for Medicare and Medicaid Services not penalize senior citizens who resided in areas affected by Hurricane Katrina for utilizing the special enrollment period established for enrollment in Medicare Part D; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–361. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to enacting the Nursing Home Fire Safety Act; to the Committee on Finance.

HOUSE RESOLUTION NO. 247

Whereas, the safety of the elderly and disabled, our most vulnerable citizens, deserves the highest priority and attention. It is estimated that 20 to 30 percent of the nation's 17,000 nursing homes lack sprinkler systems. Such blatant oversights place the residents of these facilities at great risk in the event of a fire; and

Whereas, in 2005, legislation was introduced in Congress to enact the Nursing Home Fire Safety Act. It is the intent of Congress, through this legislation, to equip every nursing home in the country with a fire sprinkler system over the next five years, adopt the Life Safety Code, and provide direct loans and sprinkler retrofit assistance grants to assist with installation costs; and

Whereas, the bill requires the Center for Medicare and Medicaid Services (CMS), the agency authorized to implement nursing home regulations, to adopt the National Fire Protection Association's (NFPA) new requirement that all existing nursing homes be equipped with automatic fire sprinklers. It also provides the resources that existing nursing homes will need to retrofit their facilities while continuing to care for residents; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact the Nursing Home Fire Safety Act; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–362. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to extending the Medicare Part D prescription drug deadline to December 31, 2006; to the Committee on Finance.

HOUSE RESOLUTION NO. 727

Whereas, Many older and disabled citizens in the United States and the Commonwealth of Pennsylvania depend on the Federal Government for assistance with the purchase of necessary prescription drugs; and

Whereas, The Federal Medicare Part D prescription drug benefit can help all eligible Americans and Pennsylvanians with the rising out-of-pocket drug costs, especially those persons with limited incomes; and

Whereas, Given enough time to eliminate the confusion created by the changes in this prescription drug program, most eligible citizens will sign up or obtain alternative insurance coverage; and

Whereas, Beneficiary and caregiver education and counseling is critical to promote informed decision making and smooth transition as this new drug benefit is implemented; and

Whereas, The current proposed May 15, 2006, deadline for enrollment in the program or alternative insurance is too soon to include everyone it should because of the confusion and lack of education and counseling for seniors and caregivers: Therefore, be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania urge the Congress of the United States to extend the Medicare Part D prescription drug deadline to December 31, 2006; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–363. A concurrent memorial adopted by the House of Representatives of the Legislature of the State of Arizona relative to repealing the excise tax on telecommunications; to the Committee on Finance.

HOUSE CONCURRENT MEMORIAL NO. 2007

Whereas, the first federal excise tax on communications was enacted in 1898 for the purpose of funding the Spanish-American War; and

Whereas, the tax was introduced as a ''temporary'' luxury tax; and

Whereas, the federal excise tax on communications was repealed in 1902 and was not reenacted until World War I required additional revenues; and

Whereas, the World War I federal excise tax on communications was repealed in 1924 and was reenacted in 1932; and

Whereas, all of the initial federal excise taxes on telecommunications applied only to toll, long distance service; and

Whereas, in 1941, with the advent of World War II, the federal excise tax on communications was extended to general service; and

Whereas, a federal excise tax on telephone service has been in effect in every year since 1941, despite enactment of periodic legislation to repeal or phaseout the tax; and

Whereas, telephone service is no longer a luxury. but rather a necessity for consumers of all income levels; and

Whereas, the federal excise tax is regressive, as low-income Americans pay a higher percentage of their income for telephone services than high-income Americans; and

Whereas, telecommunications services are the infrastructure on which new technologies including the Internet depend, and therefore the telecommunications excise tax discourages expansion of both the telephone infrastructure and new technologies; and

Whereas, the federal excise tax on telecommunications flows into the general fund, rather than being earmarked for a specific purpose; and

Whereas. in 2000. both houses of Congress passed a repeal of the federal excise tax on telecommunications, which was vetoed by President William Jefferson Clinton.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring. prays:

1. That the Congress of he United States repeal the federal excise tax on telecommunications.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–364. A resolution adopted by the House of Representatives of the Legislature of the State of Utah relative to supporting permanent repeal of the Federal Inheritance Tax; to the Committee on Finance.

HOUSE RESOLUTION NO. 3

Whereas, under tax relief legislation passed in 2001, the Federal Inheritance Tax, or death tax, was temporarily phased out but not permanently eliminated;

Whereas, farmers and other small business owners will face losing their farms and businesses if the federal government resumes the heavy taxation of citizens at death;

Whereas, this is a tax that is particularly damaging to families who are working their way up the ladder and trying to accumulate wealth for the first time;

Whereas, employees suffer layoffs when small and medium businesses are liquidated to pay death taxes;

Whereas, if the death tax had been repealed in 1996, the United States economy would have realized billions of dollars each year in extra output and an average of 145,000 additional new jobs would have been created; and

Whereas, having repeatedly passed in the United States House of Representatives and the United States Senate, repeal of the death tax holds wide bipartisan support: Now, therefore, be it

Resolved, That the House of Representatives of the state of Utah requests our elected representatives and senators in the United States Congress support, work to pass, and vote for the immediate and permanent repeal of the death tax; and be it further

Resolved, That copies of this resolution be sent to the members of Utah's congressional delegation.

POM–365. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to appropriating sufficient funding for the recovery of the shrimp industry and voting against the repeal of the ''Byrd Amendment''; to the Committee on Finance.

SENATE RESOLUTION NO. 117

Whereas, Louisiana has the nation's only warm water shrimp cannery; and

Whereas, before hurricanes Katrina and Rita, Louisiana generated an estimated one

hundred twenty million pounds of shrimp and sold approximately nine thousand commercial shrimp gear licenses; and

Whereas, Louisiana shrimpers are the largest community of shrimpers in the Atlantic and Gulf of Mexico regions; and

Whereas, due to hurricanes Katrina and Rita, the shrimp industry suffered devastating economic and infrastructure losses; and

Whereas, due to the hurricanes, assessments estimate that for the shrimp industry the total potential production lost at retail level is approximately nine hundred and nineteen million dollars; and

Whereas, the influx of foreign shrimp sold at below market prices causes domestic prices to drop to levels at which domestic producers are unable to survive in the industry; and

Whereas, the United States House Committee on Ways and Means recommended to repeal the provision of the Continued Dumping and Subsidy Offset Act, commonly known as the ''Byrd Amendment''; and

Whereas, the ''Byrd Amendment'' required duties to be collected under antidumping and countervailing duty orders and required payment to eligible domestic producers who initiated the petition which resulted in the imposition of the duties; and

Whereas, Louisiana was one of the original states that initiated a petition against foreign shrimp producers; and

Whereas, taking into consideration the potential repeal of the ''Byrd Amendment'' and the effects of hurricanes Katrina and Rita, the shrimp industry and the state of Louisiana stands to suffer severe financial losses: Therefore, be it

Resolved, That the Senate of Louisiana memorializes the Congress of the United States to appropriate sufficient funding for the recovery of the shrimp industry. Be it further

Resolved, That the Senate of Louisiana memorializes the Congress of the United States to vote against the repeal of the ''Byrd Amendment.'' Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–366. A joint resolution adopted by the Legislature of the State of Utah relative to the tax deductibility of medical expenses by individuals; to the Committee on Finance.

HOUSE JOINT RESOLUTION NO. 2

Whereas, access to quality health care is a basic need of individuals and families within the State;

Whereas, employer sponsored health insurance is the most common means of insuring nonelderly Americans;

Whereas, the growth in the cost of health care has made it increasingly difficult for employers, especially small employers, to provide affordable health care coverage to their employees;

Whereas, there is consequently a need to foster insurance coverage other than employer sponsored health insurance;

Whereas, current Federal law provides a tax benefit for health insurance provided as an employee fringe benefit, but generally offers no similar tax benefit for health insurance purchased by individuals;

Whereas, current Federal law provides a tax benefit on third-party payment of medical expenses, but generally offers no similar tax benefit for most individuals' direct payment of medical expenses;

Whereas, this tax structure has negative implications such as: curtailing competition for health insurance and health care services generally resulting in higher costs; increasing large group health care delivery systems resulting in decisions being made by large health care bureaucracies and the eroding of the doctor-patient relationship; restricting individuals' freedom to exercise direct control over their health care costs; and discriminating against individuals who work for employers that do not provide health benefits, who are unemployed, or who are disabled;

Whereas, access to health care, choice in health care decisions, and affordability of health care may improve if Congress places the medical choices made by individuals on equal footing with those made by employers and third parties; and

Whereas, Congress is considering adoption of the Health Care Freedom of Choice Act through the passage of H.R. 4625, 109th Cong. (2005) which would provide for the tax deductibility of expenses for medical care of the taxpayer, the taxpayer's spouse, or a dependent of the taxpayer, which the taxpayer pays but for which the taxpayer is not compensated: Now, therefore, be it

Resolved, That the Legislature of the State of Utah urges Congress to pass H.R. 4625, 109th Congress, First Session, which provides tax benefits to individual health care choices; and be it further

Resolved, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and the members of Utah's congressional delegation.

POM–367. A joint resolution adopted by the Legislature of the State of Utah relative to expressing opposition to a recent decision of the United States Supreme Court regarding pornography and urging Congress to pass a constitutional amendment to protect children from accessing pornography; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION NO. 7

Whereas, in Ashcroft v. American Civil Liberties Union, 124 S. Ct. 2783, 159 L. Ed. 2d 690, plaintiffs challenged the content-based speech restrictions of the Child Online Protection Act (COPA), which was designed to protect minors from exposure to pornography on the World Wide Web;

Whereas, in that case, the United States Supreme Court invoked a requirement that, in order to prevail in a court challenge, the federal government must demonstrate that less restrictive methods of protecting minors from pornography are not as effective as current law;

Whereas, in that case, the United States Supreme Court held that the federal government failed to meet the burden of proving that proposed alternatives such as filtering software, a plausible less restrictive alternative to COPA, would be less effective in protecting minors from exposure to pornography on the Internet;

Whereas, child pornography has become a $3 billion annual industry;

Whereas, the United States Customs Service estimates that there are more than 100,000 websites offering child pornography, which is illegal worldwide;

Whereas, these unlawful sexual images can be purchased very easily at these websites;

Whereas, more than 20,000 images of child pornography are posted on the Internet every week;

Whereas, one in five children who use computer chat rooms has been approached over the Internet by pedophiles;

Whereas, in 2002, the United States Supreme Court stated in another case that virtual pornographic images of children are a victimless crime;

Whereas, in many instances it is impossible for a viewer to determine whether an image is a virtual or an actual photographic image;

Whereas, the determination of whether the material is ''harmful to minors'' was intended by the United States Supreme Court to be made by lawfully appointed juries made up of, in the Court's own words, ''average person[s], applying contemporary community standards, would find, taking the material as a whole and with respect to minors, is designed to appeal to, or is designed to pander to, the prurient interest'' and ''taken as a whole, lack serious literary, artistic, political, or scientific value for minors'';

Whereas, the United States Congress should take deliberate action to protect minors through the passage of a constitutional amendment protecting minors from exposure to pornography; and

Whereas, governments and the courts must respond decisively when minors are exposed to material that is harmful to them, in the name of preserving the free speech right of adults: Therefore, be it

Resolved, That the Legislature of the state of Utah expresses opposition to the United States Supreme Court's decision in Ashcroft v. American Civil Liberties Union, 124 S. Ct. 2783, 159 L. Ed. 2d 690, and other recent cases that claim to preserve the free speech rights of adults while exposing minors to material the United States Supreme Court has stated is ''harmful to minors;'' and be it further

Resolved, That the Legislature of the state of Utah, in order to help protect children, strongly urges the United States Congress to pass a constitutional amendment, if necessary, prohibiting child pornography, actual or simulated; and be it further

Resolved, That the Legislature strongly urges Congress to pass a constitutional amendment, if necessary, to criminalize the possession or viewing of child pornography, actual or simulated, by any individual; and be it further

Resolved, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the United States Supreme Court, and to the members of Utah's congressional delegation.

POM–368. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to support and establish a free trade agreement between the United States and Taiwan; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 212

Whereas, Taiwan has developed steadily into a major international trading power with over three hundred forty billion dollars in two-way trade and the world's seventeenth largest economy; and

Whereas, Taiwan is the United States' eighth largest trading partner, with trade flowing between these nations totaling over fifty-six billion dollars in 2005 alone; and

Whereas, Taiwan is the sixth largest market for United States agricultural products, including beef, wheat, corn, and soybeans, and with the strong purchasing power of its twenty-three million people, there are many opportunities to further expand bilateral trade between Taiwan and the United States; and

Whereas, Taiwan is the world's largest supplier of computer monitors and is a leading personal computer manufacturer; and

Whereas, some of the biggest industries in Taiwan are electronics and computer products, chemicals and petrochemicals, basic metals, machinery, textiles, transport equipment, plastics, and machinery; and

Whereas, a United States-Taiwan free trade agreement would lead to further investment by firms in both Taiwan and the

United States and would create new business opportunities and new jobs; and

Whereas, a United States-Taiwan free trade agreement would encourage greater innovations and manufacturing efficiencies by stimulating joint technological development; and

Whereas, the United States International Trade Commission (USITC) and the Institute for International Economics (IIE) estimate that a United States-Taiwan free trade agreement would increase United States exports to Taiwan by about six billion dollars: Therefore be it

Resolved, that the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to support and establish a free trade agreement between the United States and Taiwan; and be it further

Resolved, a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–369. A concurrent memorial adopted by the House of Representatives of the Legislature of the State of Arizona relative to permitting emergency workers and equipment to cross the international border with Mexico to address emergencies that threaten both sides of the border; to the Committee on Foreign Relations.

CONCURRENT MEMORIAL

Whereas, Arizona and Mexico share a border that stretches for more than three hundred fifty miles; and

Whereas, the threats from environmental spills, leaks, explosions and similar disasters involving toxic substances in border communities are not constrained by political boundaries and can threaten people and communities on both sides; and

Whereas, the threats from fires, floods and similar natural disasters are not constrained by political boundaries and can threaten people and communities on both sides; and

Whereas, as a result of a joint legislative protocol session with the members of the Arizona Legislature, on December 1, 2005, the Legislature of Sonora, Mexico adopted a resolution calling on the federal government in Mexico to permit emergency workers and vehicles to cross the international border to fight such environmental and natural disasters as long as they return to their country of origin when the emergency subsides.

Whereas, authorizing emergency workers and equipment to cross the international border requires action by the President and Congress of the United States of America.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

(1) That the President and Congress of the United States of America recognize the importance of authorizing emergency workers and equipment from the United States of America and Mexico to cross their respective international borders whenever an environmental or natural disaster threatens communities on both sides;

(2) That the President and Congress of the United States of America take the action necessary to authorize emergency workers and equipment from the United States of America and Mexico to cross their respective international borders whenever an environmental or natural disaster threatens communities on both sides as long as they return to their country of origin when the emergency subsides; and

(3) That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States of America, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–370. A resolution adopted by the Senate of the Legislature of the State of Utah relative to urging the Bush Administration to support Taiwan's participation in the World Health Organization; to the Committee on Foreign Relations.

SENATE RESOLUTION NO. 3

Whereas, the World Health Organization's (WHO) Constitution states that ''The objective of the World Health Organization shall be the attainment by all peoples of the highest possible level of health'';

Whereas, this position demonstrates that the WHO is obligated to reach all peoples throughout the world, regardless of state or national boundaries;

Whereas, the WHO Constitution permits a wide variety of entities, including nonmember states, international organizations, national organizations, and nongovernmental organizations, to participate in the activities of the WHO;

Whereas, five entities, for example, have acquired the status of observer of the World Health Assembly (WHA) and are routinely invited to its assemblies;

Whereas, both the WHO Constitution and the International Covenant of Economic, Social, and Cultural Rights (ICESCR) declare that health is an essential element of human rights and that no signatory shall impede on the health rights of others;

Whereas, Taiwan seeks to be invited to participate in the work of the WHA simply as an observer, instead of as a full member, in order to allow the work of the WHO to proceed without creating political frictions and to demonstrate Taiwan's willingness to put aside political controversies for the common good of global health;

Whereas, this request is fundamentally based on professional health grounds and has nothing to do with the political issues of sovereignty and statehood;

Whereas, Taiwan currently participates as a full member in organizations like the World Trade Organization (WTO); Asia-Pacific Economic Cooperation (APEC), and several other international organizations that count the People's Republic of China among their membership;

Whereas, Taiwan has become an asset to all these institutions because of a flexible interpretation of the terms of membership;

Whereas, closing the gap between the WHO and Taiwan is an urgent global health imperative;

Whereas, the health administration of Taiwan is the only competent body possessing and managing all the information on any outbreak in Taiwan of epidemics that could potentially threaten global health;

Whereas, excluding Taiwan from the WHO's Global Outbreak Alert and Response Network (GOARN), for example, is dangerous and self defeating from a professional perspective;

Whereas, good health is a basic right for every citizen of the world and access to the highest standard of health information and services is necessary to help guarantee this right;

Whereas, direct and unobstructed participation in international health cooperation forums and programs is therefore crucial, especially with today's greater potential for the cross-border spread of various infectious diseases through increased trade and travel;

Whereas, the WHO sets forth in the first chapter of its charter the objectives of attaining the highest possible level of health for all people;

Whereas, Taiwan's population of 23 million people is larger than that of three quarters of the member states already in the WHO and shares the noble goals of the organization;

Whereas, Taiwan's achievements in the field of health are substantial, including one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to those in western countries, the eradication of such infectious diseases as cholera, smallpox, and the plague, and the first country in the world to provide children with free hepatitis B vaccinations;

Whereas, Taiwan is not allowed to participate in any WHO-organized forums and workshops concerning the latest technologies in the diagnosis, monitoring, and control of diseases;

Whereas, in recent years, both the Taiwanese Government and individual Taiwanese experts have expressed a willingness to assist financially or technically in WHO-supported international aid and health activities but have ultimately been unable to render assistance;

Whereas, the WHO does allow observers to participate in the activities of the organization; and

Whereas, in light of all the benefits that participation could bring to the state of health of people not only in Taiwan, but also regionally and globally, it seems appropriate, if not imperative, for Taiwan to be involved with the WHO: Therefore, be it

Resolved, That the Senate of the state of Utah urges the Bush Administration to support Taiwan and its 23 million people in obtaining appropriate and meaningful participation in the World Health Organization (WHO); and be it further

Resolved, That the Senate urges that United States' policy should include the pursuit of some initiative in the WHO which would give Taiwan meaningful participation in a manner that is consistent with the organization's requirements; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the United States Secretary of State, the Secretary of Health and Human Services, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the members of Utah's congressional delegation, the Government of Taiwan, and the World Health Organization.

POM–371. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to urging the President and Congress of the United States to take immediate action in assisting with the peacekeeping mission and efforts to resolve the conflict in the Darfur region of Sudan; to the Committee on Foreign Relations.

HOUSE RESOLUTION NO. 741

Whereas, the people of Darfur have suffered for decades from the devastating effects of drought; and

Whereas, in 2003 a crisis associated with drought conditions and limited food production was further compounded by a campaign of violence in the region; and

Whereas, since 2003 an estimated 300,000 people have died as a result of the genocide in Darfur and approximately 3.5 million men, women and children in the region continue to face violence and starvation; and

Whereas, a separate Sudanese conflict lasting more than two decades ended in 2005, raising hope in the country, but conditions have worsened; and

Whereas, recently the scope and degree of violence has escalated, leading to the arrival of tens of thousands of people at refugee camps in Sudan and Chad; and

Whereas, civilians are unable to grow food and sustain life as roving government-sponsored militias systematically beat, rape and kill the people of Darfur; and

Whereas, the United Nations refugee agency, the United Nations High Commissioner for Refugees, recently announced it will be cutting refugee assistance funds to Darfur by 44%, which adds to the urgency of the situation; and

Whereas, on February 17, 2006, President Bush stated that he would push for additional United Nations and North Atlantic Treaty Organization (NATO) assistance to protect the people of Darfur; and

Whereas, on March 24, 2006, the United Nations Security Council adopted a resolution to further support assistance efforts in Darfur; and

Whereas, intervention by the United States and the United Nations may take time to implement; and

Whereas, if the security situation continues to deteriorate and the humanitarian life-support system fully collapses, the casualty rate could rise as high as 100,000 per month: Therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania urge the President of the United States to push for:

(1) immediate assistance to the African Union peacekeeping mission to improve their civilian protection capacity until the United Nations can fully deploy a capable peacekeeping force;

(2) a United Nations peacekeeping force to take over the African Union peacekeeping mission in Darfur; and

(3) greater United States involvement in the Darfur peace process and urge the President to use the power of his office to encourage other world leaders to do so as well; and be it further

Resolved, That the House of Representatives urge members of Congress to:

(1) support short-term supplemental funding for peacekeeping and humanitarian aid in Sudan, a minimum of which should include the $514 million requested by the President in the Fiscal Year 2006 supplemental appropriations bill;

(2) support long-term Fiscal Year 2007 funding for humanitarian aid, NATO and United Nations peacekeeping and reconstruction assistance; and

(3) pass the strongest possible version of the Darfur Peace and Accountability Act, which includes placing additional penalties on the Government of the Sudan and on those persons, complicit in the genocide: and be it further

Resolved, That copies of this resolution be transmitted to the President, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–372. A concurrent resolution adopted by the Legislature of the State of Utah relative to recognizing the contributions of Fred C. Adams to the State of Utah; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 6

Whereas, the Utah Shakespearean Festival is considered by many to be one of the most prestigious repertory theaters and Shakespearean festivals in the United States;

Whereas, over the last 44 years, the Utah Shakespearean Festival, which is currently in its 45th season, has hosted 4,148,008 people who have attended 144 productions of Shakespeare's plays;

Whereas, as of the year 2000, the Utah Shakespearean Festival had produced Shakespeare's entire canon of plays;

Whereas, the Utah Shakespearean Festival has employed 170 musicians, 376 electricians, 218 directors, 447 designers, 314 props artists, 957 carpenters, 877 Greenshow performers, 260 make-up artists, 2,007 actors, 291 stage managers, and 1,272 costumers;

Whereas, Fred C. Adams is the Festival Founder and Executive Producer Emeritus;

Whereas, under Mr. Adams's guidance, the Festival has grown from a budget of $1,000 and 3,276 paid admissions in 1962, to a 2006 annual budget of $6 million and an anticipated attendance of 150,000 paid admissions;

Whereas, beginning his long association as a teacher at Southern Utah University in 1959, he retired from his university teaching and directing responsibilities in 2000, to devote his energies full-time to the day-to-day artistic operations of the Festival;

Whereas, Mr. Adams received his B.A. and M.A. degrees from Brigham Young University in theater arts and Russian;

Whereas, on June 4, 2000, the Utah Shakespearean Festival received the prestigious Tony Award for Outstanding Regional Theater at Radio City Music Hall in New York City;

Whereas, 1,389 schools have participated in the Festival's High School Shakespeare Competition since 1977;

Whereas, 183,280 students have seen the Festival's Educational Tour since 2001;

Whereas, the International Festival and Events Association estimates the annual economic impact of the Utah Shakespearean Festival to be in excess of $64 million;

Whereas, in 2001 the Festival received the 25th Annual National Governors Association Award for Distinguished Service to the Arts;

Whereas, Mr. Adams is the recipient of the Pioneer of Progress Award for the Days of '47 in Salt Lake City (2005), the Ernst and Young Entrepreneur of the Year Award (2003), the Utah Theater Association's Lifetime Service Award (2000), an honorary doctorate degree from Southern Utah University (1999), the Institute of Outdoor Drama's Mark R. Sumner Award (1998), Brigham Young University's Distinguished Service Award (1995), Geneva Steel's Modern Pioneer Award (1994), the Cedar City Area Chamber of Commerce Arts Contribution Award (1992), Southern Utah University's Outstanding Alumni Award (1991), the Citizen Meritorious Service Award from the American Parks and Recreation Society (1991), Utah Business Magazine's Outstanding Business Leader recognition (1989), the First Annual Governor's Award in the Arts (1989), and the Distinguished Alumni Award from Brigham Young University (1984 and 1987);

Whereas, Mr. Adams was also honored to carry the Olympic flame in Cedar City during the 2002 Winter Olympic Torch Relay;

Whereas, Mr. Adams was the featured personality for the Utah Travel Council's summer tourism advertising campaign in 1995 and 1996, appearing in a number of magazines, including Condé Nast Traveler, Mature Outlook, American Heritage, Midwest Living, National Geographic Traveler, Gourmet, and Life;

Whereas, Mr. Adams is the author of many articles appearing in several professional magazines, and he is a favorite lecturer for educational institutions and professional organizations throughout the United States and Europe;

Whereas, Mr. Adams also conducts and is host for at least one annual tour to Europe;

Whereas, as executive director of the Festival Center Project, Mr. Adams will now focus on securing funding for the completion of the Utah Shakespearean Festival Center for the Performing Arts;

Whereas, the projected $65 million Center will feature Renaissance-style buildings surrounding a brick-paved central plaza and a beautiful fountain highlighted by bronze statues of some of Shakespeare's most loved characters;

Whereas, the Center will include the relocated Adams Shakespearean Theater (a Tudor-styled outdoor theater), and one additional small performance facility (the New Playwright's Theater), as well as a bookstore, art gallery, bakery, restaurant, ale house, costume and scene shops, Greenshow performance stages, a seminar grove, and a feast hall patterned after the great banquet halls of Europe, all of which will compliment the state-of-the-art Randall L. Jones Theater, built in 1989;

Whereas, as executive producer emeritus he will consult and advise the Festival concerning play selection, choosing directors and designers, and long-term planning;

Whereas, Mr. Adams will also continue to be seen at the Festival as he conducts orientations, participates in all Festival functions, and greets patrons and his many friends before the plays; and

Whereas, the life and accomplishments of Fred C. Adams and his contribution to the arts and to economic development in the State of Utah merit the thanks and praise of a grateful state: Now, therefore, be it

Resolved, that the Legislature of the State of Utah, the Governor concurring therein, recognize the enormous contributions of Fred C. Adams to the arts in the State of Utah, and to its economic development; be it further

Resolved, That a copy of this resolution be sent to Fred C. Adams.

POM–373. A Senate concurrent resolution adopted by the Legislature of the State of Kansas relative to federal funding of education; to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION NO. 1618

Whereas, The state of Kansas under the Quality Performance Accreditation (QPA) System has long pursued the goal of improving the academic performance of all students, especially students of racial and ethnic background, lower economic status, limited English proficiency and with learning disabilities or challenges; and

Whereas, The state of Kansas, therefore, applauds the President and the United States Congress for putting forth the same goals in the reauthorization of the Elementary and Secondary Education Act of 1965, commonly known as the No Child Left Behind Act of 2001, and emphasizing the urgency in improving the performance of these students; and

Whereas, The reauthorization of the Elementary and Secondary Education Act of 1965, commonly known as the No Child Left Behind Act of 2001, has encouraged some needed changes in public education and was initially accompanied with relatively large increases in federal funding for public elementary and secondary education; and

Whereas, However, the increases in federal funding since the first year of the reauthorization of the Elementary and Secondary Education Act of 1965, commonly known as the No Child Left Behind Act of 2001, have been minimal; and

Whereas, The federal government has decreased funding for reauthorization of the Elementary and Secondary Education Act of 1965, commonly known as the No Child Left Behind Act of 2001, in fiscal year 2006 by $793,000,000, decreased funding for postsecondary education by $166,000,000, and decreased funding for programs that serve students with disabilities by $21,000,000: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the Kansas legislature memorializes the President and the United States Congress to make a serious commitment to improving the quality of the nation's public schools by substantially increasing its funding for the reauthorization

of the Elementary and Secondary Education Act of 1965 commonly known as the No Child Left Behind Act of 2001, the Higher Education Act, the Individuals with Disabilities Education Act and other educational related programs; and

Be it further resolved: That the state of Kansas requests that the President, United States Congress and United States Department of Education offer the various states waivers, exemptions or whatever flexibility is possible regarding the requirements of the reauthorization of the Elementary and Secondary Education Act of 1965, commonly known as the No Child Left Behind Act of 2001, in any year that federal funding for public elementary and secondary education is decreased to prevent states from spending state and local resources on activities that have not proven effective in raising student achievement and may not be the priority of an individual state; and

Be it further resolved: That the state of Kansas encourages other states to pass similar resolutions; and

Be it further resolved: That the Secretary of State send an enrolled copy of this resolution to the President of the United States, President of the United States Senate, Speaker of the United States House of Representatives, Secretary of the United States Department of Education and each member of the Kansas legislative delegation.

POM–374. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to applauding the contributions of Pennsylvania's Taiwanese-American community and joining in support of the participation of the Republic of China in the role of World Health Organization observer; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 690

Whereas, The Commonwealth of Pennsylvania and the Republic of China (Taiwan) have had a long history of friendship; and

Whereas, Philadelphia is home to a large Taiwanese community; and

Whereas, The people of the Taiwanese-American community maintain close ties with family and friends in their native land and are concerned about their health, safety and quality of life; and

Whereas, Good health is essential to every citizen of the world, just as access to the highest standards of health information and service is necessary to improve the public health; and

Whereas, The World Health Organization (WHO) set forth, in the first chapter of its charter, the objective of attaining the highest possible level of health for all people; and

Whereas, The House of Representatives of the Commonwealth of Pennsylvania is justly proud to support the participation of Taiwan in the role of observer in the World Health Organization in the upcoming World Health Assembly (WHA) at its annual summit to be held in Geneva, Switzerland in May 2006; and

Whereas, Taiwan's population of more than 23 million is larger than that of 75% of the current WHO member states; and

Whereas, The United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations; and

Whereas, The State Department, in its report to the Congress of the United States in April 2005, reaffirmed United States support of Taiwan's observer status in the WHA; and

Whereas, Fifty-three members of the United States House of Representatives wrote a letter to Secretary of State Condoleezza Rice on December 16, 2005, expressing their support of observer status for Taiwan at the annual meeting of the WHA; and

Whereas, The United States Centers for Disease Control and Prevention and its Taiwanese counterpart have enjoyed close collaboration on a wide range of public health issues; and

Whereas, In recent years Taiwan has expressed a willingness to assist financially and technically in international aid and health activities supported by the WHO; and

Whereas, The government and the people of Taiwan have been actively engaged in various activities in the fields of medical assistance and humanitarian relief to countries in Africa, Asia, Central America and the Caribbean in such places as Afghanistan, Chad, El Salvador, Honduras and Liberia and have contributed financial resources to global relief efforts and to combat disease around the world; and

Whereas, Taiwan's participation in international health forums and programs is critical, especially with today's greater potential for the cross-border spread of various infectious diseases such as human immunodeficiency virus (HIV), tuberculosis and malaria; and

Whereas, Recent outbreaks of the lethal avian flu and severe acute respiratory syndrome (SARS) in East Asia and Southeast Asia have caused panic around the world and have accentuated the importance of Taiwan's participation in international health forums and the inherent danger of nonparticipation; and

Whereas, Taiwan's substantial achievements in the field of health include having one of the highest life expectancy levels in Asia and having low maternal and infant mortality rates, eradicating such infectious diseases as cholera, smallpox and plague and being the first to eradicate polio and to provide children with hepatitis B vaccinations; and

Whereas, Taiwan's WHO observer status affects the health rights of millions of Taiwanese people and benefits regional and global public health; Therefore, be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania pause in its deliberations to applaud the contributions of Pennsylvania's Taiwanese-American community and join in support of the participation of Taiwan in the role of WHO observer; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the United States Department of Health and Human Services, to each member of the Pennsylvania Congressional Delegation and to the World Health Organization.

POM–375. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to supporting changes to the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION NO. 105

Whereas, the National Conference of State Legislatures created a special task force (Task Force) that spent ten months conducting a comprehensive, bipartisan review of the No Child Left Behind Act of 2001; and

Whereas, this review identified a number of changes that must be made to the No Child Left Behind Act for it to become a positive impetus to school improvement and ensure that young people will learn at their full potential; and

Whereas, the Task Force drafted forty-three recommendations outlining these necessary changes to provide useful, workable requirements for schools, many of which could be easily incorporated into the No Child Left Behind Act; and

Whereas, the four key Task Force recommendations include: (1) removing obstacles that block state education innovations and undermine programs that were succeeding prior to the passage of the No Child Left Behind Act; (2) providing the federal financial assistance necessary for states to meet No Child Left Behind Act classroom goals; (3) removing the ''one-size-fits-all'' student performance measurements in favor of more sophisticated systems that measure progress on an individualized basis; and (4) recognizing that individual schools face special challenges, and that significant differences exist between rural and urban schools: Now, therefore, be it

Resolved, by the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, the House of Representatives concurring, That the Hawaii State Legislature strongly urges the Congress of the United States to support the worthwhile recommendations of the National Conference of State Legislatures special task force on revisions to the No Child Left Behind Act; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and Hawaii's congressional delegation.

POM–376. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to supporting the goal of eliminating suffering and death from cancer by the year 2015; to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION NO. 15 S.D. 1

Whereas, cancer is the second leading cause of death and touches almost every family, with over ten million Americans now living with a history of cancer; and

Whereas, cancer affects one out of every four Americans or one out of every two men and one out of every three women; and

Whereas, this year alone, cancer will claim the lives of more than 570,000 Americans or 1,500 people per day; and

Whereas, 1,700 Hawaii residents or roughly one out of every five deaths in Hawaii is attributed to cancer; and

Whereas, more than 1,300,000 cancer cases were diagnosed in 2005; and

Whereas, approximately 5,000 men and women in Hawaii are diagnosed each year with the disease; and

Whereas, it is estimated that cancer cost the Nation nearly $190 billion 2003, including more than $69 billion in direct medical costs; and

Whereas, the cost for cancer care in Hawaii is estimated to cost $500 million each year; and

Whereas, the Nation's investment in cancer research and programs have led to actual progress; and

Whereas, between 1991 and 2001, cancer death rates declined by more than nine percent and about 258,000 lives were saved; and

Whereas, at least half of all cancer deaths could have been prevented by applying existing knowledge; and

Whereas, the Director of the National Cancer Institute has set a bold goal to eliminate suffering and death from cancer by 2015; and

Whereas, eliminating cancer related suffering and death will require a commitment by the Hawaii State Legislature to continue to make the fight against cancer a priority; now, therefore, be it

Resolved, by the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, the House of Representatives concurring, That the Hawaii State Legislature supports the goal of eliminating suffering and death due to cancer by 2015; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the Director of Health, the Hawaii Comprehensive Cancer Control Coalition, U.S. House of Representatives, U.S. Senate, and to the Director of the National Cancer Institute.

POM–377. A joint resolution adopted by the Legislature of the State of Utah relative to urging the citizens of Utah to increase their awareness of the contributions paraeducators make in educating children in public schools; to the Committee on Health, Education, Labor, and Pensions.

HOUSE JOINT RESOLUTION NO. 15

Whereas, for the more than 40 years since they were first introduced into the nation's schools, the roles of ''teacher aides'' have become more complex and demanding;

Whereas, these aides have become technicians who are more aptly described as paraeducators;

Whereas, under the direction of teachers, paraeducators assist with the delivery, to both learners and their parents, of instructional and other direct services designed to support instructional plans and educational goals;

Whereas, more than 7,000 paraeducators serve in Utah's school districts and charter schools, providing invaluable services and support to students in Utah's public schools;

Whereas, these paraeducators display a high degree of professionalism and spend considerable time and energy in career development;

Whereas, paraeducators work as members of teams in the classroom where the teacher has the ultimate responsibility for the design and implementation of the classroom education program, the education programs of individual students, and for the evaluation of those programs and student progress;

Whereas, paraeducators work under the ultimate supervision of the school principal and are assigned to work under the direction of a teacher or team of teachers;

Whereas, while they perform clerical tasks, prepare materials, and monitor learners in nonacademic settings, paraeducators perform many other tasks under the supervision of teachers and, in some cases, related services professionals;

Whereas, paraeducators in early childhood, elementary, middle, and secondary classrooms and programs engage individual and small groups of learners in instructional activities developed by teachers, carry out behavior management and disciplinary plans developed by teachers, and assist teachers with functional and other assessment activities;

Whereas, paraeducators can also document and provide objective information about learner performance that enables teachers to plan and modify curriculum and learning activities for individuals, assist teachers with organizing learning activities and maintaining supportive environments, and assist teachers with involving parents or other caregivers in their child's education;

Whereas, recent legislation requires paraprofessionals to be qualified to perform their jobs and requires local districts to provide adequate training and supervision of their paraeducators;

Whereas, by serving jointly with teachers, paraeducators enhance the continuity and quality of services for many students in Utah schools; and

Whereas, the services provided by paraeducators, though not widely understood or recognized, are a key element in the success of Utah's education efforts: Now, therefore, be it

Resolved, That the Legislature of the state of Utah urges the citizens of Utah to increase their awareness of the critical role paraeducators play in the education of Utah school children; be it further

Resolved, That a copy of this resolution be sent to each of Utah's school districts, charter schools, the National Resource Center for Paraprofessionals, members of the Utah Education Coalition and education community, the Utah Parent Teacher Association, the Utah State Board of Education, and the Utah State Office of Education.

POM–378. A joint resolution adopted by the Legislature of the State of Utah relative to urging state agencies to replace ''mental retardation'' references in their documents with a more respectful description; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 14

Whereas, the stigma attached to the phrase ''mental retardation'' creates an unwarranted burden on those who experience this intellectual disability;

Whereas, in some cases government agencies inadvertently perpetuate this burden by continuing to use this archaic term;

Whereas, this phrase should be changed to reflect a sensitivity to those who experience this disability;

Whereas, many government agencies throughout the United States have altered their documents to refer to these individuals as persons with a disability;

Whereas, the use of ''persons with a disability'' removes a measure of the sting and stigma suffered by those who must struggle with this disability every day of their lives; and

Whereas, Utah state agencies should take deliberate steps to update their documents to reflect this more sensitive reference to characterize those who experience this disability: Now, therefore, be it

Resolved, That the Legislature of the state of Utah urges Utah's state agencies to review their official documents and replace current references to ''mental retardation'' with an alternative that reflects increased sensitivity to those who experience this disability; and be it further

Resolved, That the Legislature encourages state agencies to review and consider alternative references to this disability that are used by other states; and be it further

Resolved, That a copy of this resolution be sent to the Department of Human Resources, the Utah Developmental Disabilities Council, the Department of Health, the Department of Human Services, and People First.

POM–379. A resolution adopted of the Legislature of the State of Utah relative to encouraging Utah schools to educate children regarding risks of sun exposure; to the Committee on Health, Education, Labor, and pensions.

SENATE RESOLUTION NO. 2

Whereas, one in five Americans will get skin cancer in their lifetime;

Whereas, melanoma, the most deadly form of skin cancer, is now the second leading cause of cancer for women in their 20's and 30's;

Whereas, melanoma is now the fastest growing cancer in the U.S., with cases increasing at an epidemic rate of 3% per year;

Whereas, there have been no significant advances in the medical treatment of advanced melanoma or its survival rate in the last 30 years;

Whereas, in a survey by the Centers for Disease Control, 74% of young adults and 50% of older adults said that they had little or no knowledge about melanoma;

Whereas, in 1940, the chance of a U.S. citizen getting melanoma was 1 in 1,500, by 2004 it was 1 in 67, and by 2010 scientists predict it will be 1 in 50;

Whereas, if caught in the earliest stages, melanoma is entirely treatable with a survival rate of nearly 100%;

Whereas, if untreated and allowed to spread, there is no known effective treatment or cure for melanoma;

Whereas, the lifetime risk of getting skin cancer is linked to sun exposed sunburn during childhood and adolescence;

Whereas, studies have shown that the occurrence of at least two blistering sunburns before the age of 18 years may double the risk for development of melanoma as an adult;

Whereas, it is estimated that regular use of sunscreen during childhood could lower skin cancer incidence by nearly 80%;

Whereas, since 1982; incidences of pediatric melanoma in children have more than doubled;

Whereas, Utah's melanoma rates are among the highest in the nation;

Whereas, Utah regularly ranks in the top five states in the nation for per capita deaths from melanoma;

Whereas, the United States Department of Health and Human Services Classifies solar radiation as a known human carcinogen;

Whereas, the causes, prevention, and early detection of skin cancer, particularly melanoma, are fairly well understood and easy to learn;

Whereas, schools have the potential to educate and positively influence pupil and family behavior regarding skin cancer prevention;

Whereas, simple, inexpensive changes in behavior such as wearing sunscreen, avoiding midday sun exposure, and wearing a shirt and hat can alter lifelong skin cancer risks;

Whereas, several programs are available to educators to help them teach students about the risks and prevention of skin cancer, and the programs could be integrated into classes in Utah schools;

Whereas, the United States Environmental Protection Agency has created a program that educates school-age children on the risks of exposure to the sun;

Whereas, this program, called SunWise, is provided free of charge, is designed for school-age children, requires no teacher training, and is easily integrated into a school's curriculum;

Whereas, SunWise is currently being used by 14,000 schools around the country and 246 school in Utah with great success;

Whereas, a low-cost program about the risks, and prevention of skin cancer, Sunny Days, Healthy Ways, was developed with grants from the National Cancer Institute;

Whereas, the Centers for Disease Control have free materials on the prevention of skin cancer which, can be downloaded from their website and used in class or sent home with children to help educate families;

Whereas, Only Skin Deep is a Utah based program designed to train high school students to teach their peers about skin cancer prevention;

Whereas, this program has been successfully used in Utah schools, is free of charge, and requires no time from teachers; and

Whereas, faced with the reality of the risks of sun exposure and with the variety of low or no-cost programs and materials available, Utah schools should educate their students on the risks and prevention of skin cancer: Now, therefore, be it

Resolved, That the Senate of the state of Utah urges Utah's public schools to consider incorporating sun exposure awareness programs and materials into their curriculum. Be it further

Resolved, That copies of this resolution be sent to each school district in the state of

Utah, the Utah Parent Teachers Association, the American Cancer Society of Utah, the Utah Cancer Action Network, the Utah State Office of Education, the Utah State Board of Education, the Utah Department of Health, the National Cancer Institute, and the Utah Society of Dermatologic Medicine and Surgery.

POM–380. A concurrent resolution adopted by the Legislature of the State of Utah relative to encouraging school boards to adopt policy prohibiting bullying; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 1

Whereas, school bullying, harassment, and intimidation greatly reduce a student's ability to both achieve and surpass academic standards in Utah;

Whereas, school bullying, harassment and intimidation can directly affect a student's health and well-being and thus contribute to excess absences from school, physical sickness, mental and emotional anguish, and long-term social and mental consequences;

Whereas, bullying, harassment; and intimidation can take physical, verbal, and written forms, including use of electronic media;

Whereas, it is long past time for not only society, but also for each community in Utah, down to the individual school community level, to acknowledge that bullying is not some sort of right of passage to be simply ignored or tolerated;

Whereas, incidents of reported school-related bullying in the state and throughout the nation are ample evidence of the need for intervention;

Whereas, many bullies eventually end up with criminal records and are involved in abusive relationships because they have not learned appropriate social behavior;

Whereas, it is within the goals and dictates of the state's public education system to provide a healthy, positive, and safe learning atmosphere for all Utah children in the state's public schools;

Whereas, many schools across the state are already engaged in prevention efforts, including Utah's K–12 prevention program, Prevention Dimensions;

Whereas, these programs emphasize assessment of the prevalence of bullying incidents and preventive, early intervention strategies; and

Whereas, with the help of local school boards, school districts and school personnel, parents, and concerned individuals, school bullying can be effectively addressed: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, express its condemnation of bullying, harassment, and intimidation in Utah schools. Be it further

Resolved, That the Legislature and the Governor urge school districts, concerned parents, the members of the Utah Substance Abuse and Anti-Violence Coordinating Council, and the members of the Utah Education Coalition, which includes the State Board of Education, the Utah Education Association, the Utah Parent Teacher Association, the Utah School Employees Association, the Utah Association of Elementary School Principals, the Utah Association of Secondary School Principals, the Utah School Boards Association, the Utah State Office of Education, and the Utah School Superintendents Association to work together to further define and understand the multiple aspects of bullying and effectively utilize systems for reporting school-related bullying incidents. Be it further

Resolved, That the Legislature and the Governor call upon school districts, concerned parents, the members of Utah Education Coalition, and the members of the Utah Substance Abuse and Anti-Violence Coordinating Council to respond to school-related bullying incidents by implementing a program where victims of bullying can be identified and assisted, and perpetrators educated, in order to create safer schools that provide a positive learning environment. Be it further

Resolved, That the Legislature and the Governor encourage these groups to come together to form a coalition whose goal would be to bring about, through education and other means, the end of bullying, harassment, and intimidation in the states public schools. Be it further

Resolved, That a copy of this resolution be sent to the State Board of Education, the Utah Education Association, the Utah Parent Teacher Association, the Utah School Employees Association, the Utah Association of Elementary School Principals, the Utah Association of Secondary School Principals, the Utah School Boards Association, the Utah State Office of Education, the Utah School Superintendents Association, the Utah Substance Abuse and Anti-Violence Coordinating Council, each public school district in the state of Utah, and the Utah Charter School Association.

POM–381. A joint resolution by the Legislature of the State of Utah relative to recognizing the rights of public school students to voluntarily participate in religious expression in public schools; to the Committee on Health, Education, Labor, and Pensions.

SENATE JOINT RESOLUTION NO. 9

Whereas, a firm understanding of the proper and lawful role of religious expression is requisite to full participation in public institutions;

Whereas, a state of confusion and in some cases fear among the general citizenry exists as to the proper role of religious expression in public schools and other public settings;

Whereas, the free exercise of religion is a fundamental right guaranteed by both the United States Constitution and the Utah Constitution;

Whereas, the freedom of speech is a fundamental right guaranteed by both the United States Constitution and the Utah Constitution;

Whereas, the First Amendment to the United States Constitution states, ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble'';

Whereas, the Utah Constitution states, ''The rights of conscience shall never be infringed. The State shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; . . . There shall be no union of Church and State, nor shall any church dominate the State or interfere with its functions. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or for the support of any ecclesiastical establishment.'';

Whereas, the Utah Constitution also states: ''No law shall be passed to abridge or restrain the freedom of speech or of the press'';

Whereas, prayer is fundamental to the exercise of both religion and free speech;

Whereas, courts have upheld the right of students to spontaneously and nondisruptively pray in school settings, and school administrators and teachers are in no way permitted to discourage such religious expression, including prayer, by a student;

Whereas, in the classroom, instruction covering religious subject matter is permitted, provided the teacher does not advocate religion in general or one or more religions in particular;

Whereas, students participating in the singing of songs that are religious in theme, and expressions often related to holidays that are ''religious in nature, also enjoy legal protection under the state and federal constitutions;

Whereas, the courts have established a three-part test for determining if a government action violates the establishment of religion clause of the First Amendment to the United States Constitution: (1) the government action must have a secular (nonreligious) purpose; (2) the government action's primary purpose must not be to inhibit or to advance religion; and (3) there must be no excessive entanglement between government and religion; and

Whereas, the United States Supreme Court has ruled the union-of-church-and-state ban applies only to circumstances that join a particular religious denomination and the state so that the two function in tandem on an ongoing basis: Now, therefore, be it

Resolved, That the Legislature of the state of Utah recognizes the right of public school students to voluntarily participate in prayer, and also in the singing of songs and in expressions related to holidays that are religious in nature, in public schools, within known legal limits of religious expression, tolerance, civility, and dignity as contemplated by this nation's founders. Be it further

Resolved, That a copy of this resolution be sent annually to each student currently enrolled in Utah's public schools, each parent of a student currently enrolled in Utah's public schools, the Utah Parent Teacher Association, the Utah Education Association, the Utah State Board of Education, the Utah State Office of Education, the Utah Association of Counties, and the Utah League of Cities and Towns.

POM–382. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to providing states with the necessary funding to implement the goals of the No Child Left Behind Act of 2001 and other education-related programs; to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION NO. 104

Whereas, the State of Hawaii has long pursued the goal of improving the academic performance of all students, especially those of minority racial and ethnic backgrounds, lower economic status, and limited English proficiency, and those with learning disabilities or challenges; and

Whereas, the State of Hawaii, therefore, applauds the President of the United States and Congress for setting the same goals in the No Child Left Behind Act of 2001, and emphasizing the urgency in closing the achievement gaps for these students; and

Whereas, the No Child Left Behind Act has encouraged some needed changes in public education and was initially accompanied by relatively large increases in federal funding for public elementary and secondary education; and

Whereas, the increases in federal funding since the first year of implementation of the No Child Left Behind Act have been minimal and insufficient to meet its requirements; and

Whereas, the federal government has decreased funding for programs implementing the No Child Left Behind Act in fiscal year 2006 by almost $800,000,000, and for overall public education by $606,000,000, including cuts of more than $165,000,000 from postsecondary education and over $20,000,000 from programs for students with disabilities: Now, therefore, be it

Resolved, by the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, the House of Representatives concurring, That the Hawaii Legislature urges the President of the United States and United States Congress to make a serious commitment to improving the quality of the nation's public schools by substantially increasing its funding for implementation of the No Child Left Behind Act, the Higher Education Act, the Individuals with Disabilities Education Act, and other education-related programs; and be it further

Resolved, That the State of Hawaii requests that in any year that federal funding for public elementary and secondary education is decreased, the President, United States Congress, and the United States Department of Education create flexibility in No Child Left Behind Act requirements through the use of state waivers, exemptions, or other mechanisms; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of Education, and Hawaii's congressional delegation.

POM–383. A joint resolution adopted by the General Assembly of the State of Colorado relative to requesting the United States Senate to pass the ''Stem Cell Research Enhancement Act of 2005''; to the Committee on Health, Education, Labor, and Pensions.

HOUSE JOINT RESOLUTION NO. 06–1034

Whereas, In May 2005, by a bipartisan vote of 238 to 194, the United States House of Representatives passed H.R. 810, the ''Stem Cell Research Enhancement Act of 2005'', and the bill is currently pending in the United States Senate; and

Whereas, H.R. 810 would authorize research using embryonic stem cells only if the stem cells are derived from human embryos that have been donated from in-vitro fertilization clinics, are created for the purpose of fertility treatment, and are in excess of the clinical need of the individuals seeking such treatment; and

Whereas, H.R. 810 would further require that it be determined that the human embryos used for research are ones that would never be implanted in a woman and would otherwise be discarded, and that the individuals donating the human embryos give written, informed consent to the donation and do not receive any financial or other inducements to make the donation; and

Whereas, Stem cell research offers the opportunity to discover cures and treatments for diseases such as Parkinson's, Alzheimer's, ALS, diabetes, spinal cord injury, and many others; and

Whereas, We have a responsibility to ensure that this research proceeds with ethical safeguards and strict guidelines, and, by permitting research only on excess embryos created in the in-vitro fertilization process and establishing a clear, voluntary consent process for donors, H.R 810 meets this responsibility; and

Whereas, Senator Bill Frist, Senate Majority leader, noted, ''While human embryonic stem cell research is still at a very early stage, the limitations put in place in 2001 will, over time, slow our ability to bring potential new treatments for certain diseases. Therefore, I believe the President's policy should be modified'': Now, therefore, be it

Resolved, by the House of Representatives of the Sixty-fifth General Assembly of the State of Colorado, the Senate concurring herein; That the General Assembly of the state of Colorado requests the United States Senate to move expeditiously to pass H.R. 810 and urges all members of the United States Senate to vote in favor of H.R. 810; and be it further

Resolved, That copies of this Joint Resolution be sent to the President and Vice-President of the United States, the Majority and Minority Leaders of the Senate, the Colorado Senate delegation.

POM–384. A joint resolution adopted by the Legislature of the State of Utah relative to supporting Utah Highway Patrol use of white crosses as roadside memorials; to the Committee on Homeland Security and Governmental Affairs.

HOUSE CONCURRENT RESOLUTION NO. 4

Whereas, since the creation of the Utah Highway Patrol in 1935, 14 Highway Patrol officers have been killed in the line of duty;

Whereas, the 14 Utah Highway Patrolmen who have been killed in the line of duty are Patrolman George ''Ed'' VanWagenen and Troopers Armond A. ''Monty'' Luke, George Dee Rees, Charles D. Warren, John R. Winn, William J. Antoniewicz, Robert B. Hutchings, Ray Lynn Pierson, Daniel W. Harris, Joseph ''Joey'' S. Brumett III, Dennis ''Dee'' Lund, Doyle R. Thorne, Randy K. Ingram, and Thomas S. Rettberg;

Whereas, for the families of these officers who have paid the ultimate price for their service, there is often very little that can be done to stem the tide of their grief and suffering, or to help them move on with their lives;

Whereas, the families of these officers killed in the line of duty have been involved in, and have supported, the creation of roadside memorials that are placed near the location of the incidents that caused the deaths of their loved ones;

Whereas, each memorial represents a Utah Highway Patrol officer who died in the line of duty and service to the state of Utah and its citizens;

Whereas, a white cross has become widely accepted as a symbol of a death, and not a religious symbol, when placed along a highway;

Whereas, the memorials remind the citizens of Utah and this nation of the price that is too often paid for safety and freedom;

Whereas, the memorials also console the family members left behind, who too often consist of young mothers and young children;

Whereas, the primary feature of the memorials is a white cross, which was never intended as a religious symbol, but as a symbol of the sacrifice made by these highway patrol officers;

Whereas, the beehive emblem, which is also the official state emblem, is attached to the cross because the emblem is worn as part of the official Utah Highway Patrol uniform;

Whereas, the purchase and placement of these memorials has been accomplished with private funds only; and

Whereas, given the heartfelt yet nonsectarian intentions of the memorials, removing or tampering with them would clearly convey an absence of concern, respect, and recognition of the sacrifices made by these officer and their families: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, express support for the Utah Highway Patrol's use of white crosses, or other appropriate symbols as requested by the family, as roadside memorials as a means to pay tribute to the heroes from the ranks of the Utah Highway Patrol who have fallen and to their families; and be it further

Resolved, That a copy of this resolution be sent to the surviving spouse or nearest relative of each Utah Highway Patrol Officer who has been killed in the line of duty and service to the citizens of Utah, the Utah Highway Patrol, and the Utah Highway Patrol Association.

POM–385. A concurrent memorial adopted by the House of Representatives of the Legislature of the State of Arizona relative to authorizing funding for the Navajo Health Foundation/Sage Memorial Hospital; to the Committee on Indian Affairs.

HOUSE CONCURRENT MEMORIAL NO. 2002

Your memorialist respectfully represents:

Whereas, the Navajo Nation finds that the lack of appropriations by the United States Congress for full funding of the Navajo Health Foundation/Sage Memorial Hospital, Inc. contract severely and negatively impacts the delivery of health care services to Navajo recipients of health care services.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the United States Congress authorize and rebudget contract health care service funds appropriated to the Navajo Area Indian Health Service into hospital and clinic budgeted funds to fully fund the P.L. 93–638 contract with the Navajo Health Foundation/Sage Memorial Hospital.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of United States House of Representatives, the United States Secretary of Health and Human Services and each Member of Congress from the State of Arizona.

POM–386. A concurrent memorial adopted by the House of Representatives of the Legislature of the State of Arizona relative to permanently repealing the death tax, dissolving United States Membership in the United Nations, and removing specific areas relating to faith from the jurisdiction of the United States Supreme Court; to the Committee on the Judiciary.

HOUSE CONCURRENT MEMORIAL NO. 2011

Whereas, under tax relief legislation passed in 2001, the death tax was temporarily phased out but not permanently eliminated; and

Whereas, farmers and other small business owners will face losing their farms and businesses if the federal government resumes the heavy taxation of citizens at death; and

Whereas, this is a tax that is particularly damaging to families who are working their way up the ladder and trying to accumulate wealth for the first time; and

Whereas, employees suffer layoffs when small and medium businesses are liquidated to pay death taxes; and

Whereas, if the death tax had been repealed in 1996, the United States economy would have realized billions of dollars of extra output each year and an average of 145,000 additional new jobs would have been created; and

Whereas, having repeatedly passed in the United States House of Representatives and Senate, repeal of the death tax holds wide bipartisan support.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

That the Congress of the United States immediately and permanently repeal the death tax.

Your memorialist respectfully represents:

Whereas, the United States of America became an independent, sovereign nation for the reasons expressed in the Declaration of Independence and as the result of a bloody war to achieve its independence: and

Whereas, the Constitution of the United States of America is, and rightfully must remain, the Supreme Law of the Land; and

Whereas, the Constitution of the United States of America provides for limited, nondelegable and diffused powers of governments that are separated among the Congress, the President and the judiciary and that preserve the powers and duties of the individual states and the people; and

Whereas, the Constitution of the United States of America guarantees personal liberties of each individual citizen; and

Whereas, the Charter of the United Nations purports to supersede the independence and sovereignty of the United States and the Constitution of the United States of America and to usurp powers delegated in the Constitution by:

1. Concentrating in the United Nations Security Council control and use of certain American military personnel and the military personnel of all member nations for its own purposes without any accountability and in violation of the exclusive power of the United States Congress to declare war.

2. Seeking authority to tax citizens of the United States and other member nations directly to support United Nations activities.

3. Sponsoring and extending to all nations, whether signatories or not, an International Criminal Court that violates the rights of the accused as well as the Constitution of the United States and the Bill of Rights; and

Whereas, the oil-for-food effort in Iraq has been a global scandal that has enriched Saddam Hussein and his inner circle, leaving the Iraqi people further deprived, and has further enabled him to acquire arms and munitions that have been used against United States forces, all having occurred while under the supervision of the United Nations; and

Whereas, Congressman Ron Paul of Texas has introduced a bill in Congress that is known as the American Sovereignty Restoration Act of 2005. This important legislation, H.R. 1146, would end the membership of the United States in the United Nations; and

Whereas, the only benefit to the United States of America to belong to the United Nations is that we have veto authority on the Security Council to protect our allies, such as the Nation of Israel; and

Whereas, H.R. 1146 would repeal the United Nations Participation Act of 1945, the United Nations Headquarters Agreement Act and various other related laws. The bill would prevent the authorization of further monies for United Nations military operations and would terminate the participation of the United States in United Nations peacekeeping operations; and

Whereas, the Constitution and bylaws of the United Nations frequently conflict with the Constitution and laws of the United States. Over the years, past presidents have unconstitutionally transferred their authority to United Nations commanders without the consent of Congress; and

Whereas, the enactment of H.R. 1146, the American Sovereignty Restoration Act of 2005, would end the usurpation of American powers by the United Nations and would reaffirm the sovereignty of the United States.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

That upon such time that the United States of America ceases to use its veto authority on the United Nations Security Council to protect Israel, the Congress of the United States take immediate steps to ensure the passage of H.R. 1146, the American Sovereignty Restoration Act of 2005, and take any other measures necessary to dissolve the membership of the United States in the United Nations.

Your memorialist also respectfully represents:

Whereas, on June 27, 2005, the United States Supreme Court, in two razor thin majorities of 5–4 concluded that it is consistent with the First Amendment to display the Ten Commandments in an outdoor public square in Texas, but not on the courthouse walls of two counties in Kentucky; and

Whereas, many Americans are deeply puzzled as to how the Court could produce two opposite results involving the same Ten Commandments; and

Whereas, it is appropriate to observe that, based on the Kentucky decision, it is acceptable to display the Ten Commandments in a county courthouse, provided you do not believe in God; and

Whereas. Justice Scalia, in the Kentucky case, used these words to emphasize the importance of the Ten Commandments to most Americans: ''The three most popular religions in the United States, Christianity, Judaism and Islam—which combined account for 97.7% of all believers—are monotheistic . . . [a]ll of them, moreover (Islam included), believe that the Ten Commandments were given by God to Moses, and are divine prescriptions for a virtuous life''; and

Whereas, very recent polling data by a major Washington, D.C. paper revealed that a huge majority of the American people supports posting the Ten Commandments; and

Whereas, S520 and HR1070 are bills that would allow the display of the Commandments in public places in America. The operative language provides: ''. . . [t]he Supreme Court shall not have jurisdiction to review, by appeal, writ of certiorari, or otherwise, any matter to the extent that relief is sought against an entity of Federal, State, or local government, or against an officer or agent of Federal, State, or local government (whether or not acting in official or personal capacity), concerning that entity's, officer's, or agent's acknowledgment of God as the sovereign source of law, liberty, or government''; and

Whereas, hearings were held on the same language in June 2004 in the Constitution, Civil Rights and Property Rights Subcommittee of the Senate Judiciary Committee. Hearings were also held on this language in September 2004 in the Courts Subcommittee of the House Judiciary Committee: and

Whereas, former Chief Justice Rehnquist, in the Texas case, used the following words to describe the obvious duplicity of the United States Supreme Court in telling local governments in America that they may not display the Ten Commandments in local buildings in their communities while at the same time allowing the Ten Commandments to be present on the building housing the United States Supreme Court: ''Since 1935, Moses has stood, holding two tablets that reveal portions of the Ten Commandments written in Hebrew, among other lawgivers in the south frieze. Representations of the Ten Commandments adorn the metal gates lining the north and south sides of the Courtroom as well as the doors leading into the Courtroom. Moses also sits on the exterior east facade of the building holding the Ten Commandments tablets.''; and

Whereas, the Kentucky decision will be used by litigants who want to remove God from the public square in America. Sooner or later, this effort will take place in our states. Reports have indicated that efforts to remove the Ten Commandments from public buildings or public parks are now underway in at least twenty-five different places in America.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

That the United States Congress adopt S520 and HR1070, and in so doing, protect the ability of the people of this state and nation to display the Ten Commandments in public buildings, to express their faith in public, to retain God in the Pledge of Allegiance and in the national motto, and to use article III, section 2.2, United States Constitution, to remove these areas from the jurisdiction of the United States Supreme Court.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–387. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to making the Republic of Poland eligible for the United States Department of State Visa Waiver Program; to the Committee on the Judiciary.

HOUSE RESOLUTION 269

Whereas, The Republic of Poland is a free, democratic, and independent nation. The fall of the Berlin Wall in 1989 paved the way for Poland to break free from Soviet control and pursue its own destiny. In 1999, the United States and the Republic of Poland became formal allies when Poland was granted membership in the North Atlantic Treaty Organization. Since that historic occasion, the Republic of Poland has proven to be an indispensable ally in the global campaign against terrorism. Poland actively participated in Operation Iraqi Freedom and the Iraqi reconstruction mission, shedding blood along with American military personnel; and

Whereas, From the beginning of Poland's new independence, the Polish people have expressed their wishes for close ties with America. On April 15, 1991, the Republic of Poland unilaterally repealed the visa obligation for United States citizens traveling to Poland. The United States has not reciprocated this gesture. Our Department of State's Visa Waiver Program currently allows citizens from 27 countries to travel to the United States for tourism or business for up to 90 days without first obtaining visas for entry. The countries that currently participate in the Visa Waiver Program include Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom; and

Whereas, the President of the United States and other high ranking officials have rightly described Poland as ''one of our closest friends.'' After emerging from five decades of foreign domination, the people of Poland have made great strides in building a free and prosperous nation to stand by America's side in the great struggle of our day. It is appropriate that the Republic of Poland be made eligible for the United States Department of State Visa Waiver Program: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the President of the United States and the United States Congress to make the Republic of Poland eligible for the United States Department of State Visa Waiver Program; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Ambassador of the Republic of Poland to the United States of America.

POM–388. A resolution adopted by the Senate of the Legislature of the Commonwealth

of Massachusetts relative to affirming the civil rights and liberties of the people of Massachusetts; to the Committee on the Judiciary.

SENATE RESOLUTION

Whereas, the struggle to establish democracy and secure the rights and liberties of Americans began in Massachusetts; and

Whereas, the Declaration of Rights of the inhabitants of the Commonwealth of Massachusetts was the first enumeration of the civil rights and liberties of Americans, provided a model for the United States Constitution and its Bill of Rights, and continues to serve the Citizens of the Commonwealth; and

Whereas, every duly elected public official in Massachusetts has sworn to uphold the Constitution of the United States and the Constitution of the Commonwealth; and

Whereas, in response to the terrorist attacks of September 11, 2001, the United States Congress passed, without public hearings and with little debate, the USA PATRIOT Act (Public Law 107–56), provisions of which threaten the fundamental rights and liberties of citizens and non-citizens; and

Whereas, through executive orders, changes in procedures, and other actions, the United States Department of Justice has adopted practices which infringe upon the rights and liberties of citizens and non-citizens; and

Whereas, fifty-three Massachusetts cities and towns and more than 400 cities and towns across the United States have passed resolutions that affirm their support for our fundamental freedoms and that state their opposition to provisions of the USA Patriot Act and the practices of the United States Department of Justice; and

Whereas, on November 2, 2004, in the 9 State legislative districts where it appeared on the ballot, voters approved, by overwhelming margins, a referendum question requesting legislators to support a Massachusetts resolution asserting that the campaign against terrorism should not be waged at the expense of civil rights and liberties, and to support legislation barring the use of State resources for racial and religious profiling, for secret investigations without reasonable grounds, and for maintaining files on individuals and organizations without reasonable suspicion of criminal conduct; and

Whereas, the States of Alaska, Hawaii, Vermont, Maine, Montana, Idaho and Colorado have passed resolutions opposing provisions of the USA PATRIOT Act and Federal practices which threaten our civil liberties; and

Whereas, in recent testimony and through legislative initiatives, the United States Department of Justice has indicated an intention to seek even greater powers of surveillance, investigation and prosecution; now there be it

Resolved, That the Massachusetts State Senate hereby affirms the rights and liberties of the people of Massachusetts and our system of checks and balances as specified in the United States Constitution, the Bill of Rights, and the Constitution of the Commonwealth of Massachusetts; and be it further

Resolved, That the Massachusetts State Senate hereby affirms that measures taken to protect our local and national security must be guided by and must respect principles of American liberty and the rights of persons as enshrined in the Constitution of the Commonwealth of Massachusetts, the United States Constitution and the Bill of Rights; and be it further

Resolved, That the Massachusetts State Senate hereby requests that the State and local law enforcement authorities refrain from actions that impinge and infringe upon and violate constitutional rights, such as racial and religious profiling, conducting warrantless searches and maintaining files on individuals and organizations without reasonable suspicion of criminal conduct; and be it further

Resolved, That the Massachusetts State Senate hereby urges the United States Congress to allow to sunset, to repeal or to amend those sections of the USA PATRIOT Act which allow the executive branch to infringe upon the rights and liberties of persons as specified in the United States Constitution, the Bill of Rights and the Constitution of the Commonwealth of Massachusetts, and to oppose any additional legislation that would infringe upon these rights and liberties; and be it further

Resolved, That the Massachusetts State Senate hereby urges the United States Department of Justice and other Federal agencies and departments to refrain from any investigations, procedures or prosecutions which infringe upon the liberties of persons as specified in the United States Constitution, the Bill of Rights and the Constitution of the Commonwealth of Massachusetts, or which single out individuals for legal scrutiny or enforcement activity based upon their race, religion, ethnicity or country of origin; and be it further

Resolved, That the Massachusetts State Senate hereby urges the United States Congress to exercise its constitutionally necessary and proper oversight responsibilities relative to the operations and actions of the Departments of Defense and Justice, the National Security Agency and the Central Intelligence Agency that may adversely affect and impinge upon civil rights and liberties, and to ensure the publication of its findings; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the Clerk of the Senate to the Honorable George W. Bush, President of the United States; to Alberto Gonzales, Attorney General of the United States; and to Michael J. Sullivan, United States Attorney for Massachusetts; and be it further

Resolved, That copies of these resolutions shall be transmitted to United States Senators Edward Kennedy and John Kerry, Congressmen Michael Capuano, William Delahunt, Barney Frank, Stephen Lynch, Edward Markey, James McGovern, Marty Meehan, Richard Neal, John Olver and John Tierney, Massachusetts Governor Mitt Romney, Massachusetts Attorney General Tom Reilly, Massachusetts State Police Colonel Thomas G. Robbins and to all city and town halls and public libraries within the Commonwealth of Massachusetts.

POM–389. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to passing a constitutional amendment banning the desecration of the United States flag; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 23

Whereas, during the first session of the 109th Congress of the United States of America, House Joint Resolution 10 was introduced proposing to amend the Constitution of the United States to authorize the Congress to prohibit the physical desecration of the flag of the United States; and

Whereas, the United States House of Representatives on June 22, 2005, by a vote of two hundred eighty-six to one hundred thirty, passed the constitutional amendment prohibiting the physical desecration of the United States flag; and

Whereas, the United States Senate has until the end of 2006 to take action upon House Joint Resolution 10; and

Whereas, since 1995, the United States Senate has failed to pass five similar constitutional amendments which were previously passed by the United States House of Representatives; and

Whereas, the United States Senate should not continue to prevent the individual states of the United States from having a voice in whether or not to ratify this constitutional amendment: Therefore be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Senate to take such actions as are necessary to pass the proposed constitutional amendment banning the desecration of the United States flag which was passed by the United States House of Representatives on June 22, 2005; and be it further.

Resolved, That a copy of this Resolution shall be transmitted to the president of the United States, the secretary of the United States Senate, the clerk of the United States House of Representatives, and each member of the Louisiana delegation to the United States Congress.

POM–390. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to support the Marriage Protection Amendment; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 235

Whereas, marriage is a sacred institution that has endured for centuries as the bedrock of a healthy and successful family; and

Whereas, the stable and healthy marriage is the most beneficial circumstance within which to rear children; and

Whereas, marriage has been reflected historically in the laws of the United States and of the individual states as the union of a man and a woman; and

Whereas, in the 2004 Regular Session of the Louisiana Legislature, Act No. 926 provided that marriage in this state shall consist only of the union of one man and one woman; and

Whereas, Act No. 926 of the 2004 Regular Session was approved by eighty-three percent of the House of Representatives and seventy-nine percent of the Senate; and

Whereas, Act No. 926 of the 2004 Regular Session was submitted to the voters of Louisiana on September 18, 2004, and was approved by seventy-eight percent of the voters; and

Whereas, thirteen other states of the United States have approved similar constitutional amendments limiting marriage to the union of one man and one woman; and

Whereas, the protection of marriage is essential to the continued strength of the nation, and it is vital that Congress and the United States senators from Louisiana vote to support the Marriage Protection Amendment: Therefore be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress and Senators Mary Landrieu and David Vitter to take such actions as are necessary to support and vote for the Marriage Protection Amendment presently pending in the United States Senate; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each of the United States senators from Louisiana.

POM–391. A joint resolution adopted by the General Assembly of the State of Tennessee relative to the addition of a balanced budget amendment to the United States Constitution; to the Committee on the Judiciary.

SENATE JOINT RESOLUTION NO. 574

Whereas with each passing year our nation falls further into debt as federal government expenditures repeatedly exceed available revenue; and

Whereas the federal public debt now stands at approximately $8.2 trillion, which equates to $27,600 of debt for every man, woman, and child in America; and

Whereas the annual federal budget has risen to unprecedented levels, demonstrating an unwillingness or inability of both the legislative and executive branches of federal government to control the federal debt; and

Whereas fiscal discipline is a powerful means for strengthening our nation; with a constitutional provision requiring a federal balanced budget, less of America's financial resources would be channeled into servicing the national debt and more of our tax dollars would be available for public endeavors that reflect our national priorities, such as education, health, the security of our nation, and the creation of jobs; and

Whereas Thomas Jefferson recognized the importance of a balanced budget when he wrote: ''The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay for them ourselves.''; and

Whereas state legislatures overwhelmingly recognize the necessity of maintaining a balanced budget; whether through constitutional requirement or by statute, 49 states require a balanced budget; and

Whereas in promoting the broadest principles of a government of, by, and for the people, one of the core functions of the United States Constitution is to enumerate and limit federal power; and

Whereas the federal government's unlimited ability to borrow involves decisions of such magnitude, with such potentially profound consequences for the nation and its people, today and in the future, that it is an appropriate subject for limitation by the United States Constitution; and

Whereas the United States Constitution vests the ultimate responsibility to approve or disapprove amendments to the Constitution with the people of the several states, as represented by their elected legislatures: Now, therefore, be it

Resolved by the Senate of the One Hundred Fourth General Assembly of the State of Tennessee, the House of Representatives Concurring, that we hereby strongly urge the United States Congress to propose, adopt, and submit to the states for ratification an amendment to the United States Constitution requiring a balanced federal budget on an annual basis, except in times of extreme national emergency; and be it further

Resolved, that an enrolled copy of this resolution be transmitted to the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, and each member of Tennessee's Congressional delegation.

POM–392. A resolution adopted by the Senate of the General Assembly of the State of Tennessee relative to the ''Constitution Restoration Act of 2005''; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 158

Resolved by the Senate of the One Hundred Fourth General Assembly of the State of Tennesee, That through passage of this resolution, this body hereby memorializes the United Slates Congress to enact S. 520 and H.R. 1070 of the 109th Congress, which bears the short title ''Constitution Restoration Act of 2005'', and by enacting such legislation protect the ability of the people of our state and nation to:

(1) Display the Ten Commandments in public buildings and public places in this state and nation;

(2) Express their faith in public;

(3) Retain God in the Pledge of Allegiance;

(4) Retain ''In God We Trust'' as our national motto; and

(5) Otherwise acknowledge God as the sovereign source of law, liberty, and government in these United States; and be it further

Resolved, That an enrolled copy of this resolution be transmitted to the Speaker and the Clerk of the United States House of Representatives; the President and the Secretary of the United States House of Representatives; the President and the Secretary of the United States Senate; and to each member of Tennessee's delegation to the United States Congress.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Indian Affairs, without amendment:

S. 2464. A bill to revise a provision relating to a repayment obligation of the Fort McDowell Yavapai Nation under the Fort McDowell Indian Community Water Rights Settlement Act of 1990, and for other purposes (Rept. No. 109–284).

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2802. A bill to improve American innovation and competitiveness in the global economy (Rept. No. 109–285).

By Mr. SPECTER, from the Committee on the Judiciary, with an amendment:

S. 2703. A bill to amend the Voting Rights Act of 1965.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. SHELBY for the Committee on Banking, Housing, and Urban Affairs.

*James Lambright, of Mississippi, to be President of the Export-Import Bank of the United States for a term expiring January 20, 2009.

*Linda Mysliwy Conlin, of New Jersey, to be First Vice President of the Export-Import Bank of the United States for a term expiring January 20, 2009.

*J. Joseph Grandmaison, of New Hampshire, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2009.

*Geoffrey S. Bacino, of Illinois, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2013.

*Frederic S. Mishkin, of New York, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2000.

*Edmund C. Moy, of Wisconsin, to be Director of the Mint for a term of five years.

By Mr. STEVENS for the Committee on Commerce, Science, and Transportation.

*Andrew B. Steinberg, of Maryland, to be an Assistant Secretary of Transportation.

*Mark V. Rosenker, of Maryland, to be Chairman of the National Transportation Safety Board for a term of two years.

*R. Hunter Biden, of Delaware, to be a Member of the Reform Board (Amtrak) for a term of five years.

*Donna R. McLean, of the District of Columbia, to be a Member of the Reform Board (Amtrak) for a term of five years.

*John H. Hill, of Indiana, to be Administrator of the Federal Motor Carrier Safety Administration.

*Coast Guard nominations beginning with Rear Adm. (Ih) Gary T. Blore and ending with Rear Adm. (Ih) Joel R. Whitehead, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2006.

Mr. STEVENS. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination list which was printed in the Record of the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

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

*National Oceanic and Atmospheric Administration nomination beginning with Philip A. Gruccio and ending with Jamie S. Wasser, which nominations were received by the Senate and appeared in the Congressional Record on May 24, 2006.

By Mr. ENZI for the Committee on Health, Education, Labor, and Pensions.

*Lawrence A. Warder, of Texas, to be Chief Financial Officer, Department of Education.

*Troy R. Justesen, of Utah, to be Assistant Secretary for Vocational and Adult Education, Department of Education.

*Harry R. Hoglander, of Massachusetts, to be a Member of the National Mediation Board for a term expiring July 1, 2008.

*Elizabeth Dougherty, of the District of Columbia, to be a Member of the National Mediation Board for a term expiring July 1, 2009.

*Ronald S. Cooper, of Virginia, to be General Counsel of the Equal Employment Opportunity Commission for a term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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. BOND:

S. 3685. A bill to establish a grant program to provide vision care to children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST (for himself and Mr. ALEXANDER):

S. 3686. A bill to suspend temporarily the duty on certain AC electric motors; to the Committee on Finance.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 3687. A bill to waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in the State of Oregon, and for other purposes; to the Committee on Indian Affairs.

By Mr. MCCAIN (for himself and Mr. GRAHAM):

S. 3688. A bill to preserve the Mt. 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. JEFFORDS:

S. 3689. A bill to establish a national historic country store preservation and revitalization program; to the Committee on Environment and Public Works.

By Ms. STABENOW:

S. 3690. A bill to authorize the Secretary of State to pay the costs of evacuating nationals of the United States from the Middle East in response to the hostilities between Israel and its neighbors that began in July 2006, and to require, except in limited circumstances, the reimbursement of such costs; to the Committee on Foreign Relations.

By Mr. KERRY (for himself, Ms. SNOWE, Mr. AKAKA, and Mr. TALENT):

S. 3691. A bill to amend the Small Business Act, to reform and reauthorize the National Veterans Business Development Corporation, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. VOINOVICH (for himself, Mr. BINGAMAN, Mrs. CLINTON, Mr. DEWINE, Mr. DOMENICI, Mr. KENNEDY, Mr. LIEBERMAN, Mr. LOTT, Mr. REED, and Mr. SESSIONS):

S. 3692. A bill to extend the date on which the National Security Personnel System will first apply to certain defense laboratories; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SPECTER (for himself and Mr. BIDEN):

S. 3693. A bill to make technical corrections to the Violence Against Women and Department of Justice Reauthorization Act of 2005; considered and passed.

By Mr. OBAMA (for himself, Mr. LUGAR, Mr. BIDEN, Mr. SMITH, Mr. BINGAMAN, Mr. HARKIN, Mr. COLEMAN, and Mr. DURBIN):

S. 3694. A bill to increase fuel economy standards for automobiles, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. SCHUMER, and Mr. LEAHY):

S. 3695. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DEWINE:

S. Con. Res. 110. A concurrent resolution commemorating the 60th anniversary of the historic 1946 season of Major League Baseball Hall of Fame member Bob Feller and his return from military service to the United States; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 138

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 138, a bill to make improvements to the microenterprise programs administered by the Small Business Administration.

S. 191

At the request of Mr. SMITH, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 191, a bill to extend certain trade preferences to certain least-developed countries, and for other purposes.

S. 311

At the request of Mr. SMITH, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 311, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low-income individuals infected with HIV.

S. 401

At the request of Mr. HARKIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 401, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 424

At the request of Mr. BOND, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 666

At the request of Mr. DEWINE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 666, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 2123

At the request of Mr. ALLARD, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2123, a bill to modernize the manufactured housing loan insurance program under title I of the National Housing Act.

S. 2154

At the request of Mr. OBAMA, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2154, a bill to provide for the issuance of a commemorative postage stamp in honor of Rosa Parks.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2491

At the request of Mr. CORNYN, the name of the Senator from Ohio (Mr. DEWINE) 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. 2560

At the request of Mr. SPECTER, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2560, a bill to reauthorize the Office of National Drug Control Policy.

S. 2586

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2586, a bill to establish a 2-year pilot program to develop a curriculum at historically Black colleges and universities, Tribal Colleges, and Hispanic serving institutions to foster entrepreneurship and business development in underserved minority communities.

S. 2590

At the request of Mr. COBURN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2590, a bill to require full disclosure of all entities and organizations receiving Federal funds.

S. 2616

At the request of Mr. SANTORUM, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2616, a bill to amend the Surface Mining Control and Reclamation Act of 1977 and the Mineral Leasing Act to improve surface mining control and reclamation, and for other purposes.

S. 2646

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2646, a bill to create a 3-year pilot program that makes small, nonprofit child care businesses eligible for loans under title V of the Small Business Investment Act of 1958.

S. 2663

At the request of Mr. DODD, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2663, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 2679

At the request of Mr. TALENT, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2679, a bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes.

S. 2703

At the request of Mr. SPECTER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2703, a bill to amend the Voting Rights Act of 1965.

At the request of Mr. LEAHY, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Maine (Ms. COLLINS) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 2703, supra.

S. 3495

At the request of Mr. SMITH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 3495, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Vietnam.

S. 3620

At the request of Mr. LEVIN, the name of the Senator from Rhode Island

(Mr. CHAFEE) was added as a cosponsor of S. 3620, a bill to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields.

S. 3629

At the request of Mr. ENSIGN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 3629, a bill to require a 50-hour workweek for Federal prison inmates, to reform inmate work programs, and for other purposes.

S. 3656

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3656, a bill to provide additional assistance to combat HIV/AIDS among young people, and for other purposes.

S. 3658

At the request of Mr. GRASSLEY, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from North Dakota (Mr. CONRAD) 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 North Carolina (Mrs. DOLE) was added as a cosponsor of S. 3667, a bill to promote nuclear nonproliferation in North Korea.

S. 3678

At the request of Mr. BURR, the names of the Senator from Utah (Mr. HATCH), the Senator from New York (Mrs. CLINTON), the Senator from Kansas (Mr. ROBERTS), the Senator from Georgia (Mr. ISAKSON), the Senator from Ohio (Mr. DEWINE) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of 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.

S. 3680

At the request of Mr. KERRY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of 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.

S. 3681

At the request of Mr. DOMENICI, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of 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.

S. RES. 526

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 526, a resolution condemning the murder of United States journalist Paul Klebnikov on July 9, 2004, in Moscow, and the murders of other members of the media in the Russian Federation.

AMENDMENT NO. 4677

At the request of Mr. CHAFEE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 4677 intended to be proposed to S. 728, a bill 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOND:

S. 3685. A bill to establish a grant program to provide vision care to children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BOND. Mr. President, children endure a lot. They cannot always tell us what is wrong. Often they do not know themselves. So it takes a special person to work with young people and help identify their problems. Every child deserves the opportunity to reach their full potential, but it takes more than a bookbag full of pencils, paper, books and rulers to equip children with the tools necessary to succeed in school.

The most important tool kids will take to school is their eyes. Good vision is critical to learning. Eighty percent of what kids learn in their early school years is visual. Unfortunately, we overlook that fact sometimes. According to the CDC only one in three children receive any form of preventive vision care before entering school. That means many kids are in school right now with an undetected vision problem. One in four children has a vision problem that can interfere with learning. Some children are even labeled ''disruptive'' or thought to have a learning disability when the real reason for their difficulty is an undetected vision problem.

Without any vision care, some of our children will continue to fall through the cracks. I sympathize with these kids because I suffer from permanent vision loss in one eye as a result of undiagnosed Amblyopia in childhood. Amblyopia is the No. 1 cause of vision loss in young Americans. If discovered and treated early, vision loss from Amblyopia can be largely prevented. Had I been identified and treated before I entered school, I could have avoided a lifetime of vision loss. Parents are not always aware that their child may suffer from a vision problem. By educating parents on the importance of vision care and recognizing signs of visual impairment we can help children avoid unnecessary vision loss.

To ensure that children get the vital vision care that they need to succeed, today I am introducing the Vision Care for Kids Act of 2006 which will establish a grant program to complement and encourage existing state efforts to improve children's vision care. More specifically, grant funds will be used to: (1) provide comprehensive eye exams to children that have been previously identified as needing such services; (2) provide treatment or services necessary to correct vision problems identified in that eye exam; and (3) develop and disseminate educational materials to recognize the signs of visual impairment in children for parents, teachers, and health care practitioners.

We need to do this. We must improve vision care for children to better equip them to succeed in school and in life. The Vision Care for Kids Act, endorsed by the American Academy of Ophthalmology, American Optometric Association, and Vision Council of America, will make a difference in the lives of children across the country.

By Mr. McCAIN (for himself and Mr. GRAHAM):

S. 3688. A bill to preserve the Mount 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.

Mr. McCAIN. Mr President, today I am introducing legislation to preserve the Mount Soledad Veterans Memorial in San Diego, CA. I am pleased to be joined in this effort by Senator GRAHAM.

Since 1913, a series of crosses have stood on top of Mount Soledad, property owned by the city of San Diego. In April of 1954, the site was designated to commemorate the sacrifices made by members of the Armed Forces who served in World War II, as well as the Korean war.

In 1989, one individual filed suit against the city claiming that the display of the cross by he city was unconstitutional and, therefore, violated his civil rights. In 1991, a Federal judge issued an injunction prohibiting the permanent display of the cross on city property. Since that time, the city has repeatedly tried to divest itself of the property through sale or donation. But the plaintiff continued to mount legal challenges to every attempted property transfer—revealing that his true objection is not to the city's display of the cross, but to the cross itself. The legal wrangling over this memorial continues today.

The Mount Soledad Memorial is a remarkably popular landmark. On two different occasions, the voters of San Diego passed, by votes of 76 percent, ballot measures designed to transfer the property to entities that could maintain it.

I do not believe that the Mount Soledad cross violates the Constitution. Consequently, I do not believe there is just cause for removing it from its position as the centerpiece of the

Soledad Veterans Memorial. Therefore, given the many years of legal disputes regarding this issue, I believe it is past time it is resolved.

The bill I am introducing would bring the Mount Soledad cross under the control of the Federal Government, and specifically the Department of Defense. The process set forth in the bill is consistent with analysis provided by the Department of Justice's Office of Legislative Affairs in a recent letter to the chairman of the House Armed Services Committee. In that letter, the OLA stated, ''we would . . . point out that Congress could enact the necessary authority [to acquire the Mount Soledad Memorial] through an immediate legislative taking. . .''

This bill would allow for the just compensation for the property in question. It also would address the required maintenance for the memorial and the surrounding property through a memorandum of understanding between the Secretary of Defense and the Mount Soledad Memorial Association. The minimal financial commitment required in this legislation will ensure the endurance of this memorial which serves as a reminder of the hundreds of thousands of men and women who made enormous sacrifices when our country called upon them.

I encourage my colleagues to join me in supporting this legislation, which will ensure the preservation of an important tribute to our men and women of the Armed Forces.

By Mr. JEFFORDS:

S. 3689. A bill to establish a national historic country store preservation and revitalization program; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, I have long been a proponent of measures that support historic preservation and economic development. In keeping with that tradition, I rise today to introduce the National Historic Country Store Preservation and Revitalization Act of 2006.

This bill establishes a national program to support historic country store preservation and will aid in the revitalization of rural villages and community centers nationwide.

For many Americans, the country store brings to mind days that have since passed, before much of this country became stamped with shopping malls and the ''big-box'' store. But for thousands of people living in Vermont and for millions more living in rural communities across the United States, a visit to the local country store is a regular part of one's daily life.

In my hometown of Shrewsbury, VT, the Pierce Store was the hub of our small community when my wife Liz and I settled there in 1963. Run by the four Pierce siblings—Marjorie, Glendon, Marion and Gordon—the store was the place to go for a neighborly chat as much as for your milk and butter. Unfortunately, the Pierce Store closed its doors some years back and Shrewsbury lost a vital part of its identity.

Yet while some country stores have been forced to close their doors, others have shown incredible resiliency.

They have survived floods and fires, overcome economic downturns, and reformulated their inventories to meet modern needs. According to the Vermont Grocers' Association, country stores account for an estimated $55 million annually in retail sales in Vermont alone.

But with increased competition and additional costs to maintain aging structures, today's remaining country store owners are hard-pressed to overcome these unprecedented challenges.

My legislation authorizes the U.S. Economic Development Administration to make grants to national, state and local agencies and non-profit organizations to support historic country store preservation efforts. In addition, the bill establishes a revolving loan fund. The fund will be used for research, restoration work that will improve our understanding of existing needs and provide the assistance required to address them. The bill promotes the study of best practices for preserving structures, improving profitability and promoting collaboration among country store owners.

My legislation unites small business development and historic preservation principles to sustain these invaluable community institutions. I encourage my colleagues to join me in my efforts to protect our rural heritage by preventing the further loss of our Nation's historic country stores.

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. 3689

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 ''National Historic Country Store Preservation and Revitalization Act of 2006''.

SEC. 2. FINDINGS.

Congress finds that—

(1) historic country stores are lasting icons of rural tradition in the United States;

(2) historic country stores are valuable contributors to the civic and economic vitality of their local communities;

(3) historic country stores demonstrate innovative approaches to historic preservation and small business practices;

(4) historic country stores are threatened by larger competitors and the costs associated with maintaining older structures; and

(5) the United States should—

(A) collect and disseminate information concerning the number, condition, and variety of historic country stores;

(B) develop opportunities for cooperation among proprietors of historic country stores; and

(C) promote the long-term economic viability of historic country stores through the provision of financial assistance to historic country stores.

SEC. 3. DEFINITIONS.

In this Act:

(1) COUNTRY STORE.—

(A) IN GENERAL.—The term ''country store'' means a structure independently owned and formerly or currently operated as a business that—

(i) sells or sold grocery items and other small retail goods; and

(ii) is located in—

(I) an economically distressed area; or

(II) a nonmetropolitan area, as defined by the Secretary.

(B) INCLUSION.—The term ''country store'' includes a cooperative.

(2) ECONOMICALLY DISTRESSED AREA.—The term ''economically distressed area'' means an area that meets 1 or more of the criteria described in section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(a)).

(3) ELIGIBLE APPLICANT.—The term ''eligible applicant'' means—

(A) a State department of commerce or economic development;

(B) a national or State nonprofit organization that—

(i) is described in section 501(c)(3), and exempt from Federal tax under section 501(a), of the Internal Revenue Code of 1986; and

(ii)(I) has experience or expertise, as determined by the Secretary, in the identification, evaluation, rehabilitation, or preservation of historic country stores; or

(II) is undertaking economic and community development activities;

(C) a national or State nonprofit trade organization that—

(i) is described in section 501(c)(3), and exempt from Federal tax under section 501(a), of the Internal Revenue Code of 1986; and

(ii) acts as a cooperative to promote and enhance country stores; and

(D) a State historic preservation office.

(4) FUND.—The term ''Fund'' means the Historic Country Store Revolving Loan Fund established under section 5(a).

(5) HISTORIC COUNTRY STORE.—The term ''historic country store'' means a country store that—

(A) has operated at the same location for at least 50 years; and

(B) retains sufficient integrity of design, materials, and construction to clearly identify the structure as a country store.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce, acting through the Assistant Secretary for Economic Development.

SEC. 4. HISTORIC COUNTRY STORE PRESERVATION AND REVITALIZATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a historic country store preservation and revitalization program—

(1) to collect and disseminate information on historic country stores;

(2) to promote State and regional partnerships among proprietors of historic country stores; and

(3) to sponsor and conduct research on—

(A) the economic impact of historic country stores in rural areas, including the impact on unemployment rates and community vitality;

(B) best practices to—

(i) improve the profitability of historic country stores; and

(ii) protect historic country stores from foreclosure or seizure; and

(C) best practices for developing cooperative organizations that address the economic and historic preservation needs of—

(i) historic country stores; and

(ii) the communities served by the historic country stores.

(b) GRANTS.—

(1) IN GENERAL.—The Secretary may make grants to, or enter into contracts or cooperative agreements with, eligible applicants to carry out an eligible project under paragraph (2).

(2) ELIGIBLE PROJECTS.—A grant under this subsection may be made to an eligible applicant for a project—

(A)(i) to rehabilitate or repair a historic country store; and

(ii) to enhance the economic benefit of the historic country store to the communities served by the historic country store;

(B) to identify, document, and conduct research on historic country stores; and

(C) to develop and evaluate appropriate techniques or best practices for protecting historic country stores.

(3) REQUIREMENTS.—An eligible applicant that receives a grant for an eligible project under paragraph (1) shall comply with all applicable requirements for historic preservation projects under Federal, State, and local law.

(4) REPORT.—Not later than 1 year 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—

(A) identifies the number of grants made under subsection (b);

(B) describes the type of grants made under subsection (b); and

(C) includes any other information that the Secretary determines to be appropriate.

(c) COUNTRY STORE ALLIANCE PILOT PROJECT.—

(1) IN GENERAL.—The Secretary shall carry out a pilot project in the State of Vermont under which the Secretary shall conduct demonstration activities to preserve historic country stores and the communities served by the historic country stores, including—

(A) the collection and dissemination of information on historic country stores in the State;

(B) the development of collaborative country store marketing and purchasing techniques; and

(C) the development of best practices for historic country store proprietors and communities facing transitions involved in the sale or closure of a historic country store.

(2) REPORT.—Not later than 1 year 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—

(A) describes the results of the pilot project; and

(B) includes any recommended changes of the Secretary to the program established under subsection (a), based on the results of the pilot project.

SEC. 5. HISTORIC COUNTRY STORE REVOLVING LOAN FUND.

(a) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Treasury shall establish in the Treasury of the United States a revolving fund, to be known as the ''Historic Country Store Revolving Loan Fund'', consisting of—

(1) such amounts as are appropriated to the Fund under subsection (b);

(2) ⅓ of the amounts appropriated under section 8(a); and

(3) any interest earned on investment of amounts in the Fund under subsection (d).

(b) TRANSFERS TO FUND.—There are appropriated to the Fund amounts equivalent to—

(1) the amounts repaid on loans under section 6; and

(2) the amounts of the proceeds from the sales of notes, bonds, obligations, liens, mortgages and property delivered or assigned to the Secretary pursuant to loans made under section 6.

(c) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to provide loans under section 6.

(2) ADMINISTRATIVE EXPENSES.—An amount not exceeding 10 percent of the amounts in the Fund shall be available for each fiscal year to pay the administrative expenses necessary to carry out this Act.

(d) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(2) INTEREST-BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

(3) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(4) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(5) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(e) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

SEC. 6. LOANS FOR HISTORIC COUNTRY STORE REHABILITATION OR REPAIR PROJECTS.

(a) IN GENERAL.—Using amounts in the Fund, the Secretary may make direct loans to eligible applicants for projects—

(1) to purchase, rehabilitate, or repair historic country stores; or

(2) to establish microloan funds to make short-term, fixed-interest rate loans to proprietors of historic country stores.

(b) APPLICATIONS.—

(1) IN GENERAL.—To be eligible for a loan under this section, an eligible applicant shall submit to the Secretary a complete application for a loan that addresses the criteria described in paragraph (2).

(2) CONSIDERATIONS FOR APPROVAL OR DISAPPROVAL.—In determining whether to approve or disapprove an application for a loan submitted under paragraph (1), the Secretary shall consider—

(A) the demonstrated need for the purchase, construction, reconstruction, or renovation of the historic country store based on the condition of the historic country store;

(B) the age of the historic country store;

(C) the extent to which the project to purchase, rehabilitate, or repair the historic country store includes collaboration among historic country store proprietors and other eligible applicants; and

(D) any other criteria that the Secretary determines to be appropriate.

(c) REQUIREMENTS.—An eligible applicant that receives a loan for a project under this section shall comply with all applicable standards for historic preservation projects under Federal, State, and local law.

(d) REPORT.—Not later than 1 year after the date on which the Fund is established under subsection (a), and every 2 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 a report that—

(1) identifies—

(A) the number of loans provided under this section;

(B) the repayment rate of the loans; and

(C) the default rate of the loans; and

(2) includes any other information that the Secretary determines to be appropriate.

SEC. 7. PERFORMANCE REPORT.

Any eligible applicant that receives financial assistance under this Act shall, for each fiscal year for which the eligible applicant receives the financial assistance, submit to the Secretary a performance report that—

(1) describes—

(A) the allocation of the amount of financial assistance received under this Act;

(B) the economic benefit of the financial assistance, including a description of—

(i) the number of jobs retained or created; and

(ii) the tax revenues generated; and

(2) addresses any other reporting requirements established by the Secretary.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act, $50,000,000 for the period of fiscal years 2006 through 2011, to remain available until expended.

(b) COUNTRY STORE ALLIANCE PILOT PROJECT.—Of the amount made available under subsection (a), not less than $250,000 shall be made available to carry out section 4(c).

By Mr. KERRY (for himself, Ms. SNOWE, Mr. AKAKA, and Mr. TALENT):

S. 3691. A bill to amend the Small Business Act, to reform and reauthorize the National Veterans Business Development Corporation, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, as the ranking member of the Committee on Small Business and Entrepreneurship, I am joined today by my colleagues Senators SNOWE, AKAKA, and TALENT to introduce the Veterans Corporation Reauthorization Act of 2006.

This legislation is the product of lengthy bipartisan discussions about how we might be able to restore and revitalize the mission of The Veterans Corporation. Established in 1999 through Public Law 106–50, The National Veterans Business Development Corporation, commonly known as The Veterans Corporation, TVC, is charged with the task of assisting the men and women who have served this country in the military by helping them create and expand their own businesses. There are over 5 million veteran entrepreneurs across the country—over 550,000 in the Commonwealth of Massachusetts alone—and approximately 200,000 veterans are expected to retire in 2006. Additionally, 2004 data from the Small Business Administration, SBA, shows that approximately 22 percent of veterans in the U.S. household

population purchased or started a new business, or were considering doing so. This legislation ensures that necessary steps are taken to continue fostering entrepreneurship and business ownership among a veterans population that can clearly benefit from such assistance nationwide.

My distinguished colleagues and I feel that TVC is an organization worth reinvigorating. In fiscal year 2005, TVC reached out to over 18,000 current and potential veteran entrepreneurs, and opened three Veteran Business Resource Centers in Boston, MA; Flint, MI; and San Diego, CA, in addition to the flagship location in St. Louis, MO. In my home State of Massachusetts, TVC has close to 100 business owners and over 400 registered members.

Yet, in recent years, TVC has come under criticism for its overall performance. Many within the veterans community, and indeed some of my colleagues in Congress, do not believe TVC has produced results that warrant the millions of dollars in funding the organization has received. I understand this sentiment, and share in the desire to ensure taxpayer dollars are well-spent. This was among my primary concerns as we approached reauthorizing TVC. However, my colleagues and I came to the conclusion that by reauthorizing the organization, Congress could ensure greater oversight and accountability on the part of TVC and its use of Federal dollars—ultimately resulting in better service for our veterans. This is exactly what the Veterans Corporation Reauthorization Act of 2006 aims to do.

This legislation builds on the preexisting TVC program in order to expand its reach nationwide, so that more veterans can have the tools they need to realize their entrepreneurial aspirations. Through a series of provisions that target the weaknesses of TVC and develop sound policies to strengthen them and clarify the organization's mission within the veterans community it serves, this bill makes several key improvements to the corporation.

In its inception, we envisioned that TVC would establish centers across the country to help assist veteran entrepreneurs with their small business needs. Unfortunately, the organization has shifted its primary focus toward the development of online programs in recent years. Although it is a good thing that TVC has four centers across the country, clearly more needs to be done to build upon these and develop a substantial number of new centers and networking opportunities for veterans nationwide. That is why this bill clarifies the role TVC should have in local communities. In rewriting the purpose of TVC in this capacity, our legislation explicitly states that the organization should be actively working to form more centers in order to build and create a national network linking veterans to the information, counseling, and assistance they need in starting and maintaining their businesses.

A recurring frustration that echoes from many veterans nationwide is that they are often unable to gain access to the Federal contracting and procurement realm. It is downright shameful that so many servicemen and women feel as though a government they fought so hard to protect all but abandons them—continuing to award myriad contracts to big businesses. By law, the Federal Government has a 3-percent contracting goal for service-disabled veterans. However, in 2004 only 0.38 percent of government contracts were awarded to service-disabled veterans. Patterns such as this are all too common—replaying themselves year in and year out. Clearly, more ought to be done to help those veterans who are looking to gain access to Federal contracts. Given this, our legislation directs TVC to assist veterans, particularly service-disabled veterans, with Federal contracting opportunities.

We received numerous complaints from veterans about the way the administration has chosen to interpret the current law such that it severely limits Congress's role in appointing board members. In this, TVC had experienced significant staffing changes on its Board of Directors since 1999. Our legislation ensures that the President works with the chair and ranking members of the Senate Committee on Small Business and Entrepreneurship and/or the Senate Committee on Veterans Affairs, and their House counterparts, to appoint nine members of the board with 4-year terms. Additionally, our legislation dictates that in this nomination process, the President and Congress consult with veterans groups nationwide. Furthermore, the Veterans Corporation Reauthorization Act of 2006 stipulates that no more than five of the nine board members be from the same political party and that all have business experience, knowledge of veterans issues, as well as the wherewithal to raise private funds for TVC. I firmly believe that this provision will ensure that TVC has top-notch board members, who can offer the best service to those who have already served our country.

This legislation authorizes $2 million in Federal funds annually from fiscal years 2007 through 2009. Additionally, because TVC was originally to become a self-sustaining entity, our bill requires that for all Federal dollars received, the organization match those dollar amounts with private funds. Since its authorization expired in 2004, TVC's original matching requirement vanished, and the organization instead received Federal funding without any private fundraising requirement. We felt that this matching requirement needed to be reinstated to better enable TVC to become fully self-sustaining. Thus, our legislation forces TVC to function in a way similar to the SBA's Women's Business Centers and Small Business Development Centers. The leveraging of Federal dollars enables TVC to expand its donor base so that it can achieve the goal of self-sustainability. Additionally, it has come to our attention through conversations with the veterans community, that servicemen and women are being charged high fees for using TVC services. That was never the intention when this program was conceptualized, and it is wrong for TVC to earn its private funds on the backs of veterans. We fix that in this bill by limiting the amount of non-Federal funds that TVC can raise in the form of fees to veterans to no more than 33 percent of the organization's total revenue.

In addition to the matching-fund requirement within our bill, it also requires that TVC develop a comprehensive plan for privatization within 6 months of the enactment of the Veterans Corporation Reauthorization Act of 2006. To ensure that TVC is in full compliance with the provisions in our bill, and that its self-sustaining plan demonstrates a certain degree of feasibility, we have asked the Government Accountability Office to conduct an audit of the organization no later than one year after date of enactment.

Finally, this bill extends the SBA's Veterans Advisory Committee, which the administration planned on terminating as of this year. Originally established through Public Law 106–50, this committee was to advise and counsel the SBA Administrator and the agency's Associate Administrator for Veterans' Business Development on the entrepreneurial needs and concerns of veteran small business owners and to monitor public and private plans that have the potential to impact veteran entrepreneurs from obtaining capital, credit, and to access markets. Additionally, it was to roll into TVC by September 30, 2004. However, when this date came around, it was clear that TVC was in no position to take on more responsibilities. Thus, Congress reauthorized the Veterans Advisory Committee and postponed the transfer date until this year. As the deadline closes in, we thought it best to reauthorize Veterans Advisory Committee and again postpone the transfer.

America's veterans and service-disabled veteran communities deserve a resource to assist them in bringing their entrepreneurial ideas into fruition. Nationwide, more and more veterans are turning to small businesses as a means of carving out their piece of the American dream, despite the many barriers they face upon reentering civilian life. The strengthening and revitalization of TVC that this legislation proposes, is one way that Congress can help in this effort and ensure greater effectiveness and accountability within the organization in the years ahead.

I urge my colleagues to join in support of this bipartisan Veterans Corporation Reauthorization Act of 2006—because in helping TVC succeed, we are ultimately helping veterans succeed and prosper.

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

S. 3691

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 ''Veterans Corporation Reauthorization Act of 2006''.

SEC. 2. PURPOSES OF THE CORPORATION.

(a) PURPOSES.—Section 33(b) of the Small Business Act (15 U.S.C. 657c(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) to establish and maintain a national network of information and assistance centers for use by veterans and the public by—

''(A) providing information regarding small business oriented employment or development programs;

''(B) providing access to studies and research concerning the management, financing, and operation of small business enterprises, small business participation in international markets, export promotion, and technology transfer;

''(C) providing referrals to business analysts who can provide direct counseling to veteran small business owners regarding the subjects described in this section;

''(D) serving as an information clearinghouse for business development and entrepreneurial assistance materials, as well as other veteran assistance materials, as deemed necessary, that are provided by Federal, State and local governments; and

''(E) providing assistance to veterans and service-disabled veterans in efforts to gain access to Federal prime contracts and subcontracts; and''; and

(2) in paragraph (2), by striking ''including service-disabled veterans'' and inserting ''particularly service-disabled veterans''.

SEC. 3. MANAGEMENT OF THE CORPORATION.

(a) APPOINTMENTS TO THE BOARD.—Section 33(c)(2) of the Small Business Act (15 U.S.C. 657c(c)(2)) is amended to read as follows:

''(2) APPOINTMENT OF VOTING MEMBERS.—

''(A) IN GENERAL.—The President shall, after considering recommendations proposed under subparagraph (B), appoint the 9 voting members of the Board, all of whom shall be United States citizens, and not more than 5 of whom shall be members of the same political party.

''(B) RECOMMENDATIONS.—Recommendations shall be submitted to the President for appointments under this paragraph by the chairman or ranking member (or both) of the Committee on Small Business and Entrepreneurship or the Committee on Veterans Affairs (or both) of the Senate or the Committee on Small Business or the Committee on Veterans Affairs (or both) of the House of Representatives.

''(C) CONSULTATION WITH VETERAN ORGANIZATIONS.—Recommendations under subparagraph (B) shall be made after consultation with such veteran service organizations as are determined appropriate by the member of Congress making the recommendation.

''(D) CONSIDERATIONS.—Consideration for eligibility for membership on the Board shall include business experience, knowledge of veterans' issues, and ability to raise funds for the Corporation.

''(E) LIMITATION ON INTERNAL RECOMMENDATIONS.—No member of the Board may recommend an individual for appointment to another position on the Board.''.

(b) TERMS.—Section 33(c)(6) of the Small Business Act (15 U.S.C. 657c(c)(6)) is amended to read as follows:

''(6) TERMS OF APPOINTED MEMBERS.—

''(A) IN GENERAL.—Each member of the Board of Directors appointed under paragraph (2) shall serve for a term of 4 years.

''(B) UNEXPIRED TERMS.—Any member of the Board of Directors appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of the term. A member of the Board of Directors may not serve beyond the expiration of the term for which the member is appointed.''.

(c) REMOVAL OF BOARD MEMBERS.—Section 33(c) of the Small Business Act (15 U.S.C. 657c(c)) is amended by adding at the end the following:

''(12) REMOVAL OF MEMBERS.—With the approval of a majority of the Board of Directors and the approval of the chairmen and ranking members of the Committee on Small Business and Entrepreneurship and the Committee on Veterans Affairs of the Senate, the Corporation may remove a member of the Board of Directors that is deemed unable to fulfill his or her duties, as established under this section.''.

SEC. 4. TIMING OF TRANSFER OF ADVISORY COMMITTEE DUTIES.

Section 33(h) of the Small Business Act (15 U.S.C. 657c(h)) is amended by striking ''October 1, 2006'' and inserting ''October 1, 2009''.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 33(k) of the Small Business Act (15 U.S.C. 657c(k)(1)) is amended—

(1) in paragraph (1)—

(A) by inserting '', through the Office of Veteran's Business Development of the Administration,'' after ''to the Corporation''; and

(B) by striking subparagraphs (A) through (D) and inserting the following:

''(A) $2,000,000 for fiscal year 2007;

''(B) $2,000,000 for fiscal year 2008; and

''(C) $2,000,000 for fiscal year 2009.'';

(2) by striking paragraph (2) and inserting the following:

''(2) MATCHING REQUIREMENTS.—

''(A) IN GENERAL.—The Administration shall require, as a condition of any grant (or amendment or modification thereto) made to the Corporation under this section, that a matching amount (excluding any fees collected from recipients of such assistance) equal to the amount of such grant be provided from sources other than the Federal Government.

''(B) LIMITATION.—Not more than 33 percent of the total revenue of the Corporation, including the funds raised for use at the Veteran's Business Resource Centers, may be acquired from fee-for-service tools or direct charge to the veteran receiving services, as described in this section, except that the amount of any such fee or charge may not exceed the amount of such fee or charge in effect on the date of enactment of the Veterans Corporation Reauthorization Act of 2006.

''(C) MISSION-RELATED LIMITATION.—The Corporation may not engage in revenue producing programs, services, or related business ventures that are not intended to carry out the mission and activities described in section (b).

''(D) RETURN TO TREASURY.—Funds appropriated under this section that have not been expended at the end of the fiscal year for which they were appropriated shall revert back to the Treasury.''; and

(3) by striking paragraph (3).

SEC. 6. PRIVATIZATION.

Section 33 of the Small Business Act (15 U.S.C. 657c) is amended—

(1) by striking subsections (f) and (i); and

(2) by redesignating subsections (g), (h), (j), and (k) as subsections (f) through (i), respectively; and

(3) by adding at the end the following:

''(j) PRIVATIZATION.—

''(1) DEVELOPMENT OF PLAN.—Not later than 6 months after the date of enactment of the Veterans Corporation Reauthorization Act of 2006, the Corporation shall develop, institute, and implement a plan to raise private funds and become a self-sustaining corporation.

''(2) GAO AUDIT AND REPORT.—

''(A) AUDIT.—The Comptroller General of the United States shall conduct an audit of the Corporation, in accordance with generally accepted accounting principles and generally accepted audit standards.

''(B) INCLUSIONS.—The audit required by this paragraph shall include—

''(i) an evaluation of the efficacy of the Corporation in carrying out the purposes under section (b); and

''(ii) an analysis of the feasibility of the sustainability plan developed by the Corporation.

''(C) REPORT.—Not later than 1 year after the date of enactment of the Veterans Corporation Reauthorization Act of 2006, the Comptroller General shall submit a report on the audit conducted under this paragraph to the Committee on Small Business and Entrepreneurship and the Committee on Veterans Affairs of the Senate and to the Committee on Small Business and the Committee on Veterans Affairs of the House of Representatives.''.

By Mr. OBAMA (for himself, Mr. LUGAR, Mr. BIDEN, Mr. SMITH, Mr. BINGAMAN, Mr. HARKIN, Mr. COLEMAN, and Mr. DURBIN):

S. 3694. A bill to increase fuel economy standards for automobiles, and for other purposes; to the Committee on Finance.

Mr. OBAMA. Mr. President, 33 years ago, this Nation faced a crisis that touched every American. In 1973, in the shadow of a war against Israel, the Arab nations of OPEC decided to embargo shipments of crude oil to the West.

The economic effects were devastating. For American drivers, the price at the gas pump rose from a national average of 38.5 cents per gallon in May 1973 to 55.1 cents per gallon in June 1974. The stock market fell, and countries across the world faced terrible cycles of inflation and recession that lasted well into the 1980s.

Lawmakers in Washington reacted by calling for a nationwide daylight savings time and a national speed limit. They established a new Department of Energy that eventually created a strategic petroleum reserve. Perhaps most important, Congress enacted the Corporate Average Fuel Economy standards, or CAFE, the first-ever requirements for automakers to improve gas mileage on the vehicles we drive.

At the time, auto executives protested, saying there was no way to increase fuel economy without making cars smaller. One company predicted that Americans would all be driving sub-compacts as a result of CAFE. But CAFE did work, and under the direction of Congress, the National Highway Traffic Safety Administration, NHSTA, nearly doubled the average gas mileage of cars from 14 miles per gallon in 1976 to 27.5 mpg for cars in 1985. Today, CAFE standards save us about 3 million barrels of oil per day, making it the most successful energy-saving measure ever adopted.

Now 30 years later, Americans again are feeling the pain at the pump. The price of oil has reached $78 a barrel, and Americans are paying more than $3.00 a gallon for gas. America's 20-million-barrel-a-day habit costs our economy $800 million a day, or $300 billion annually. Because we import 60 percent of our oil, much of it from the Middle East, our dependence on oil is also a national security issue as well. Al-Qaida knows that oil is America's Achilles heel. Osama bin Laden has urged his supporters to ''Focus your operations on oil, especially in Iraq and the gulf area, since this will cause them to die off.''

At a time when the energy and security stakes couldn't be higher, CAFE standards have been stagnant. In fact, because of a long-standing deadlock in Washington, CAFE standards that initially increased so quickly have remained stagnant for the last 20 years.

Since 1985, efforts to raise the CAFE standard have been stymied by opponents who have argued that Congress does not possess the expertise to set specific benchmarks and that an inflexible congressional mandate would result in the production of less safe cars and a loss of American jobs. This has been a bureaucratic logjam that has ignored technological innovations in the auto industry and crippled our ability to increase fuel efficiency.

To attempt to break this two-decade-long deadlock and start the U.S. on the path towards energy independence, I have joined with Senators LUGAR, BIDEN, SMITH, BINGAMAN, HARKIN, COLEMAN, and DURBIN to introduce the Fuel Economy Reform Act of 2006. This bill would set a new course by establishing regular, continual, and incremental progress in miles per gallon, targeting 4 percent annually, but preserving NHTSA expertise and flexibility on how to meet those targets.

Over the past 20 years, NHTSA's efforts to improve fuel economy have been encumbered with loopholes and resistance. With this bill, CAFE standards would increase by 4 percent every year unless NHTSA can justify a deviation in that rate by proving that the increase is technologically unachievable, does not materially reduce the safety of automobiles manufactured or sold in the U.S., or can prove it is not cost-effective when comparing with the economic and geopolitical value of a gallon of gasoline saved. We specifically define the grounds upon which NHTSA can determine cost-effectiveness. By flipping the presumption that has served as a barrier to action, we replace the status quo of continued stagnation with steady, measured progress.

Under this system, if the 4 percent annualized improvement occurs over ten years, this bill would save 1.3 million barrels of oil per day—or 20 billion gallons of gasoline per year. If gasoline is just $2.50 per gallon, consumers will save $50 billion at the pump in 2018. By 2018, we would be cutting global warming pollution by 220 million metric tons of carbon dioxide equivalent gases.

The Fuel Economy Reform Act also would provide fairness and flexibility to domestic automakers by establishing different standards for different types of cars. Currently, manufacturers have to meet broad standards over their whole fleet of cars. This disadvantages companies like Ford and General Motors that produce full lines of small and large cars and trucks rather than manufacturers that only sell small cars.

In order to enable domestic manufacturers to develop advanced-technology vehicles, this legislation provides tax incentives to retool parts and assembly plants. This will strengthen the U.S. auto industry by allowing it to compete with foreign hybrid and other fuel efficient vehicles. It is our expectation that NHTSA will use its enhanced authority to bring greater market-based flexibility into CAFE compliance by allowing the banking and trading of credits among all vehicle types and between manufacturers.

Finally, the bill also would expand the tax incentives that encourage consumers to buy advanced technology vehicles. The bill would lift the current 60,000-per-manufacturer cap on buyer tax credits to allow more Americans to buy ultra-efficient vehicles like hybrids.

By ending a 20-year stalemate on CAFE, the Fuel Economy Reform Act will recapture the innovation that Congress and the auto industry launched in response to the OPEC crisis. In the process, we will safeguard our national security, protect our economy, reduce consumer pain at the pump, and protect our climate, environment, and public health. I urge my colleagues to join our bipartisan coalition and support the Fuel Economy Reform Act.

By Mr. ROCKEFELLER (for himself, Mr. SCHUMER, and Mr. LEAHY):

S. 3695. A bill to amend the Federal Food, Drug, and Cosmetic Ad to prohibit the marketing of authorized generic drugs; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, I rise today with Senators SCHUMER and LEAHY to introduce an important piece of legislation for seniors, individual with disabilities, children, and anyone who is taking a brand name prescription drug with a generic equivalent. The bill we are introducing today would outlaw the latest in a long line of loopholes that brand name manufacturers have found to limit generic drug access to the market.

Our legislation would prohibit brand name manufacturers from introducing so-called ''authorized generics'' during the 180-day period that Congress intended true generics to have exclusive market rights. Some of my colleagues may be wondering what an ''authorized generic'' is.

An authorized generic drug is a brand name prescription drug produced by the same brand manufacturer on the same manufacturing lines, yet repackaged as a generic in order to confuse consumers and shut true generics out of the market. This is a huge problem and one that is becoming even more prevalent as patents on some of the best-selling brand name pharmaceuticals start to expire.

Pravachol, Zocor and Zoloft have patents that have expired or will expire this year. Together, these drugs account for approximately $9 billion in sales annually. In 2007, another top-selling brand name drug, Norvasc, will lose its patent protection, followed by Advair the following year.

When brand name drugs lose patent rights, this opens the door for consumers, employers, third-party payers, and other purchasers to save billions—between 50 and 80 percent on the costs of prescriptions—by using generic versions of these drugs. Brand name drug companies are expected to lose as much as $75 billion over the next 5 years as some of their best sellers go off-patent and generic competition increases. So, not surprisingly, these big pharmaceutical companies are desperately trying to protect their market share and prevent consumers from cashing in on savings from generic drugs.

We have addressed this issue before. In 1984, Congress passed the Hatch-Waxman legislation to provide consumers greater access to lower cost generic drugs. The intent of this law was to improve generic competition, while preserving the ability of brand name manufacturers to discover and market new and innovative products. As part of this law, the first generic company on the market after challenging an expiring brand name patent is granted 180-days of exclusive market rights, which is just a fraction of the up to 20 years of exclusive market rights afforded brand companies.

This 6-month incentive is crucial to maintaining the balance between encouraging brand drug companies to make new drugs and encouraging generic drug companies to make existing drugs more affordable. Challenging a brand name drug's patent takes time, money, and involves absorbing a great deal of risk. Generic drug companies rely on the added revenue provided by the 180-day exclusivity period to recoup their costs, fund new patent challenges where appropriate, and ultimately pass savings onto consumers.

This latest attempt by big drug companies to protect their profits puts billions of dollars in savings for consumers in jeopardy. The bill we are introducing today eliminates the authorized generic loophole, protects the integrity of the 180 days, and improves consumer access to lower-cost generic drugs. I urge my colleagues to support this timely and important piece of legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3695

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION OF AUTHORIZED GENERICS.

Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following:

''(o) PROHIBITION OF AUTHORIZED GENERIC DRUGS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, no holder of a new drug application approved under subsection (c) shall manufacture, market, sell, or distribute an authorized generic drug, direct or indirectly, or authorize any other person to manufacture, market, sell, or distribute an authorized generic drug.

''(2) AUTHORIZED GENERIC DRUG.—For purposes of this subsection, the term 'authorized generic drug'—

''(A) means any version of a listed drug (as such term is used in subsection (j)) that the holder of the new drug application approved under subsection (c) for that listed drug seeks to commence marketing, selling, or distributing, directly or indirectly, after receipt of a notice sent pursuant to subsection (j)(2)(B) with respect to that listed drug; and

''(B) does not include any drug to be marketed, sold, or distributed—

''(i) by an entity eligible for exclusivity with respect to such drug under subsection (j)(5)(B)(iv); or

''(ii) after expiration or forfeiture of any exclusivity with respect to such drug under such subsection (j)(5)(B)(iv).''.

Mr. LEAHY. Mr. President, recently I was pleased to introduce with Senators KOHL, GRASSLEY and SCHUMER, the Preserve Access to Affordable Generics Act of 2006, S. 3582. That bill was designed to improve the timely and effective introduction of generic pharmaceuticals into the marketplace.

It is no secret that prescription drug prices are rapidly increasing and are a source of considerable concern to many Americans, especially senior citizens and families. In a marketplace free of manipulation, generic drug prices can be as much as 80 percent lower than the comparable brand name version. Unfortunately, there are still some companies driven by greed that may be keeping low-cost, life-saving generic drugs off the marketplace, off pharmacy shelves, and out of the hands of consumers by carefully crafted anti-competitive agreements between drug manufacturers.

In 2001, and last Congress, I introduced a related bill, the Competition Act. That bill, which is now law, is small in terms of length but large in terms of impact. It ensured that law enforcement agencies could take quick and decisive action against companies seeking to cheat consumers by delaying availability of generic medicines. It gave the Federal Trade Commission and the Justice Department access to information about secret deals between drug companies that keep generic drugs out of the market—a practice that not only hurts American families, particularly senior citizens, by denying them access to low-cost generic drugs, but also contributes to rising medical costs.

The Drug Competition Act, which was incorporated in the Medicare Modernization Act, was a bipartisan effort to protect consumers in need of patented medicines who were being forced to pay considerably higher costs because of collusive secret deals designed. It is regrettable that we must come to the floor again today and take additional action to prevent drug companies from continuing to find and exploit loopholes.

The bill I am introducing tonight with Senators ROCKEFELLER and SCHUMER is very important. It will provide incentives for generic companies to make the investments needed to introduce low-cost generic medicines for all our citizens.

The bill assures all Americans that the original intent of the Hatch-Waxman law is carried out. That law was to provide incentives for generic companies to challenge the validity of patents on medicines and provide incentives for generic companies to manufacture low-cost medicines. That incentive was simple.

Under Hatch-Waxman law, the first generic company, called the first-filer, which successfully develops a generic version of a patented drug and meets certain other requirements, can get a 180-day exclusivity period to be the only generic company to have permission to make and sell that generic drug.

That was called an exclusivity period because that is what the Congress intended—that generic company would have the exclusive right for 180 days to make the generic version of the patented medicine.

The problem is that recently brand-name companies have been labeling their own patented drugs also as a generic version of itself, or licensing others to make it, and selling both the brand-name version and the so-called generic version. This undercuts the potential profits of the ''real'' generic company and denies them what the Hatch-Waxman law promised and for a long time delivered—an exclusivity period lasting up to 180 days.

When the brand-name company offers a competing ''fake'' generic version of the drug, that can cut the profits of the real generic manufacturer greatly—thus making it less likely that a real generic company will even want to make the product.

The Rockefeller bill prevents the brand-name company from doing that for the 180-day exclusivity period. I hope my colleagues will join me in supporting this effort.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 110—COMMEMORATING THE 60TH ANNIVERSARY OF THE HISTORIC 1946 SEASON OF MAJOR LEAGUE BASEBALL HALL OF FAME MEMBER BOB FELLER AND HIS RETURN FROM MILITARY SERVICE TO THE UNITED STATES

Mr. DEWINE submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 110

Whereas Robert William Andrew Feller was born on November 3, 1918, near Van Meter, Iowa, and resides in Gates Mills, Ohio;

Whereas Bob Feller enlisted in the Navy 2 days after the attack on Pearl Harbor in 1941;

Whereas, at the time of his enlistment, Bob Feller was at the peak of his baseball career, as he had been signed to the Cleveland Indians at the age of 16, had struck out 15 batters in his first Major League Baseball start in August 1936, and established a Major League record by striking out 18 Detroit Tigers in a single, 9-inning game;

Whereas Bob Feller is the first pitcher in modern Major League Baseball history to win 20 or more games before the age of 21;

Whereas Bob Feller pitched the only opening day no-hitter in Major League Baseball history;

Whereas, on April 16, 1940, at Comiskey Park in Chicago, Bob Feller threw his first no-hitter and began the season for which he was awarded Major League Baseball Player of the Year;

Whereas Bob Feller served with valor in the Navy for nearly 4 years, missing almost 4 full baseball seasons;

Whereas Bob Feller was stationed mostly aboard the U.S.S. Alabama as a gunnery specialist, where he kept his pitching arm in shape by tossing a ball on the deck of that ship;

Whereas Bob Feller earned 8 battle stars and was discharged in late 1945, and was able to pitch 9 games at the end of that season, compiling a record of 5 wins and 3 losses;

Whereas 60 years ago, amid great speculation that, after nearly 4 seasons away from baseball, his best pitching days were behind him, Bob Feller had 1 of the most amazing seasons in baseball history;

Whereas, in the 1946 season, Bob Feller pitched 36 complete games in 42 starts;

Whereas, on April 30, 1946, in a game against the New York Yankees, Bob Feller pitched his second career no-hitter;

Whereas, in 1946, Bob Feller pitched in relief 6 times, saving 4 games;

Whereas, in 1946, Bob Feller routinely threw between 125 and 140 pitches a game, a feat not often seen today;

Whereas, in 1946, Bob Feller pitched 371⅓ innings and had 348 strikeouts;

Whereas, in 1946, Bob Feller had an earned run average of 2.18;

Whereas, in 1946, a fastball thrown by Bob Feller was clocked at 109 mph;

Whereas Bob Feller was the winning pitcher in the 1946 All Star Game, throwing 3 scoreless innings in a 12–0 victory by the American League;

Whereas, in 1946, Bob Feller led the American League in wins, shutouts, strikeouts, games pitched, and innings;

Whereas the baseball career of Bob Feller ended in 1956, but not before pitching his

third no-hitter against the Detroit Tigers on July 1, 1951, pitching 12 1-hit games, amassing 266 victories and 2,581 strikeouts, and leading the league in strikeouts 7 times;

Whereas Bob Feller was inducted into the Baseball Hall of Fame in 1962; and

Whereas Bob Feller, a beloved baseball figure known as ''Bullet Bob'' and ''Rapid Robert,'' placed service to his country ahead of playing the game he loved and is a decorated war veteran: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress commemorates the 60th anniversary of the 1946 season of Bob Feller and his return from military service to the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4681. Mr. FEINGOLD (for himself, Mr. MCCAIN, Mr. CARPER, Mr. LIEBERMAN, Mr. JEFFORDS, Ms. COLLINS, and Ms. SNOWE) 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 4682. Mr. INHOFE (for himself, Mr. BOND, Mr. COCHRAN, Mr. THUNE, Mr. DOMENICI, Mr. BURNS, Mr. CORNYN, and Mrs. HUTCHISON) proposed an amendment to the bill S. 728, supra.

SA 4683. Mr. INHOFE (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 728, supra.

SA 4684. Mr. MCCAIN (for himself, Mr. FEINGOLD, and Mr. LIEBERMAN) proposed an amendment to the bill S. 728, supra.

TEXT OF AMENDMENTS

SA 4681. Mr. FEINGOLD (for himself, Mr. MCCAIN, Mr. CARPER, Mr. LIEBERMAN, Mr. JEFFORDS, Ms. COLLINS, and Ms. SNOWE) 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 2007 and insert the following:

SEC. 2007. INDEPENDENT PEER REVIEW.

(a) DEFINITIONS.—In this section:

(1) CONSTRUCTION ACTIVITIES.—The term ''construction activities'' means development of detailed engineering and design specifications during the preconstruction engineering and design phase and the engineering and design phase of a water resources project carried out by the Corps of Engineers, and other activities carried out on a water resources project prior to completion of the construction and to turning the project over to the local cost-share partner.

(2) PROJECT STUDY.—The term ''project study'' means a feasibility report, reevaluation report, or environmental impact statement prepared by the Corps of Engineers.

(b) DIRECTOR OF INDEPENDENT REVIEW.—The Secretary shall appoint in the Office of the Secretary a Director of Independent Review. The Director shall be selected from among individuals who are distinguished experts in engineering, hydrology, biology, economics, or another discipline related to water resources management. The Secretary shall ensure, to the maximum extent practicable, that the Director does not have a financial, professional, or other conflict of interest with projects subject to review. The Director of Independent Review shall carry out the duties set forth in this section and such other duties as the Secretary deems appropriate.

(c) SOUND PROJECT PLANNING.—

(1) PROJECTS SUBJECT TO PLANNING REVIEW.—The Secretary shall ensure that each project study for a water resources project shall be reviewed by an independent panel of experts established under this subsection if—

(A) the project has an estimated total cost of more than $40,000,000, including mitigation costs;

(B) the Governor of a State in which the water resources project is located in whole or in part, or the Governor of a State within the drainage basin in which a water resources project is located and that would be directly affected economically or environmentally as a result of the project, requests in writing to the Secretary the establishment of an independent panel of experts for the project;

(C) the head of a Federal agency with authority to review the project determines that the project is likely to have a significant adverse impact on public safety, or on environmental, fish and wildlife, historical, cultural, or other resources under the jurisdiction of the agency, and requests in writing to the Secretary the establishment of an independent panel of experts for the project; or

(D) the Secretary determines on his or her own initiative, or shall determine within 30 days of receipt of a written request for a controversy determination by any party, that the project is controversial because—

(i) there is a significant dispute regarding the size, nature, potential safety risks, or effects of the project; or

(ii) there is a significant dispute regarding the economic, or environmental costs or benefits of the project.

(2) PROJECT PLANNING REVIEW PANELS.—

(A) PROJECT PLANNING REVIEW PANEL MEMBERSHIP.—For each water resources project subject to review under this subsection, the Director of Independent Review shall establish a panel of independent experts that shall be composed of not less than 5 nor more than 9 independent experts (including at least 1 engineer, 1 hydrologist, 1 biologist, and 1 economist) who represent a range of areas of expertise. The Director of Independent Review shall apply the National Academy of Science's policy for selecting committee members to ensure that members have no conflict with the project being reviewed, and shall consult with the National Academy of Sciences in developing lists of individuals to serve on panels of experts under this subsection. An individual serving on a panel under this subsection shall be compensated at a rate of pay to be determined by the Secretary, and shall be allowed travel expenses.

(B) DUTIES OF PROJECT PLANNING REVIEW PANELS.—An independent panel of experts established under this subsection shall review the project study, receive from the public written and oral comments concerning the project study, and submit a written report to the Secretary that shall contain the panel's conclusions and recommendations regarding project study issues identified as significant by the panel, including issues such as—

(i) economic and environmental assumptions and projections;

(ii) project evaluation data;

(iii) economic or environmental analyses;

(iv) engineering analyses;

(v) formulation of alternative plans;

(vi) methods for integrating risk and uncertainty;

(vii) models used in evaluation of economic or environmental impacts of proposed projects; and

(viii) any related biological opinions.

(C) PROJECT PLANNING REVIEW RECORD.—

(i) IN GENERAL.—After receiving a report from an independent panel of experts established under this subsection, the Secretary shall take into consideration any recommendations contained in the report and shall immediately make the report available to the public on the internet.

(ii) RECOMMENDATIONS.—The Secretary shall prepare a written explanation of any recommendations of the independent panel of experts established under this subsection not adopted by the Secretary. Recommendations and findings of the independent panel of experts rejected without good cause shown, as determined by judicial review, shall be given equal deference as the recommendations and findings of the Secretary during a judicial proceeding relating to the water resources project.

(iii) SUBMISSION TO CONGRESS AND PUBLIC AVAILABILITY.—The report of the independent panel of experts established under this subsection and the written explanation of the Secretary required by clause (ii) shall be included with the report of the Chief of Engineers to Congress, shall be published in the Federal Register, and shall be made available to the public on the Internet.

(D) DEADLINES FOR PROJECT PLANNING REVIEWS.—

(i) IN GENERAL.—Independent review of a project study shall be completed prior to the completion of any Chief of Engineers report for a specific water resources project.

(ii) DEADLINE FOR PROJECT PLANNING REVIEW PANEL STUDIES.—An independent panel of experts established under this subsection shall complete its review of the project study and submit to the Secretary a report not later than 180 days after the date of establishment of the panel, or not later than 90 days after the close of the public comment period on a draft project study that includes a preferred alternative, whichever is later. The Secretary may extend these deadlines for good cause.

(iii) FAILURE TO COMPLETE REVIEW AND REPORT.—If an independent panel of experts established under this subsection does not submit to the Secretary a report by the deadline established by clause (ii), the Chief of Engineers may continue project planning without delay.

(iv) DURATION OF PANELS.—An independent panel of experts established under this subsection shall terminate on the date of submission of the report by the panel.

(E) EFFECT ON EXISTING GUIDANCE.—The project planning review required by this subsection shall be deemed to satisfy any external review required by Engineering Circular 1105-2-408 (31 May 2005) on Peer Review of Decision Documents.

(d) SAFETY ASSURANCE.—

(1) PROJECTS SUBJECT TO SAFETY ASSURANCE REVIEW.—The Secretary shall ensure that the construction activities for any flood damage reduction project shall be reviewed by an independent panel of experts established under this subsection if the Director of Independent Review determines that—

(A) project performance is critical to the public health and safety;

(B) reliability of project performance under emergency conditions is critical;

(C) the project utilizes innovative materials or techniques; or

(D) the project design is lacking in redundancy, or the project has a unique construction sequencing or a short or overlapping design construction schedule.

(2) SAFETY ASSURANCE REVIEW PANELS.—At the appropriate point in the development of

detailed engineering and design specifications for each water resources project subject to review under this subsection, the Director of Independent Review shall establish an independent panel of experts to review and report to the Secretary on the adequacy of construction activities for the project. An independent panel of experts under this subsection shall be composed of not less than 5 nor more than 9 independent experts selected from among individuals who are distinguished experts in engineering, hydrology, or other pertinent disciplines. The Director of Independent Review shall apply the National Academy of Science's policy for selecting committee members to ensure that panel members have no conflict with the project being reviewed. An individual serving on a panel of experts under this subsection shall be compensated at a rate of pay to be determined by the Secretary, and shall be allowed travel expenses.

(3) DEADLINES FOR SAFETY ASSURANCE REVIEWS.—An independent panel of experts established under this subsection shall submit a written report to the Secretary on the adequacy of the construction activities prior to initiation of physical construction and every two years thereafter until construction activities are completed. The Director of Independent Review may establish an alternate schedule if such schedule would better serve the purposes of assuring public safety, and upon written notification to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(4) SAFETY ASSURANCE REVIEW RECORD.—After receiving a written report from an independent panel of experts established under this subsection, the Secretary shall take into consideration any recommendations contained in the report and shall immediately make the report available to the public on the internet. The Secretary also 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.

(e) EXPENSES.—

(1) IN GENERAL.—The costs of an independent panel of experts established under subsection (c) or (d) shall be a Federal expense and shall not exceed—

(A) $250,000, if the total cost of the project in current year dollars is less than $50,000,000; and

(B) 0.5 percent of the total cost of the project in current year dollars, if the total cost is $50,000,000 or more.

(2) WAIVER.—The Secretary, at the written request of the Director of Independent Review, may waive the cost limitations under paragraph (1) if the Secretary determines appropriate.

(f) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the implementation of this section.

(g) SAVINGS CLAUSE.—Nothing in this section shall be construed to affect any authority of the Secretary to cause or conduct a peer review of the engineering, scientific, or technical basis of any water resources project in existence on the date of enactment of this Act.

SA 4682. Mr. INHOFE (for himself, Mr. BOND, Mr. COCHRAN, Mr. THUNE, Mr. DOMENICI, Mr. BURNS, Mr. CORNYN, and Mrs. HUTCHISON) 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 2007 and insert the following:

SEC. 2007. INDEPENDENT REVIEWS.

(a) DEFINITIONS.—In this section:

(1) AFFECTED STATE.—The term ''affected State'' means a State in which a water resources project is located, in whole or in part.

(2) 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.

(3) 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 independent 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) PROJECTS SUBJECT TO INDEPENDENT PEER REVIEW.—

(I) IN GENERAL.—The Chief of Engineers shall ensure that each project study for a water resources project is subject to review by an independent panel of experts if—

(aa) the project has an estimated total cost of more than $100,000,000 (including mitigation costs); or

(bb) the Secretary determines that the project is controversial because—

(AA) there is a significant dispute regarding the size, nature, potential safety risks, or effects of the project; or

(BB) there is a significant dispute regarding the economic or environmental costs or benefits of the project.

(II) INDEPENDENT PANELS.—The Chief of Engineers may consider whether to establish an independent panel of experts to review a project study if—

(aa) the Governor of an affected State submits to the Secretary a written request for the establishment of an independent panel of experts for the project; or

(bb) the head of a Federal agency charged with reviewing the project determines that the project is likely to have a significant adverse impact on cultural, environmental, or other resources under the jurisdiction of the agency and submits to the Secretary a written request for the establishment of an independent panel of experts for the project.

(III) REVIEW OF TECHNICAL SPECIFICATIONS AND DESIGN.—The Chief of Engineers shall establish an independent panel of experts, at the appropriate point in project planning, to review and provide written comments on the technical and design specifications of the Corps of Engineers for any water resources project—

(aa) the performance of which is critical to the public health, safety, and welfare;

(bb) the reliability of performance under emergency conditions of which is critical;

(cc) that uses innovative materials or techniques; or

(dd) in any case in which—

(AA) the project design of which is lacking in redundancy; or

(BB) the project has a unique construction sequencing or a short or overlapping design construction schedule.

(iii) 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.

(iv) 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.

(v) EXCLUSION.—Peer review applied to project studies shall exclude a review of any methods, models, procedures, or data previously subjected to peer review.

(vi) 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.

(vii) 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.

(viii) 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) INDEPENDENT REVIEW RECORD.—If the panel is an independent 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.

(ix) INDEPENDENT PANEL OF EXPERTS.—

(I) IN GENERAL.—Any independent 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 independent panel does not complete the peer review of a project study and submit to the Chief of Engineers a report by the deadline established under 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) as the Chief of Engineers determines appropriate.

(4) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the implementation of this section.

(5) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any peer review panel established under this section.

(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 affects any authority of the Secretary or 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.

SA 4683. Mr. INHOFE (for himself and Mr. BOND) 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; as follows:

Strike section 2004 and insert the following:

SEC. 2004. FISCAL TRANSPARENCY AND PRIORITIZATION 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 describing—

(1) the expenditures of the Corps of Engineers for the preceding fiscal year and estimated expenditures for the current fiscal year; and

(2) the extent to which each authorized project of the Corps of Engineers meets the national priorities described in subsection (b).

(b) NATIONAL PRIORITIES.—

(1) IN GENERAL.—The national priorities referred to in subsection (a)(2) are—

(A) to reduce the risk of loss of human life and risk to public safety;

(B) to benefit the national economy;

(C) to protect and enhance the environment; and

(D) to promote the national defense.

(2) EVALUATION OF PROJECTS.—

(A) IN GENERAL.—In evaluating the extent to which a project of the Corps of Engineers meets the national priorities under paragraph (1), the Chief of Engineers—

(i) shall develop a relative rating system that is appropriate for—

(I) each project purpose; and

(II) if applicable, multipurpose projects; and

(ii) may include an evaluation of projects using additional criteria or subcriteria, if the additional criteria or subcriteria are—

(I) clearly explained; and

(II) consistent with the method of evaluating the extent to which a project meets the national priorities under this paragraph.

(B) FACTORS.—The Chief of Engineers shall establish such factors, and assign to the factors such priority, as the Chief of Engineers determines to be appropriate to evaluate the extent to which a project meets the national priorities.

(C) CONSIDERATION.—In establishing factors under subparagraph (B), the Chief of Engineers may consider—

(i) for evaluating the reduction in the risk of loss of human life and risk to public safety of a project—

(I) the human population protected by the project;

(II) current levels of protection of human life under the project; and

(III) the risk of loss of human life and risk to public safety if the project is not completed, taking into consideration the existence and probability of success of evacuation plans relating to the project, as determined by the Director of the Federal Emergency Management Agency;

(ii) for evaluating the benefit of a project to the national economy—

(I) the benefit-cost ratio, and the remaining benefit-remaining cost ratio, of the project;

(II) the availability and cost of alternate transportation methods relating to the project;

(III) any applicable financial risk to a non-Federal sponsor of the project;

(IV) the costs to State, regional, and local entities of project termination;

(V) any contribution of the project with respect to international competitiveness; and

(VI) the extent to which the project is integrated with, and complementary to, other Federal, State, and local government programs, projects, and objectives within the project area;

(iii) for evaluating the extent to which a project protects or enhances the environment—

(I) for ecosystem restoration projects and mitigation plans associated with other project purposes—

(aa) the extent to which the project or plan restores the natural hydrologic processes of an aquatic habitat;

(bb) the significance of the resource to be protected or restored by the project or plan;

(cc) the extent to which the project or plan is self-sustaining; and

(dd) the cost-effectiveness of the project or plan; and

(II) the pollution reduction benefits associated with using water as a method of transportation of goods; and

(iv) for evaluating the extent to which a project promotes the national defense—

(I) the effect of the project relating to a strategic port designation; and

(II) the reduction of dependence on foreign oil associated with using water as a method of transportation of goods.

(c) CONTENTS.—In addition to the information described in subsections (a) and (b), 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.

SA 4684. Mr. MCCAIN (for himself, Mr. FEINGOLD, and Mr. LIEBERMAN) 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:

On page 76 between lines 20 and 21, insert the following:

SEC. 2007. WATER RESOURCES CONSTRUCTION PROJECT PRIORITIZATION REPORT.

(a) PRIORITIZATION REPORT.—

(1) IN GENERAL.—On the third Tuesday of January of each year beginning January 2007, the Water Resources Planning Coordinating Committee established under section 2006(a) (referred to in this section as the ''Coordinating Committee'') shall submit to the Committees on Environment and Public Works and Appropriations of the Senate, the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives, and the Office of Management and Budget, and make available to the public on the Internet, a prioritization report describing Corps of Engineers water resources projects authorized for construction.

(2) INCLUSIONS.—Each report under paragraph (1) shall include, at a minimum, a description of—

(A) each water resources project included in the fiscal transparency report under section 2004(b)(1);

(B) each water resources project authorized for construction—

(i) on or after the date of enactment of this Act; or

(ii) during the 10-year period ending on the date of enactment of this Act; and

(C) other water resources projects authorized for construction, as the Coordinating Committee and the Secretary determine to be appropriate.

(3) PRIORITIZATION REQUIREMENTS.—

(A) IN GENERAL.—Each project described in a report under paragraph (1) shall—

(i) be categorized by project type; and

(ii) be classified into a tier system of descending priority, to be established by the Coordinating Committee, in cooperation with the Secretary, in a manner that reflects the extent to which the project achieves national priority criteria established under subsection (b).

(B) MULTIPURPOSE PROJECTS.—Each multipurpose project described in a report under paragraph (1) shall—

(i) be classified by the project type that best represents the primary project purpose, as determined by the Coordinating Committee; and

(ii) be classified into the tier system described in subparagraph (A)(ii) within that project type.

(C) TIER SYSTEM REQUIREMENTS.—In establishing a tier system under subparagraph (A)(ii), the Secretary shall ensure that—

(i) each tier is limited to $5,000,000,000 in total authorized project costs; and

(ii) includes not more than 100 projects.

(4) REQUIREMENT.—In preparing reports under paragraph (1), the Coordinating Committee shall balance, to the maximum extent practicable—

(A) stability in project prioritization between reports; and

(B) recognition of newly-authorized construction projects and changing needs of the United States.

(b) NATIONAL PRIORITY CRITERIA.—

(1) IN GENERAL.—In preparing a report under subsection (a), the Coordinating Committee shall prioritize water resources construction projects within the applicable category based on an assessment by the Coordinating Committee of the following criteria:

(A) For flood and storm damage reduction projects, the extent to which the project—

(i) addresses critical flood damage reduction needs of the United States, including by reducing the risks to loss of life by considering current protection levels; and

(ii) avoids increasing risks to human life or damages to property in the case of large flood events, avoids adverse environmental impacts, or produces environmental benefits.

(B) For navigation projects, the extent to which the project—

(i) addresses priority navigation needs of the United States, including by having a high probability of producing the economic benefits projected with respect to the project and reflecting regional planning needs, as applicable; and

(ii) avoids adverse environmental impacts.

(C) For environmental restoration projects, the extent to which the project—

(i) addresses priority environmental restoration needs of the United States, including by restoring the natural hydrologic processes and spatial extent of an aquatic habitat while being, to the maximum extent practicable, self-sustaining; and

(ii) is cost-effective or produces economic benefits.

(2) BENEFIT-TO-COST RATIOS.—In prioritizing water resources projects under subsection (a)(3) that require benefit-to-cost ratios for inclusion in a report under subsection (a)(1), the Coordinating Committee shall assess and take into consideration the benefit-to-cost ratio and the remaining benefit-to-cost ratio of each project.

(3) FACTORS FOR CONSIDERATION.—In preparing reports under subsection (a)(1), the Coordinating Committee may take into consideration any additional criteria or subcriteria, if the criteria or subcriteria are fully explained in the report.

(4) STATE PRIORITIZATION DETERMINATIONS.—The Coordinating Committee shall establish a process by which each State may submit to the Coordinating Committee for consideration in carrying out this subsection any prioritization determination of the State with respect to a water resources project in the State.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Coordinating Committee shall submit to Congress proposed recommendations with respect to—

(A) a process to prioritize water resources projects across project type;

(B) a process to prioritize ongoing operational activities carried out by the Corps of Engineers;

(C) a process to address in the prioritization process recreation and other ancillary benefits resulting from the construction of Corps of Engineers projects; and

(D) potential improvements to the prioritization process established under this section.

(2) CONTRACTS WITH OTHER ENTITIES.—The Coordinating Committee may offer to enter into a contract with the National Academy of Public Administration or any similar entity to assist in developing recommendations under this subsection.

NOTICE OF HEARING

SUBCOMMITTEE ON WATER AND POWER

Ms. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, July 27, 2006 at 2:30 p.m. in Room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 3638, to encourage the Secretary of the Interior to participate in projects to plan, design, and construct water supply projects and to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to encourage the design, planning, and construction of projects to treat impaired surface water, reclaim and reuse impaired groundwater, and provide brine disposal in the State of California; S. 3639, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to provide standards and procedures for the review of water reclamation and reuse projects; H.R. 177, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, and for other purposes.; H.R. 2341, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the City of Austin Water and Wastewater Utility, Texas; and H.R. 3418, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Joshua Johnson at 202–224–5861 or Steve Waskiewicz at 202–228–6195.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the

Senate on July 19, 2006, at 10 a.m., in open session to continue to receive testimony on military commissions in light of the Supreme Court decision in Hamdan v. Rumsfeld.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. INHOFE. 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 19, 2006, at 10 a.m., to conduct a vote on the nomination of Mr. Frederic S. Mishkin, of New York, to be a member of the Board of Governors of the Federal Reserve System; Ms. Linda Mysliwy Conlin, of New Jersey, to be First Vice President of The Export-Import Bank; Mr. Geoffrey S. Bacino, of Illinois, to be a Director of the Federal Housing Finance Board; Mr. Edmund C. Moy, of Wisconsin, to be Director of the Mint; Mr. J. Joseph Grandmaison, of New Hampshire, to be a member of the Board of Directors of the Export-Import Bank; and Mr. James Lambright, of Missouri, to be President of the Export-Import Bank. Immediately following the vote, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet to conduct an Oversight Hearing on the semi-annual monetary policy report of The Federal Reserve.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. INHOFE. 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 19, 2006, at 10 a.m., to conduct a hearing on ''The Semiannual Monetary Policy Report to the Congress.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be allowed to meet at 10 a.m. on Wednesday, July 19, 2006, to consider S. 3661, S. Con. Res. 71, S. 3679, the National Transportation Safety Board Reauthorization Act of 2006, nominations, and the Committee print of the Maritime Administration Improvements Act of 2006.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. INHOFE. Mr. President, I ask unanimous consent that on Wednesday, July 19, 2006, at 9 a.m., the Committee on Environment and Public Works be authorized to hold a hearing on the science and risk assessment behind the Environmental Protection Agency's proposed revisions to the particulate matter air quality standards.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions meet in executive session during the session of the Senate on Wednesday, July 19, 2006, at 10:30 a.m in SD–430.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, July 19, 2006, at 10 a.m. for a hearing titled, ''DHS Purchase Cards: Credit Without Accountability.''

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

COMMITTEE ON THE JUDICIARY

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on ''Credit Card Interchange Fees: Antitrust Concerns?'' on Wednesday, July 19, 2006, at 9:30 a.m. in Dirksen Senate Office Building Room 226.

Witnesses

Panel I: Bill Douglas, Chief Executive Officer, Douglas Distributing, Sherman, TX. Kathy Miller, Owner, The Elmore Store, Elmore, VT. Joshua R. Floum, Executive Vice President, General Counsel and Secretary, Visa U.S.A., Washington, DC. Joshua L. Peirez, Group Executive, Global Public Policy and Associate General Counsel, MasterCard Worldwide, Purchase, NY. The Hon. Timothy J. Muris, Former Chairman, Federal Trade Commission, Of Counsel, O'Melveny & Meyers, Washington, DC. W. Stephen Cannon, President and Managing Partner, Constantine Cannon, Washington, DC.

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

COMMITTEE ON THE JUDICIARY

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Wednesday, July 19, 2006, at 2 p.m. in the Dirksen Senate Office Building Room 226.

I. Bills

S. 2703, Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 [SPECTER, LEAHY, GRASSLEY, KENNEDY, DEWINE, FEINSTEIN, BROWNBACK, DURBIN, SCHUMER, KOHL, BIDEN, FEINGOLD]

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 19, 2006, at 2:30 p.m. to hold a closed briefing.

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

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, July 19, 2006, at 10 a.m. The purpose of the hearing is to provide oversight on the implementation of Public Law 108–148 (the Healthy Forests Restoration Act).

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

SUBCOMMITTEE ON TECHNOLOGY, INNOVATION, AND COMPETITIVENESS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation's Subcommittee on Technology, Innovation, and Competitiveness be allowed to meet at 11 a.m. on Wednesday, July 19, 2006, to discuss High Performance Computing.

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

AUTHORIZATION TO APPOINT SENATE COMMITTEE TO ESCORT PRIME MINISTER OF IRAQ INTO HOUSE OF REPRESENTATIVES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Excellency Nuri al-Maliki, Prime Minister of the Republic of Iraq, into the House Chamber for a joint meeting at 11 a.m. on Wednesday, July 26.

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

MAKING TECHNICAL CORRECTIONS TO VIOLENCE AGAINST WOMEN ACT AND DEPARTMENT OF JUSTICE REAUTHORIZATION ACT OF 2005

Mr. MCCONNELL. I ask unanimous consent that the Senate proceed to immediate consideration of S. 3693 introduced earlier today.

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

The assistant legislative clerk read as follows:

A bill (S. 3693) to make technical corrections to the Violence Against Women and Department of Justice Reauthorization Act of 2005.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Oklahoma, I object.

Objection is heard.

Mr. MCCONNELL. Mr. President, I ask unanimous consent to vitiate any action on the previous bill.

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

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

The PRESIDING OFFICER (Mr. THUNE). Without objection, it is so ordered.

COPYRIGHT ROYALTY JUDGES PROGRAM TECHNICAL CORRECTIONS ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 515, H.R. 1036.

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

The assistant legislative clerk read as follows:

A bill (H.R. 1036) to amend title 17, United States Code, to make technical corrections relating to Copyright Royalty Judges, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment, as follows:

(The part intended to be stricken is shown in boldface brackets and the part intended to be inserted is shown in italic.)

H.R. 1036

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 ''Copyright Royalty Judges Program Technical Corrections Act''.

SEC. 2. REFERENCE.

Any reference in this Act to a provision of title 17, United States Code, refers to such provision as amended by the Copyright Royalty and Distribution Reform Act of 2004 (Public Law 108–419) and the Satellite Home Viewer Extension and Reauthorization Act of 2004 (title IX of division J of Public Law 108–447).

SEC. 3. AMENDMENTS TO CHAPTER 8 OF TITLE 17, UNITED STATES CODE.

Chapter 8 of title 17, United States Code, is amended as follows:

(1) Section 801(b)(1) is amended, in the matter preceding subparagraph (A), by striking ''119 and 1004'' and inserting ''119, and 1004''.

(2) Section 801 is amended by adding at the end the following:

''(f) EFFECTIVE DATE OF ACTIONS.—On and after the date of the enactment of the Copyright Royalty and Distribution Reform Act of 2004, in any case in which time limits are prescribed under this title for performance of an action with or by the Copyright Royalty Judges, and in which the last day of the prescribed period falls on a Saturday, Sunday, holiday, or other nonbusiness day within the District of Columbia or the Federal Government, the action may be taken on the next succeeding business day, and is effective as of the date when the period expired.''.

(3) Section 802(f)(1)(A) is amended—

(A) in clause (i), by striking ''clause (ii) of this subparagraph and subparagraph (B)'' and inserting ''subparagraph (B) and clause (ii) of this subparagraph''; and

(B) by striking clause (ii) and inserting the following:

''(ii) One or more Copyright Royalty Judges may, or by motion to the Copyright Royalty Judges, any participant in a proceeding may, request from the Register of Copyrights an interpretation of any material questions of substantive law that relate to the construction of provisions of this title and arise in the course of the proceeding. Any request for a written interpretation shall be in writing and on the record, and reasonable provision shall be made to permit participants in the proceeding to comment on the material questions of substantive law in a manner that minimizes duplication and delay. Except as provided in subparagraph (B), the Register of Copyrights shall deliver to the Copyright Royalty Judges a written response within 14 days after the receipt of all briefs and comments from the participants. The Copyright Royalty Judges shall apply the legal interpretation embodied in the response of the Register of Copyrights if it is timely delivered, and the response shall be included in the record that accompanies the final determination. The authority under this clause shall not be construed to authorize the Register of Copyrights to provide an interpretation of questions of procedure before the Copyright Royalty Judges, the ultimate adjustments and determinations of copyright royalty rates and terms, the ultimate distribution of copyright royalties, or the acceptance or rejection of royalty claims, rate adjustment petitions, or petitions to participate in a proceeding.''.

(4) Section 802(f)(1)(D) is amended by inserting a comma after ''undertakes to consult with''.

(5) Section 803(a)(1) is amended—

(A) by striking ''The Copyright'' and inserting ''The Copyright Royalty Judges shall act in accordance with this title, and to the extent not inconsistent with this title, in accordance with subchapter II of chapter 5 of title 5, in carrying out the purposes set forth in section 801. The Copyright''; and

(B) by inserting after ''Congress, the Register of Copyrights,'' the following: ''copyright arbitration royalty panels (to the extent those determinations are not inconsistent with a decision of the Librarian of Congress or the Register of Copyrights),''.

(6) Section 803(b) is amended—

(A) in paragraph (1)(A)(i)(V)—

(i) by striking ''in the case of'' and inserting ''the publication of notice requirement shall not apply in the case of''; and

(ii) by striking '', such notice may not be published.'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking'', together with a filing fee of $150'';

(ii) in subparagraph (B), by striking ''and'' after the semicolon;

(iii) in subparagraph (C), by striking the period and inserting ''; and''; and

(iv) by adding at the end the following:

''(D) the petition to participate is accompanied by either—

''(i) in a proceeding to determine royalty rates, a filing fee of $150; or

''(ii) in a proceeding to determine distribution of royalty fees—

''(I) a filing fee of $150; or

''(II) a statement that the petitioner (individually or as a group) will not seek a distribution of more than $1000, in which case the amount distributed to the petitioner shall not exceed $1000.'';

(C) in paragraph (3)(A)—

(i) by striking ''(A) IN GENERAL.—Promptly'' and inserting ''(A) COMMENCEMENT OF PROCEEDINGS.—

''(i) RATE ADJUSTMENT PROCEEDING.—Promptly''; and

(ii) by adding at the end the following:

''(ii) DISTRIBUTION PROCEEDING.—Promptly after the date for filing of petitions to participate in a proceeding to determine the distribution of royalties, the Copyright Royalty Judges shall make available to all participants in the proceeding a list of such participants. The initiation of a voluntary negotiation period among the participants shall be set at a time determined by the Copyright Royalty Judges.''.

(D) in paragraph (4)(A), by striking the last sentence; and

(E) in paragraph (6)(C)—

(i) in clause (i)—

(I) in the first sentence, by inserting ''and written rebuttal statements'' after ''written direct statements'';

(II) in the first sentence, by striking ''which may'' and inserting ''which, in the case of written direct statements, may''; and

(III) by striking ''clause (iii)'' and inserting ''clause (iv)'';

(ii) by amending clause (ii)(I) to read as follows:

''(ii)(I) Following the submission to the Copyright Royalty Judges of written direct statements and written rebuttal statements by the participants in a proceeding under paragraph (2), the Copyright Royalty Judges, after taking into consideration the views of the participants in the proceeding, shall determine a schedule for conducting and completing discovery.'';

(iii) by amending clause (iv) to read as follows:

''(iv) Discovery in connection with written direct statements shall be permitted for a period of 60 days, except for discovery ordered by the Copyright Royalty Judges in connection with the resolution of motions, orders, and disputes pending at the end of such period. The Copyright Royalty Judges may order a discovery schedule in connection with written rebuttal statements.''; and

(iv) by amending clause (x) to read as follows:

''(x) The Copyright Royalty Judges shall order a settlement conference among the participants in the proceeding to facilitate the presentation of offers of settlement among the participants. The settlement conference shall be held during a 21-day period following the 60-day discovery period specified in clause (iv) and shall take place outside the presence of the Copyright Royalty Judges.''.

(7) Section 803(c)(2)(B) is amended by striking ''concerning rates and terms''.

(8) Section 803(c)(4) is amended by striking '', with the approval of the Register of Copyrights,''.

(9) Section 803(c)(7) is amended by striking ''of Copyright'' and inserting ''of the Copyright''.

(10) Section 803(d)(2)(C)(i)(I) is amended by striking ''statements of account and any report of use'' and inserting ''applicable statements of account and reports of use''.

(11) Section 803(d)(3) is amended by striking ''If the court, pursuant to section 706 of title 5, modifies'' and inserting ''Section 706 of title 5 shall apply with respect to review by the court of appeals under this subsection. If the court modifies''.

(12) Section 804(b)(1)(B) is amended—

(A) by striking ''801(b)(3)(B) or (C)'' and inserting ''801(b)(2)(B) or (C)''; and

(B) in the last sentence, by striking ''change is'' and inserting ''change in''.

(13) Section 804(b)(3) is amended—

(A) in subparagraph (A), by striking ''effective date'' and inserting ''date of enactment''; and

(B) in subparagraph (C)—

(i) in clause (ii), by striking ''that is filed'' and inserting ''is filed''; and

(ii) in clause (iii), by striking ''such subsections (b)'' and inserting ''subsections (b)''.

SEC. 4. ADDITIONAL TECHNICAL AMENDMENTS.

(a) DISTRIBUTION OF ROYALTY FEES.—Section 111(d) of title 17, United States Code, is amended—

(1) in the second sentence of paragraph (2), by striking all that follows ''Librarian of Congress'' and inserting ''upon authorization by the Copyright Royalty Judges.'';

(2) in paragraph (4)—

(A) in subparagraph (B)—

(i) by striking the second sentence and inserting the following: ''If the Copyright Royalty Judges determine that no such controversy exists, the Copyright Royalty Judges shall authorize the Librarian of Congress to proceed to distribute such fees to the copyright owners entitled to receive them, or to their designated agents, subject to the deduction of reasonable administrative costs under this section.''; and

(ii) in the last sentence, by striking ''finds'' and inserting ''find''; and

(B) by striking subparagraph (C) and inserting the following:

''(C) During the pendency of any proceeding under this subsection, the Copyright Royalty Judges shall have the discretion to authorize the Librarian of Congress to proceed to distribute any amounts that are not in controversy.''.

(b) SOUND RECORDINGS.—Section 114(f) of title 17, United States Code, is amended—

(1) in paragraph (1)(A), in the first sentence, by striking ''except where'' and all that follows through the end period and inserting ''except in the case of a different transitional period provided under section 6(b)(3) of the Copyright Royalty and Distribution Reform Act of 2004, or such other period as the parties may agree.'';

(2) by amending paragraph (2)(A) to read as follows:

''(2)(A) Proceedings under chapter 8 shall determine reasonable rates and terms of royalty payments for public performances of sound recordings by means of eligible nonsubscription transmission services and new subscription services specified by subsection (d)(2) during the 5-year period beginning on January 1 of the second year following the year in which the proceedings are to be commenced, except in the case of a different transitional period provided under section 6(b)(3) of the Copyright Royalty and Distribution Reform Act of 2004, or such other period as the parties may agree. Such rates and terms shall distinguish among the different types of eligible nonsubscription transmission services and new subscription services then in operation and shall include a minimum fee for each such type of service. Any copyright owners of sound recordings or any entities performing sound recordings affected by this paragraph may submit to the Copyright Royalty Judges licenses covering such eligible nonsubscription transmissions and new subscription services with respect to such sound recordings. The parties to each proceeding shall bear their own costs.''; and

(3) in paragraph (2)(B), in the last sentence, by striking ''negotiated under'' and inserting ''described in''.

(c) PHONORECORDS OF NONDRAMATIC MUSICAL WORKS.—Section 115(c)(3) of title 17, United States Code, is amended—

(1) in subparagraph (B), by striking ''subparagraphs (B) through (F)'' and inserting ''this subparagraph and subparagraphs (C) through (E)'';

(2) in subparagraph (D), in the third sentence, by inserting ''in subparagraphs (B) and (C)'' after ''described''; and

(3) in subparagraph (E), in clauses (i) and (ii)(I), by striking ''(C) or (D)'' each place it appears and inserting ''(C) and (D)''.

(d) NONCOMMERCIAL BROADCASTING.—Section 118 of title 17, United States Code, is amended—

(1) in subsection (b)(3), by striking ''copyright owners in works'' and inserting ''owners of copyright in works''; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''established by'' and all that follows through ''engage'' and inserting ''established by the Copyright Royalty Judges under subsection (b)(4), engage''; and

(B) in paragraph (1), by striking ''(g)'' and inserting ''(f)''.

(e) SATELLITE CARRIERS.—Section 119 of title 17, United States Code, is amended—

(1) in subsection (b)(4)—

(A) in subparagraph (B), by striking the second sentence and inserting the following: ''If the Copyright Royalty Judges determine that no such controversy exists, the Copyright Royalty Judges shall authorize the Librarian of Congress to proceed to distribute such fees to the copyright owners entitled to receive them, or to their designated agents, subject to the deduction of reasonable administrative costs under this section.''; and

(B) by amending subparagraph (C) to read as follows:

''(C) WITHHOLDING OF FEES DURING CONTROVERSY.—During the pendency of any proceeding under this subsection, the Copyright Royalty Judges shall have the discretion to authorize the Librarian of Congress to proceed to distribute any amounts that are not in controversy.''; and

(2) in subsection (c)(1)(F)(i), in the last sentence, by striking ''arbitrary'' and inserting ''arbitration''.

(f) DIGITAL AUDIO RECORDING DEVICES.—Section 1007 of title 17, United States Code, is amended—

(1) in subsection (b)—

(A) in the second sentence, by striking ''Librarian of Congress'' and inserting ''Copyright Royalty Judges''; and

(B) in the last sentence, by striking ''by the Librarian''; and

(2) in subsection (c), in the last sentence, by striking ''by the Librarian''.

(g) REMOVAL OF INCONSISTENT PROVISIONS.—The amendments contained in subsection (h) of section 5 of the Copyright Royalty and Distribution Reform Act of 2004 shall be deemed never to have been enacted.

(h) EFFECTIVE DATE.—Section 6(b)(1) of the Copyright Royalty and Distribution Reform Act of 2004 (Public Law 108–419) is amended by striking ''commenced before the date of enactment of this Act'' and inserting ''commenced before the effective date provided in subsection (a)''.

[SEC. 5. EFFECTIVE DATE.

[This Act and the amendments made by this Act shall be effective as if included in the Copyright Royalty and Distribution Reform Act of 2004.]

SEC. 5. PARTIAL DISTRIBUTION OF ROYALTY FEES.

Section 801(b)(3)(C) of title 17, United States Code, is amended—

(1) by striking all that precedes clause (i) and inserting the following:

''(C) Notwithstanding section 804(b)(8), the Copyright Royalty Judges, at any time after the filing of claims under section 111, 119, or 1007, may, upon motion of one or more of the claimants and after publication in the Federal Register of a request for responses to the motion from interested claimants, make a partial distribution of such fees, if, based upon all responses received during the 30-day period beginning on the date of such publication, the Copyright Royalty Judges conclude that no claimant entitled to receive such fees has stated a reasonable objection to the partial distribution, and all such claimants—''; and

(2) in clause (i), by striking ''such'' and inserting ''the''.

SEC. 6. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided under subsection (b), this Act and the amendments made by this Act shall be effective as if included in the Copyright Royalty and Distribution Reform Act of 2004.

(b) PARTIAL DISTRIBUTION OF ROYALTY FEES.—Section 5 shall take effect on the date of enactment of this Act.

Mr. LEAHY. Mr. President, I am pleased that the Judiciary Committee unanimously approved the Copyright Royalty Judges Program Technical Corrections Act, H.R. 1036, a bill that makes several important, noncontroversial, technical corrections to the Copyright Royalty and Distribution Reform Act of 2004. In particular, I am grateful to Senators SPECTER and HATCH for their efforts in the important work we have done, on this bill and so many others, over the years to strengthen our Nation's intellectual property laws. When Senators from different parties can collaborate as productively as we have on these tough issues, the legislative process is working the way it should.

The Copyright Royalty and Distribution Reform Act of 2004, which Senator HATCH and I jointly authored, modernized and improved the process by which certain royalty rates, such as those for small webcasters, are determined. Passage of the act was an important step toward creating laws that adequately protect and compensate makers of creative works. The Technical Corrections Act, H.R. 1036, makes truly technical corrections that shore up those laws and further preserve the traditional role of important intellectual property protections.

In addition to these technical corrections, I, along with Chairman SPECTER and Senator HATCH, offered an amendment that makes one more correction. Several copyright holders had brought it to our attention that under current laws, copyright royalty judges do not have the ability to allocate portions of cable and satellite royalties before the end of royalty distribution proceedings. This has resulted in more than $1 billion in cable and satellite royalties being withheld from rightful recipients. Our amendment rectified the problem by providing copyright royalty judges with explicit statutory discretion for partial distribution of royalties and was included in the legislation that the Judiciary Committee approved last week.

Now that the bill is on the floor, I urge my colleagues to move it quickly, by unanimous consent.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill as amended by read the 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 committee amendment was agreed to.

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

The bill (H.R. 1036) was read the third time and passed, as follows:

H.R. 1036

Resolved, That the bill from the House of Representatives (H.R. 1036) entitled ''An Act to amend title 17, United States Code, to make technical corrections relating to Copyright Royalty Judges, and for other purposes.'' do pass with the following amendment: On page 16, line 4 through 7, strike and insert the following amendment:

On page 16, line 4 through 7, strike and insert the following:

SEC. 5. PARTIAL DISTRIBUTION OF ROYALTY FEES.

Section 801(b)(3)(C) of title 17, United States Code, is amended—

(1) by striking all that precedes clause (i) and inserting the following:

''(C) Notwithstanding section 804(b)(8), the Copyright Royalty Judges, at any time after the filing of claims under section 111, 119, or 1007, may, upon motion of one or more of the claimants and after publication in the Federal Register of a request for responses to the motion from interested claimants, make a partial distribution of such fees, if, based upon all responses received during the 30-day period beginning on the date of such publication, the Copyright Royalty Judges conclude that no claimant entitled to receive such fees has stated a reasonable objection to the partial distribution, and all such claimants—''; and

(2) in clause (i), by striking ''such'' and inserting ''the''.

SEC. 6. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided under subsection (b), this Act and the amendments made by this Act shall be effective as if included in the Copyright Royalty and Distribution Reform Act of 2004.

(b) PARTIAL DISTRIBUTION OF ROYALTY FEES.—Section 5 shall take effect on the date of enactment of this Act.

MAKING TECHNICAL CORRECTIONS TO VIOLENCE AGAINST WOMEN ACT AND DEPARTMENT OF JUSTICE REAUTHORIZATION ACT OF 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3693, which was introduced earlier today.

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

The assistant legislative clerk read as follows:

A bill (S. 3693) to make technical corrections to the Violence Against Women and Department of Justice Reauthorization Act of 2005.

There being to objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be read the 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 (S. 3693) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3693

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UNIVERSAL GRANT CONDITIONS AND DEFINITIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 2005.

(a) SHORT TITLE.—Section 1 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 is amended by—

(1) inserting ''(a) IN GENERAL'' before ''This''; and

(2) adding at the end the following:

''(b) SEPARATE SHORT TITLES.—Section 3 and titles I through IX of this Act may be cited as the 'Violence Against Women Reauthorization Act of 2005'. Title XI of this Act may be cited as the 'Department of Justice Appropriations Authorization Act of 2005'.''.

(b) CLARIFY EFFECTIVE DATES.—The Violence Against Women Act and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) is amended by adding after section 3 the following new section:

''SEC. 4. EFFECTIVE DATE OF SPECIFIC SECTIONS.

''Notwithstanding any other provision of this Act or any other law, sections 101, 102 (except the amendment to section 2101(d) of the Omnibus Crime Control and Safe Streets Act of 1968 included in that section), 103, 121, 203, 204, 205, 304, 306, 602, 906, and 907 of this Act shall not take effect until the beginning of fiscal year 2007.''.

(c) ENSURE COMPREHENSIVE DEFINITIONAL SECTION.—

(1) CRIMES ON CAMPUSES.—Section 304 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) is amended by adding at the end the following:

''(g) DEFINITIONS AND GRANT CONDITIONS.—In this section the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 shall apply.''.

(2) OUTREACH TO UNDERSERVED POPULATIONS.—Section 120 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) is amended by adding at the end the following:

''(i) DEFINITIONS AND GRANT CONDITIONS.—In this section the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 shall apply.''.

(3) CULTURAL SERVICES.—Section 121 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) is amended by adding at the end the following:

''(h) DEFINITIONS AND GRANT CONDITIONS.—In this section the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 shall apply.''.

(d) CORRECT DEFINITION OF SEXUAL ASSAULT.—Section 40002(a)(23) of the Violence Against Women Act of 1994, as added by section 3 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), is amended by striking ''prescribed'' and inserting ''proscribed''.

(e) TRIBAL DEFINITIONS.—Section 40002(a) of the Violence Against Women Act of 1994, as added by section 3 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), is amended—

(1) in paragraph (1), by striking ''Alaskan'' and inserting ''Alaska Native'';

(2) by redesignating paragraphs (31) through (36) as paragraphs (32) through (37), respectively; and

(3) by adding after paragraph (30) the following:

''(31) TRIBAL NONPROFIT ORGANIZATION.—The term 'tribal nonprofit organization' means—

''(A) a victim services provider that has as its primary purpose to assist Native victims of domestic violence, dating violence, sexual assault, or stalking; and

''(B) staff and leadership of the organization must include persons with a demonstrated history of assisting American Indian or Alaska Native victims of domestic violence, dating violence, sexual assault, or stalking.''.

(f) CLARIFY MATCHING PROVISION IN THE UNIVERSAL GRANT CONDITION.—Section 40002(b) of the Violence Against Women Act of 1994, as added by section 3 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), is amended by striking paragraph (1) and inserting the following:

''(1) MATCH.—No matching funds shall be required for any grant or subgrant made under this Act for—

''(A) any tribe, territory, or victim service provider; or

''(B) any other entity, including a State, that—

''(i) petitions for a waiver of any match condition imposed by the Attorney General or the Secretaries of Health and Human Services or Housing and Urban Development; and

''(ii) whose petition for waiver is determined by the Attorney General or the Secretaries of Health and Human Services or Housing and Urban Development to have adequately demonstrated the financial need of the petitioning entity.''.

SEC. 2. TITLE I—LAW ENFORCEMENT TOOLS.

(a) DUPLICATE PROVISION.—Title I of the Violence Against Women Act of 2005 (Public Law 109–162) is amended by striking section 108.

(b) AUTHORIZATION PERIOD.—Section 1167 of the Violence Against Women Act of 2005 is amended by striking ''2006 through 2010'' and inserting ''2007 through 2011''.

(c) DEFINITION OF SPOUSE OF INTIMATE PARTNER.—Section 2266(7)(A) of title 18, United States Code, is amended by striking clause (ii) and inserting the following:

''(ii) section 2261A—

''(I) a spouse or former spouse of the target of the stalking, a person who shares a child in common with the target of the stalking, and a person who cohabits or has cohabited as a spouse with the target of the stalking; or

''(II) a person who is or has been in a social relationship of a romantic or intimate nature with the target of the stalking, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.''.

(d) STRIKE REPEATED SECTIONS.—The Violence Against Women and Department of Justice Reauthorization Act of 2005 is amended by striking sections 1134 and 1135.

(e) CONDITIONS ON TECHNICAL ASSISTANCE.—Section 40002(b)(11) of the Violence Against Women Act of 1994 is amended by inserting before ''If there'' the following: ''Of the total amounts appropriated under this title, not less than 3 percent and up to 8 percent, unless otherwise noted, shall be available for providing training and technical assistance relating to the purposes of this title to improve the capacity of the grantees, subgrantees, and other entities.''.

(f) REMOVE THE TECHNICAL ASSISTANCE PROVISION IN STOP AND GRANTS TO ENCOURAGE ARREST.—The Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in section 2007, by striking subsection (i), as added by section 101 of the Violence Against Women and Department of Justice Reauthorization Act of 2005; and

(2) by striking section 2106, as added by section 102 of the Violence Against Women and Department of Justice Reauthorization Act of 2005.

(g) CORRECT STOP GRANT ALLOCATION.—Section 2007 (b)(2) of the Omnibus Crime

Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1), as amended by section 101 of the Violence Against Women and Department of Justice Reauthorization Act of 2005, is amended by striking ''and the coalitions for combined Territories of the United States'' and inserting ''the coalition for Guam, the coalition for American Samoa, the coalition for the United States Virgin Islands, and the coalition for the Commonwealth of the Northern Mariana Islands.''.

(h) UNDERSERVED POPULATIONS REPORT.—Section 120(g) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 is amended by striking '', every 18 months,''.

(i) CORRECT DEFINITION OF DATING PARTNER.—Section 2266(10) of title 18, United States Code, as amended by section 116 of the Violence Against Women and Department of Justice Reauthorization Act of 2005, is further amended by striking ''and the existence of such a relationship'' and inserting ''. The existence of such a relationship is''.

(j) ALTER COMPLIANCE TIME FOR FORENSIC EXAM CERTIFICATION.—Section 2010(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–4(d)) as added by section 101 of the Violence Against Women and Department of Justice Reauthorization Act of 2005, is amended by—

(1) striking ''Nothing'' and inserting ''(1) IN GENERAL.—''; and

(2) inserting at the end the following:

''(2) COMPLIANCE PERIOD.—States, territories, and Indian tribal governments shall have 3 years from the date of enactment of the Violence Against Women and Department of Justice Reauthorization Act of 2005 to come into compliance with this subsection.''.

(k) CORRECT UNDERSERVED POPULATIONS GRANT PROGRAM.—Section 121 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) is amended—

(1) in subsection (a)(1), by inserting at the end the following : ''The requirements of the grant programs identified in paragraph (2) shall not apply to this new grant program.''; and

(2) in subsection (b)(2) by striking the period and inserting '', including—

''(A) working with State and local governments and social service agencies to develop and enhance effective strategies to provide culturally and linguistically specific services to victims of domestic violence, dating violence, sexual assault, and stalking;

''(B) increasing communities' capacity to provide culturally and linguistically specific resources and support for victims of domestic violence, dating violence, sexual assault, and stalking crimes and their families;

''(C) strengthening criminal justice interventions, by providing training for law enforcement, prosecution, courts, probation, and correctional facilities on culturally and linguistically specific responses to domestic violence, dating violence, sexual assault, and stalking;

''(D) enhancing traditional services to victims of domestic violence, dating violence, sexual assault, and stalking through the leadership of culturally and linguistically specific programs offering services to victims of domestic violence, dating violence, sexual assault, and stalking;

''(E) working in cooperation with the community to develop education and prevention strategies highlighting culturally and linguistically specific issues and resources regarding victims of domestic violence, dating violence, sexual assault, and stalking;

''(F) providing culturally and linguistically specific programs for children exposed to domestic violence, dating violence, sexual assault, and stalking;

''(G) providing culturally and linguistically specific resources and services that address the safety, economic, housing, and workplace needs of victims of domestic violence, dating violence, sexual assault, or stalking, including emergency assistance; or

''(H) examining the dynamics of culture and its impact on victimization and healing.''.

(l) FIX ALLOCATION ISSUE IN STOP GRANTS.—Subparagraphs (A) and (B) of section 2007(c)(3) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1(c)(3) (A) and (B)) are amended to read as follows:

''(A) not less than 25 percent shall be allocated for law enforcement and not less than 25 percent shall be allocated for prosecutors;

''(B) not less than 30 percent shall be allocated for victims services of which at least 10 percent shall be distributed to culturally specific community-based organizations; and''.

(m) CORRECT GAO STUDY.—Section 119(a) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) is amended by striking ''of domestic violence.'' and inserting ''of these respective crimes.''

(n) PROTECTION ORDER CORRECTION.—Section 106(c) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) is amended by striking ''the registration or filing of a protection order'' and inserting ''the registration, filing of a petition for, or issuance of a protection order, restraining order or injunction''

SEC. 3. TITLE II—IMPROVED SERVICES.

(a) SEXUAL ASSAULT SERVICES INTO VAWA.—Section 202 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) is repealed.

(b) SEXUAL ASSAULT SERVICES PROGRAM.—The Violence Against Women Act of 1994 (Public Law 103–322) is amended by adding at the end the following:

''Subtitle P—Sexual Assault Services

''SEC. 41601. SEXUAL ASSAULT SERVICES PROGRAM.

''(a) PURPOSES.—The purposes of this section are—

''(1) to assist States, Indian tribes, and territories in providing intervention, advocacy, accompaniment, support services, and related assistance for—

''(A) adult, youth, and child victims of sexual assault;

''(B) family and household members of such victims; and

''(C) those collaterally affected by the victimization, except for the perpetrator of such victimization; and

''(2) to provide for technical assistance and training relating to sexual assault to—

''(A) Federal, State, tribal, territorial and local governments, law enforcement agencies, and courts;

''(B) professionals working in legal, social service, and health care settings;

''(C) nonprofit organizations;

''(D) faith-based organizations; and

''(E) other individuals and organizations seeking such assistance.

''(b) GRANTS TO STATES AND TERRITORIES.—

''(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to States and territories to support the establishment, maintenance, and expansion of rape crisis centers and other programs and projects to assist those victimized by sexual assault.

''(2) ALLOCATION AND USE OF FUNDS.—

''(A) ADMINISTRATIVE COSTS.—Not more than 5 percent of the grant funds received by a State or territory governmental agency under this subsection for any fiscal year may be used for administrative costs.

''(B) GRANT FUNDS.—Any funds received by a State or territory under this subsection that are not used for administrative costs shall be used to provide grants to rape crisis centers and other nonprofit, nongovernmental organizations for programs and activities within such State or territory that provide direct intervention and related assistance.

''(C) INTERVENTION AND RELATED ASSISTANCE.—Intervention and related assistance under subparagraph (B) may include—

''(i) 24-hour hotline services providing crisis intervention services and referral;

''(ii) accompaniment and advocacy through medical, criminal justice, and social support systems, including medical facilities, police, and court proceedings;

''(iii) crisis intervention, short-term individual and group support services, and comprehensive service coordination and supervision to assist sexual assault victims and family or household members;

''(iv) information and referral to assist the sexual assault victim and family or household members;

''(v) community-based, linguistically and culturally specific services and support mechanisms, including outreach activities for underserved communities; and

''(vi) the development and distribution of materials on issues related to the services described in clauses (i) through (v).

''(3) APPLICATION.—

''(A) IN GENERAL.—Each eligible entity desiring a grant under this subsection shall submit an application to the Attorney General at such time and in such manner as the Attorney General may reasonably require.

''(B) CONTENTS.—Each application submitted under subparagraph (A) shall—

''(i) set forth procedures designed to ensure meaningful involvement of the State or territorial sexual assault coalition and representatives from underserved communities in the development of the application and the implementation of the plans;

''(ii) set forth procedures designed to ensure an equitable distribution of grants and grant funds within the State or territory and between urban and rural areas within such State or territory;

''(iii) identify the State or territorial agency that is responsible for the administration of programs and activities; and

''(iv) meet other such requirements as the Attorney General reasonably determines are necessary to carry out the purposes and provisions of this section.

''(4) MINIMUM AMOUNT.—The Attorney General shall allocate to each State not less than 1.50 percent of the total amount appropriated in a fiscal year for grants under this section, except that the United States Virgin Islands, American Samoa, Guam, the District of Columbia, Puerto Rico, and the Commonwealth of the Northern Mariana Islands shall each be allocated 0.125 percent of the total appropriations. The remaining funds shall be allotted to each State and each territory in an amount that bears the same ratio to such remaining funds as the population of such State and such territory bears to the population of all the States and the territories. The District of Columbia shall be treated as a territory for purposes of calculating its allocation under the preceding formula.

''(c) GRANTS FOR CULTURALLY SPECIFIC PROGRAMS ADDRESSING SEXUAL ASSAULT.—

''(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to eligible entities to support the establishment, maintenance, and expansion of culturally specific intervention and related assistance for victims of sexual assault.

''(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—

''(A) be a private nonprofit organization that focuses primarily on culturally specific communities;

''(B) must have documented organizational experience in the area of sexual assault intervention or have entered into a partnership with an organization having such expertise;

''(C) have expertise in the development of community-based, linguistically and culturally specific outreach and intervention services relevant for the specific communities to whom assistance would be provided or have the capacity to link to existing services in the community tailored to the needs of culturally specific populations; and

''(D) have an advisory board or steering committee and staffing which is reflective of the targeted culturally specific community.

''(3) AWARD BASIS.—The Attorney General shall award grants under this section on a competitive basis.

''(4) DISTRIBUTION.—

''(A) The Attorney General shall not use more than 2.5 percent of funds appropriated under this subsection in any year for administration, monitoring, and evaluation of grants made available under this subsection.

''(B) Up to 5 percent of funds appropriated under this subsection in any year shall be available for technical assistance by a national, nonprofit, nongovernmental organization or organizations whose primary focus and expertise is in addressing sexual assault within underserved culturally specific populations.

''(5) TERM.—The Attorney General shall make grants under this section for a period of no less than 2 fiscal years.

''(6) REPORTING.—Each entity receiving a grant under this subsection shall submit a report to the Attorney General that describes the activities carried out with such grant funds.

''(d) GRANTS TO STATE, TERRITORIAL, AND TRIBAL SEXUAL ASSAULT COALITIONS.—

''(1) GRANTS AUTHORIZED.—

''(A) IN GENERAL.—The Attorney General shall award grants to State, territorial, and tribal sexual assault coalitions to assist in supporting the establishment, maintenance, and expansion of such coalitions.

''(B) MINIMUM AMOUNT.—Not less than 10 percent of the total amount appropriated to carry out this section shall be used for grants under subparagraph (A).

''(C) ELIGIBLE APPLICANTS.—Each of the State, territorial, and tribal sexual assault coalitions.

''(2) USE OF FUNDS.—Grant funds received under this subsection may be used to—

''(A) work with local sexual assault programs and other providers of direct services to encourage appropriate responses to sexual assault within the State, territory, or tribe;

''(B) work with judicial and law enforcement agencies to encourage appropriate responses to sexual assault cases;

''(C) work with courts, child protective services agencies, and children's advocates to develop appropriate responses to child custody and visitation issues when sexual assault has been determined to be a factor;

''(D) design and conduct public education campaigns;

''(E) plan and monitor the distribution of grants and grant funds to their State, territory, or tribe; or

''(F) collaborate with and inform Federal, State, or local public officials and agencies to develop and implement policies to reduce or eliminate sexual assault.

''(3) ALLOCATION AND USE OF FUNDS.—From amounts appropriated for grants under this subsection for each fiscal year—

''(A) not less than 10 percent of the funds shall be available for grants to tribal sexual assault coalitions; and

''(B) the remaining funds shall be available for grants to State and territorial coalitions, and the Attorney General shall allocate an amount equal to 1/56 of the amounts so appropriated to each of those State and territorial coalitions.

''(4) APPLICATION.—Each eligible entity desiring a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General determines to be essential to carry out the purposes of this section.

''(5) FIRST-TIME APPLICANTS.—No entity shall be prohibited from submitting an application under this subsection during any fiscal year for which funds are available under this subsection because such entity has not previously applied or received funding under this subsection.

''(e) GRANTS TO TRIBES.—

''(1) GRANTS AUTHORIZED.—The Attorney General may award grants to Indian tribes, tribal organizations, and nonprofit tribal organizations for the operation of sexual assault programs or projects in Indian tribal lands and Alaska Native villages to support the establishment, maintenance, and expansion of programs and projects to assist those victimized by sexual assault.

''(2) ALLOCATION AND USE OF FUNDS.—

''(A) ADMINISTRATIVE COSTS.—Not more than 5 percent of the grant funds received by an Indian tribe, tribal organization, and nonprofit tribal organization under this subsection for any fiscal year may be used for administrative costs.

''(B) GRANT FUNDS.—Any funds received under this subsection that are not used for administrative costs shall be used to provide grants to tribal organizations and nonprofit tribal organizations for programs and activities within Indian country and Alaskan native villages that provide direct intervention and related assistance.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 to remain available until expended for each of the fiscal years 2007 through 2011 to carry out the provisions of this section.

''(2) ALLOCATIONS.—Of the total amounts appropriated for each fiscal year to carry out this section—

''(A) not more than 2.5 percent shall be used by the Attorney General for evaluation, monitoring, and other administrative costs under this section;

''(B) not more than 2.5 percent shall be used for the provision of technical assistance to grantees and subgrantees under this section;

''(C) not less than 65 percent shall be used for grants to States and territories under subsection (b);

''(D) not less than 10 percent shall be used for making grants to State, territorial, and tribal sexual assault coalitions under subsection (d);

''(E) not less than 10 percent shall be used for grants to tribes under subsection (e); and

''(F) not less than 10 percent shall be used for grants for culturally specific programs addressing sexual assault under subsection (c).''.

SEC. 4. TITLE III—YOUNG VICTIMS.

(a) CORRECT CITATION IN SECTION 41204.—Section 41204(f)(2) of the Violence Against Women Act of 1994 (42 U.S.C. 14043c–3) is amended by striking ''(b)(4)(D)'' and inserting ''(b)(4)''.

(b) CORRECT CAMPUS GRANT PROGRAM'S PURPOSE AREAS.—Section 304(b)(2) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) is amended by striking the first sentence and inserting ''To develop and implement campus policies, protocols, and services that more effectively identify and respond to the crimes of domestic violence, dating violence, sexual assault and stalking, and to train campus administrators, campus security personnel, and personnel serving on campus disciplinary or judicial boards on such policies, protocols, and services.''.

(c) CORRECTION.—In section 758(c)(1)(A) of the Public Health Services Act (42 U.S.C. 294h(c)(1)(A)), insert ''experiencing'' after ''to individuals who are'' and before ''or who have experienced''.

(d) CAMPUS REPORTING REQUIREMENT.—Section 304(d)(2)(A) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 is amended by striking ''biennial''.

SEC. 5. TITLE VI—HOUSING AMENDMENTS.

(a) AMENDMENTS TO COLLABORATIVE GRANT PROGRAM.—Section 41404 of the Violence Against Women Act of 1994 (as added by Public Law 109–162; 119 Stat. 3033) is amended—

(1) in subsection (a)(1) by striking ''of Children'' and inserting ''for Children''; and

(2) in subsection (d)—

(A) in paragraph (1)—

(i) in the heading, by striking ''(1) IN GENERAL.—''; and

(ii) by adding at the end ''Such activities, services, or programs—'';

(B) in paragraph (2), by striking ''(2) ACTIVITIES, SERVICES, PROGRAMS.—Such activities, services, or programs described in paragraph (1)'' and inserting ''(1)'';

(C) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(D) in paragraph (3), as so redesignated, by striking ''paragraph (3)'' and inserting ''paragraph (2)''.

(b) TECHNICAL AMENDMENTS TO STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.—Section 423(a)(8) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11383(a)(8)) is amended—

(1) in the first sentence of subparagraph (A), by striking ''subsection'' and inserting ''section''; and

(2) in subparagraph (B)(ii), by striking ''or 'victim service providers' ''.

(c) TECHNICAL AMENDMENT TO VIOLENCE AGAINST WOMEN ACT OF 2005.—Section 606 of the Violence Against Women Act of 2005 (Public Law 104–162; 119 Stat. 3041) is amended in the heading by striking ''**VOUCHER**''.

(d) SELECTION OF TENANTS.—Section 8(d)(1)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f(d)(1)(A)) is amended to read as follows:

''(A) the selection of tenants shall be the function of the owner, subject to the annual contributions contract between the Secretary and the agency, except that with respect to the certificate and moderate rehabilitation programs only, for the purpose of selecting families to be assisted, the public housing agency may establish local preferences, consistent with the public housing agency plan submitted under section 5A (42 U.S.C. 1437c–1) by the public housing agency and that an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission if the applicant otherwise qualifies for assistance or admission;''.

(e) TECHNICAL AMENDMENTS TO HOUSING ASSISTANCE PROGRAM.—Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended—

(1) in subsection (c)(9)(C), by striking clause (ii) and inserting the following:

''(ii) Notwithstanding clause (i) or any Federal, State, or local law to the contrary,

an owner or manager may bifurcate a lease under this section, or remove a household member from a lease under this section, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant. Such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by Federal, State, and local law for the termination of leases or assistance under the relevant program of HUD-assisted housing.'';

(2) in subsection (d)(1)(B)(iii), by striking subclause (II) and inserting the following:

''(II) Notwithstanding subclause (I) or any Federal, State, or local law to the contrary, a public housing agency may terminate assistance to, or an owner or manager may bifurcate a lease under this section, or remove a household member from a lease under this section, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant. Such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by Federal, State, and local law for the termination of leases or assistance under the relevant program of HUD-assisted housing.'';

(3) in subsection (f)—

(A) in paragraph (9), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (10)(A)(i), by striking ''; and'' and inserting ''; or''; and

(C) in paragraph (11)(B), by striking ''blood and marriage'' and inserting ''blood or marriage'';

(4) in subsection (o)—

(A) in the second sentence of paragraph (6)(B)—

(i) by striking ''by'' after ''denial of program assistance'';

(ii) by striking ''for admission for'' and inserting ''for admission or''; and

(iii) by striking ''admission, and that nothing'' and inserting ''admission. Nothing'';

(B) in paragraph (7)(D)—

(i) by striking clause (ii) and inserting the following:

''(ii) LIMITATION.—Notwithstanding clause (i) or any Federal, State, or local law to the contrary, a public housing agency may terminate assistance to, or an owner or manager may bifurcate a lease under this section, or remove a household member from a lease under this section, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant. Such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by Federal, State, and local law for the termination of leases or assistance under the relevant program of HUD-assisted housing.'';

(ii) in clause (iii), by striking ''access to control'' and inserting ''access or control''; and

(iii) in clause (v), by striking ''terminate,'' and inserting ''terminate''; and

(C) in paragraph (20)(D)(ii), by striking ''distribution'' and inserting ''distribution or''; and

(5) in subsection (ee)(1)—

(A) in subparagraph (A), by striking ''the owner, manager, or public housing agency requests such certification'' and inserting ''the individual receives a request for such certification from the owner, manager, or public housing agency'';

(B) in subparagraph (B)—

(i) by striking ''the owner, manager, public housing agency, or assisted housing provider has requested such certification in writing'' and inserting ''the individual has received a request in writing for such certification for the owner, manager, or public housing agency'';

(ii) by striking ''manager, public housing'' and inserting ''manager or public housing'' each place that term appears; and

(iii) by striking '', or assisted housing provider'' each place that term appears;

(C) in subparagraph (C), by striking ''sexual assault,'';

(D) in subparagraph (D), by striking ''sexual assault,''; and

(E) in subparagraph (E)—

(i) by striking ''manager, public housing'' and inserting ''manager or public housing'' each place that term appears; and

(ii) by striking '', or assisted housing provider'' each place that term appears.

(f) TECHNICAL AMENDMENT TO SECTION 6 OF UNITED STATES HOUSING ACT OF 1937.—Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended—

(1) in subsection (l)(6), by striking subparagraph (B) and inserting the following: ''(B) notwithstanding subparagraph (A) or any Federal, State, or local law to the contrary, a public housing agency may bifurcate a lease under this section, or remove a household member from a lease under this section, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant and such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by Federal, State, and local law for the termination of leases or assistance under the relevant program of HUD-assisted housing;''; and

(2) in subsection (u)—

(A) in paragraph (1)(A), by striking ''the public housing agency requests such certification'' and inserting ''the individual receives a request for such certification from the public housing agency'';

(B) in paragraph (1)(B), by striking ''the public housing agency has requested such certification in writing'' and inserting ''the individual has received a request in writing for such certification from the public housing agency''; and

(C) in paragraph (3)(D)(ii), by striking ''blood and marriage'' and inserting ''blood or marriage''.

SEC. 6. TITLE VIII—IMMIGRATION AND NATIONALITY ACT.

(a) PETITIONS FOR IMMIGRANT STATUS.—Section 204(a)(1)(D)(v) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)(v)) is amended by inserting ''or (B)(iii)'' after ''(A)(iv)''.

(b) INADMISSIBLE ALIENS.—Section 212 of such Act (8 U.S.C. 1182) is amended—

(1) in subsection (a)—

(A) in paragraph (4)(C)(i)—

(i) in subclause (II), by striking '', or'' at the end and inserting a semicolon; and

(ii) by adding at the end the following:

''(III) classification or status as a VAWA self-petitioner; or'';

(B) in paragraph (6)(A)(ii), by amending subclause (I) to read as follows:

''(I) the alien is a VAWA self-petitioner;''; and

(C) in paragraph (9)(C)(ii), by striking ''the Attorney General has consented'' and all that follows through ''United States.'' and inserting the following: ''the Secretary of Homeland Security has consented to the alien's reapplying for admission.

''(iii) WAIVER.—The Secretary of Homeland Security may waive the application of clause (i) in the case of an alien who is a VAWA self-petitioner if there is a connection between—

''(I) the alien's battering or subjection to extreme cruelty; and

''(II) the alien's removal, departure from the United States, reentry into the United States; or attempted reentry into the United States.'';

(2) in subsection (g)(1), by amending subparagraph (C) to read as follows:

''(C) is a VAWA self-petitioner,'';

(3) in subsection (h)(1), by amending subparagraph (C) to read as follows:

''(C) the alien is a VAWA self-petitioner; and''; and

(4) in subsection (i)(1), by striking ''an alien granted classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B)'' and inserting ''a VAWA self-petitioner''.

(c) DEPORTABLE ALIENS.—Section 237(a)(1)(H)(ii) of such Act (8 U.S.C. 1227(a)(1)(H)(ii)) is amended to read as follows:

''(ii) is a VAWA self-petitioner.''.

(d) REMOVAL.—Section 239(e)(2)(B) of such Act (8 U.S.C. 1229(e)(2)(B)) is amended by striking ''(V)'' and inserting ''(U)''.

(e) CANCELLATION OF REMOVAL.—Section 240A(b)(4)(B) of such Act (8 U.S.C. 1229b(b)(4)(B)) is amended by striking ''they were applications filed under section 204(a)(1)(A)(iii), (A)(iv), (B)(ii), or (B)(iii) for purposes of section 245 (a) and (c).'' and inserting ''the applicants were VAWA self-petitioners.''.

(f) ADJUSTMENT OF STATUS.—Section 245 of such Act (8 U.S.C. 1255) is amended—

(1) in subsection (a), by striking ''under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1) or'' and inserting ''as a VAWA self-petitioner''; and

(2) in subsection (c), by striking ''under subparagraph (A)(iii), (A)(iv), (A)(v), (A)(vi), (B)(ii), (B)(iii), or (B)(iv) of section 204(a)(1)'' and inserting ''as a VAWA self-petitioner''.

(g) IMMIGRATION OFFICERS.—Section 287 of such Act (8 U.S.C. 1357) is amended by redesignating subsection (i) as subsection (h).

(h) PENALTIES FOR DISCLOSURE OF INFORMATION.—Section 384(a)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367(a)(2)) is amended by striking ''clause (iii) or (iv)'' and all that follows and inserting ''paragraph (15)(T), (15)(U), or (51) of section 101(a) of the Immigration and Nationality Act or section 240A(b)(2) of such Act.''.

SEC. 7. TITLE IX—INDIAN WOMEN.

(a) OMNIBUS CRIME CONTROL AND SAFE STREETS.—

(1) GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN.—Part T of the Omnibus

Crime Control and Safe Streets Act of 1968 is amended—

(A) by redesignating the second section 2007 (42 U.S.C. 3796gg–10) (relating to grants to Indian tribal governments), as added by section 906 of the Violence Against Women and Department of Justice Reauthorization Act of 2005, as section 2015;

(B) by redesignating the second section 2008 (42 U.S.C. 3796gg–11) (relating to a tribal deputy), as added by section 907 of the Violence Against Women and Department of Justice Reauthorization Act of 2005, as section 2016; and

(C) by moving those sections so as to appear at the end of the part.

(2) STATE GRANT AMOUNTS.—Section 2007(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1(b)), as amended by section 906(b) of the Violence Against Women and Department of Justice Reauthorization Act of 2005, is amended by striking paragraph (1) and inserting the following:

''(1) 10 percent shall be available for grants under the program authorized by section 2015, which shall not otherwise be subject to the requirements of this part (other than section 2008);''.

(3) GRANTS TO INDIAN TRIBAL GOVERNMENTS.—Section 2015 of the Omnibus Crime Control and Safe Streets Act of 1968, as added by section 906 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (as redesignated by paragraph (1)(A)), is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking ''and tribal organizations'' and inserting ''or authorized designees of Indian tribal governments'';

(ii) in paragraph (6), by striking ''and'' at the end;

(iii) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(8) provide legal assistance necessary to provide effective aid to victims of domestic violence, dating violence, stalking, or sexual assault who are seeking relief in legal matters arising as a consequence of that abuse or violence, at minimal or no cost to the victims.''; and

(B) by striking subsection (c).

(4) TRIBAL DEPUTY RESPONSIBILITIES.—Section 2016(b)(1)(I) of the Omnibus Crime Control and Safe Streets Act of 1968 (as redesignated by paragraph (1)(B)) is amended by inserting after ''technical assistance'' the following: ''that is developed and provided by entities having expertise in tribal law, customary practices, and Federal Indian law''.

(5) GRANTS TO ENCOURAGE ARREST POLICIES AND ENFORCEMENT OF PROTECTION ORDERS.—Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended by striking subsection (e) and inserting the following:

''(e) ALLOTMENT FOR INDIAN TRIBES.—

''(1) IN GENERAL.—Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 2015.

''(2) APPLICABILITY OF PART.—The requirements of this part shall not apply to funds allocated for the program described in paragraph (1).''.

(b) RURAL DOMESTIC VIOLENCE.—

(1) IN GENERAL.—Section 40295(d) of the Safe Homes for Women Act of 1994 (42 U.S.C. 13971(d)), as amended by section 306 of the Violence Against Women and Department of Justice Reauthorization Act of 2005, is amended by striking paragraph (1) and inserting the following:

''(1) ALLOTMENT FOR INDIAN TRIBES.—

''(A) IN GENERAL.—Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 2015 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–10).

''(B) APPLICABILITY OF PART.—The requirements of this section shall not apply to funds allocated for the program described in subparagraph (A).''.

(2) CONFORMING AMENDMENT.—Section 906 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 is amended by—

(A) striking subsection (d); and

(B) redesignating subsections (e) through (g) as subsections (d) through (f), respectively.

(c) VIOLENCE AGAINST WOMEN ACT OF 1994.—

(1) TRANSITIONAL HOUSING ASSISTANCE.—Section 40299(g) of the Violence Against Women Act of 1994 (42 U.S.C. 13975(g)), as amended by sections 602 and 906 of the Violence Against Women and Department of Justice Reauthorization Act of 2005, is amended—

(A) in paragraph (3)(C), by striking clause (i) and inserting the following:

''(i) INDIAN TRIBES.—

''(I) IN GENERAL.—Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 2015 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–10).

''(II) APPLICABILITY OF PART.—The requirements of this section shall not apply to funds allocated for the program described in subclause (I).''; and

(B) by striking paragraph (4).

(2) COURT TRAINING AND IMPROVEMENTS.—Section 41006 of the Violence Against Women Act of 1994 (42 U.S.C. 14043a–3), as added by section 105 of the Violence Against Women and Department of Justice Reauthorization Act of 2005, is amended by striking subsection (c) and inserting the following:

''(c) SET ASIDE.—

''(1) IN GENERAL.—Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 2015 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–10).

''(2) APPLICABILITY OF PART.—The requirements of this section shall not apply to funds allocated for the program described in paragraph (1).''.

(d) VIOLENCE AGAINST WOMEN ACT OF 2000.—

(1) LEGAL ASSISTANCE FOR VICTIMS.—Section 1201(f) of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6(f)), as amended by sections 103 and 906 of the Violence Against Women and Department of Justice Reauthorization Act of 2005, is amended—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''10 percent'' and inserting ''3 percent'';

(ii) by redesignating subparagraph (B) as subparagraph (C); and

(iii) by inserting after subparagraph (A) the following:

''(B) TRIBAL GOVERNMENT PROGRAM.—

''(i) IN GENERAL.—Not less than 7 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 2015 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–10).

''(ii) APPLICABILITY OF PART.—The requirements of this section shall not apply to funds allocated for the program described in clause (i).''; and

(B) by striking paragraph (4).

(2) SAFE HAVENS FOR CHILDREN.—Section 1301 of the Violence Against Women Act of 2000 (42 U.S.C. 10420), as amended by sections 906 and 306 of the Violence Against Women and Department of Justice Reauthorization Act of 2005, is amended—

(A) in subsection (e)(2)—

(i) by striking subparagraph (A); and

(ii) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(B) by striking subsection (f) and inserting the following:

''(f) ALLOTMENT FOR INDIAN TRIBES.—

''(1) IN GENERAL.—Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 2015 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–10).

''(2) APPLICABILITY OF PART.—The requirements of this section shall not apply to funds allocated for the program described in paragraph (1).''.

SEC. 8. TITLE XI—DEPARTMENT OF JUSTICE.

(a) ORGANIZED RETAIL THEFT.—Section 1105(a)(3) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (28 U.S.C. 509 note) is amended by striking ''The Attorney General through the Bureau of Justice Assistance in the Office of Justice may'' and inserting ''The Director of the Bureau of Justice Assistance of the Office of Justice Programs may''.

(b) FORMULAS AND REPORTING.—Sections 1134 and 1135 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162; 119 Stat. 3108), and the amendments made by such sections, are repealed.

(c) GRANTS FOR YOUNG WITNESS ASSISTANCE.—Section 1136(a) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3743(a)) is amended by striking ''The Attorney General, acting through the Bureau of Justice Assistance, may'' and inserting ''The Director of the Bureau of Justice Assistance of the Office of Justice Programs may''.

(d) USE OF FEDERAL TRAINING FACILITIES.—Section 1173 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (28 U.S.C. 530c note) is amended—

(1) in subsection (a), by inserting ''or for meals, lodging, or other expenses related to such internal training or conference meeting'' before the period; and

(2) in subsection (b), by striking ''that requires specific authorization'' and inserting ''authorized''.

(e) OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by redesignating the section 105 titled ''**OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT**'' as section 109 and transferring such section to the end of such part A.

(f) COMMUNITY CAPACITY DEVELOPMENT OFFICE.—Section 106 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712e) is amended by striking ''section 105(b)'' each place such term appears and inserting ''section 103(b)''.

(g) AVAILABILITY OF FUNDS.—Section 108(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712g(b)) is amended by striking ''revert to the Treasury'' and inserting ''be deobligated''.

(h) DELETION OF DUPLICATIVE REFERENCE TO TRIBAL GOVERNMENTS.—Section 501(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b) is amended—

(1) in paragraph (1), by inserting ''or'' after the semicolon;

(2) in paragraph (2), by striking ''; or'' and inserting a period; and

(3) by striking paragraph (3).

(i) APPLICATIONS FOR BYRNE GRANTS.—Section 502 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3752) is amended in the matter preceding paragraph (1), by striking ''90 days'' and inserting ''120 days''.

(j) MATCHING GRANT PROGRAM FOR SCHOOL SECURITY.—Part AA of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797a et seq.) is amended—

(1) in section 2701(a), by striking ''The Attorney General, acting through the Office of Community Oriented Policing Services,'' and inserting ''The Director of the Office of Community Oriented Policing Services (in this section referred to as the 'Director')''; and

(2) by striking ''Attorney General'' each place such term appears and inserting ''Director''.

(k) FUNDING.—Section 1101 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) is amended—

(1) in paragraph (8), by striking ''$800,255,000'' and inserting ''$809,372,000'';

(2) in paragraph (11), by striking ''$923,613,000'' and inserting ''$935,817,000'';

(3) in paragraph (12), by striking ''$8,000,000'' and inserting ''$10,000,000''; and

(4) in paragraph (14), by striking ''$1,270,000'' and inserting ''$1,303,000''.

(l) DRUG COURTS TECHNICAL ASSISTANCE AND TRAINING.—Section 2957(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797u–6(b)) is amended by striking ''Community Capacity Development Office'' each place such term appears and inserting ''Bureau of Justice Assistance''.

(m) AIMEE'S LAW.—Section 2001(e)(1) of division C of Public Law 106–386 (42 U.S.C. 13713(e)(1)) is amended by striking ''section 506 of the Omnibus Crime Control and Safe Streets Act of 1968'' and inserting ''section 505 of the Omnibus Crime Control and Safe Streets Act of 1968''.

(n) EFFECTIVE DATES.—

(1) OFFICE OF WEED AND FEED STRATEGIES.—Section 1121(c) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3712a note) is amended by striking ''90 days after the date of the enactment of this Act'' and inserting ''with respect to appropriations for fiscal year 2007 and for each fiscal year thereafter''.

(2) SUBSTANCE ABUSE TREATMENT.—

(A) IN GENERAL.—Chapter 4 of subtitle B of title XI of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162; 3110) is amended by adding at the end the following:

''SEC. 1147. EFFECTIVE DATE.

''The amendments made by sections 1144 and 1145 shall take effect on October 1, 2006.''.

(B) CONFORMING AMENDMENT.—The table of contents in section 2 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 106–162; 119 Stat. 2960) is amended by inserting after the item relating to section 1146 the following:

''Sec. 1147. Effective date.''.

(3) OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.—Section 1158(b) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3712d note) is amended to read as follows:

''(b) EFFECTIVE DATE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), section 109 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712d) shall take effect on April 5, 2006.

''(2) CERTAIN PROVISIONS.—Subsections (c), (d), and (e) of section 109 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712d) shall take effect on October 1, 2006.''.

(4) OFFICE OF APPLIED LAW ENFORCEMENT TECHNOLOGY.—

(A) IN GENERAL.—Section 1160(b) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3712f note) is amended by striking ''90 days after the date of the enactment of this Act'' and inserting ''on October 1, 2006''.

(B) AVAILABILITY OF FUNDS.—Section 1161(b) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3712g note) is amended by striking ''90 days after the date of the enactment of this Act'' and inserting ''on October 1, 2006''.

(5) EVIDENCE-BASED APPROACHES.—Section 1168 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162; 119 Stat. 3122) is amended—

(A) by striking ''Section 1802'' and inserting the following:

''(a) IN GENERAL.—Section 1802''; and

(B) by adding at the end the following:

''(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006.''.

(6) STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.—Section 1196 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162; 119 Stat. 3130) is amended by adding at the end the following:

''(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2006.''.

Mr. LEAHY. Mr. President, I am pleased that the Senate will pass a bill providing needed corrections to the Violence Against Women Act, VAWA, and the Department of Justice authorization bill we passed last year.

Among the improvements made in the amendment, the changes ensure that the VAWA public housing provisions allow a landlord to bifurcate a lease to evict an abuser while allowing a cosigning lessee as well as an authorized resident to remain as tenants. The bill also makes technical improvements in the administration of STOP grants and the Campus Grant Program. The bill improves the administration of grants to tribal governments and ensures that the 10-percent designation of VAWA grants to Indian tribes applies throughout all sections of the law.

I commend the efforts of all those who worked hard to improve this important law, and I am glad to support the improvements in this amendment that will sustain this law as a vital tool in our efforts to put an end to domestic violence.

In the last 25 years I believe that we have only been successful twice in passing authorization bills for the Department of Justice. I was pleased to be involved in both of them, working with Chairman SENSENBRENNER and the Republican leader on the Senate Judiciary Committee at the time. This bill improves the most recent authorization we considered and passed in a bipartisan manner.

MILITARY PERSONNEL FINANCIAL SERVICES PROTECTION ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 518, S. 418.

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

The assistant legislative clerk read as follows:

A bill (S. 418) to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Banking, Housing, and Urban Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Military Personnel Financial Services Protection Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds that—

(1) members of the Armed Forces perform great sacrifices in protecting our Nation in the War on Terror;

(2) the brave men and women in uniform deserve to be offered first-rate financial products in order to provide for their families and to save and invest for retirement;

(3) members of the Armed Forces are being offered high-cost securities and life insurance products by some financial services companies engaging in abusive and misleading sales practices;

(4) one securities product offered to service members, known as the ''mutual fund contractual plan'', largely disappeared from the civilian market in the 1980s, due to excessive sales charges;

(5) with respect to a mutual fund contractual plan, a 50 percent sales commission is assessed against the first year of contributions, despite an average commission on other securities products of less than 6 percent on each sale;

(6) excessive sales charges allow abusive and misleading sales practices in connection with mutual fund contractual plan;

(7) certain life insurance products being offered to members of the Armed Forces are improperly marketed as investment products, providing minimal death benefits in exchange for

excessive premiums that are front-loaded in the first few years, making them entirely inappropriate for most military personnel; and

(8) the need for regulation of the marketing and sale of securities and life insurance products on military bases necessitates Congressional action.

SEC. 3. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) LIFE INSURANCE PRODUCT.—

(A) IN GENERAL.—The term ''life insurance product'' means any product, including individual and group life insurance, funding agreements, and annuities, that provides insurance for which the probabilities of the duration of human life or the rate of mortality are an element or condition of insurance.

(B) INCLUDED INSURANCE.—The term ''life insurance product'' includes the granting of—

(i) endowment benefits;

(ii) additional benefits in the event of death by accident or accidental means;

(iii) disability income benefits;

(iv) additional disability benefits that operate to safeguard the contract from lapse or to provide a special surrender value, or special benefit in the event of total and permanent disability;

(v) benefits that provide payment or reimbursement for long-term home health care, or long-term care in a nursing home or other related facility;

(vi) burial insurance; and

(vii) optional modes of settlement or proceeds of life insurance.

(C) EXCLUSIONS.—Such term does not include workers compensation insurance, medical indemnity health insurance, or property and casualty insurance.

(2) NAIC.—The term ''NAIC'' means the National Association of Insurance Commissioners (or any successor thereto).

SEC. 4. PROHIBITION ON FUTURE SALES OF PERIODIC PAYMENT PLANS.

(a) AMENDMENT.—Section 27 of the Investment Company Act of 1940 (15 U.S.C. 80a–27) is amended by adding at the end the following new subsection:

''(j) TERMINATION OF SALES.—

''(1) TERMINATION.—Effective 30 days after the date of enactment of the Military Personnel Financial Services Protection Act, it shall be unlawful, subject to subsection (i)—

''(A) for any registered investment company to issue any periodic payment plan certificate; or

''(B) for such company, or any depositor of or underwriter for any such company, or any other person, to sell such a certificate.

''(2) NO INVALIDATION OF EXISTING CERTIFICATES.—Paragraph (1) shall not be construed to alter, invalidate, or otherwise affect any rights or obligations, including rights of redemption, under any periodic payment plan certificate issued and sold before 30 days after such date of enactment.''.

(b) TECHNICAL AMENDMENT.—Section 27(i)(2)(B) of the Investment Company Act of 1940 (15 U.S.C. 80a–27(i)(2)(B)) is amended by striking ''section 26(e)'' each place that term appears and inserting ''section 26(f)''.

(c) REPORT ON REFUNDS, SALES PRACTICES, AND REVENUES FROM PERIODIC PAYMENT PLANS.—Not later than 6 months after the date of enactment of this Act, the Securities and Exchange Commission shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, a report describing—

(1) any measures taken by a broker or dealer registered with the Securities and Exchange Commission pursuant to section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) to voluntarily refund payments made by military service members on any periodic payment plan certificate, and the amounts of such refunds;

(2) after such consultation with the Secretary of Defense, as the Commission considers appropriate, the sales practices of such brokers or dealers on military installations over the 5 years preceding the date of submission of the report and any legislative or regulatory recommendations to improve such practices; and

(3) the revenues generated by such brokers or dealers in the sales of periodic payment plan certificates over the 5 years preceding the date of submission of the report, and the products marketed by such brokers or dealers to replace the revenue generated from the sales of periodic payment plan certificates prohibited under subsection (a).

SEC. 5. REQUIRED DISCLOSURES REGARDING OFFERS OR SALES OF SECURITIES ON MILITARY INSTALLATIONS.

Section 15A(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3(b)) is amended by inserting immediately after paragraph (13) the following:

''(14) The rules of the association include provisions governing the sales, or offers of sales, of securities on the premises of any military installation to any member of the Armed Forces or a dependant thereof, which rules require—

''(A) the broker or dealer performing brokerage services to clearly and conspicuously disclose to potential investors—

''(i) that the securities offered are not being offered or provided by the broker or dealer on behalf of the Federal Government, and that its offer is not sanctioned, recommended, or encouraged by the Federal Government; and

''(ii) the identity of the registered broker-dealer offering the securities;

''(B) such broker or dealer to perform an appropriate suitability determination, including consideration of costs and knowledge about securities, prior to making a recommendation of a security to a member of the Armed Forces or a dependant thereof; and

''(C) that no person receive any referral fee or incentive compensation in connection with a sale or offer of sale of securities, unless such person is an associated person of a registered broker or dealer and is qualified pursuant to the rules of a self-regulatory organization.''.

SEC. 6. METHOD OF MAINTAINING BROKER AND DEALER REGISTRATION, DISCIPLINARY, AND OTHER DATA.

Section 15A(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3(i)) is amended to read as follows:

''(i) OBLIGATION TO MAINTAIN REGISTRATION, DISCIPLINARY, AND OTHER DATA.—

''(1) MAINTENANCE OF SYSTEM TO RESPOND TO INQUIRIES.—A registered securities association shall—

''(A) establish and maintain a system for collecting and retaining registration information;

''(B) establish and maintain a toll-free telephone listing, and a readily accessible electronic or other process, to receive and promptly respond to inquiries regarding—

''(i) registration information on its members and their associated persons; and

''(ii) registration information on the members and their associated persons of any registered national securities exchange that uses the system described in subparagraph (A) for the registration of its members and their associated persons; and

''(C) adopt rules governing the process for making inquiries and the type, scope, and presentation of information to be provided in response to such inquiries in consultation with any registered national securities exchange providing information pursuant to subparagraph (B)(ii).

''(2) RECOVERY OF COSTS.—A registered securities association may charge persons making inquiries described in paragraph (1)(B), other than individual investors, reasonable fees for responses to such inquiries.

''(3) PROCESS FOR DISPUTED INFORMATION.—Each registered securities association shall adopt rules establishing an administrative process for disputing the accuracy of information provided in response to inquiries under this subsection in consultation with any registered national securities exchange providing information pursuant to paragraph (1)(B)(ii).

''(4) LIMITATION ON LIABILITY.—A registered securities association, or an exchange reporting information to such an association, shall not have any liability to any person for any actions taken or omitted in good faith under this subsection.

''(5) DEFINITION.—For purposes of this subsection, the term 'registration information' means the information reported in connection with the registration or licensing of brokers and dealers and their associated persons, including disciplinary actions, regulatory, judicial, and arbitration proceedings, and other information required by law, or exchange or association rule, and the source and status of such information.''.

SEC. 7. FILING DEPOSITORIES FOR INVESTMENT ADVISERS.

(a) INVESTMENT ADVISERS.—Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–4) is amended—

(1) by striking ''Every investment'' and inserting the following:

''(a) IN GENERAL.—Every investment''; and

(2) by adding at the end the following:

''(b) FILING DEPOSITORIES.—The Commission may, by rule, require an investment adviser—

''(1) to file with the Commission any fee, application, report, or notice required to be filed by this title or the rules issued under this title through any entity designated by the Commission for that purpose; and

''(2) to pay the reasonable costs associated with such filing and the establishment and maintenance of the systems required by subsection (c).

''(c) ACCESS TO DISCIPLINARY AND OTHER INFORMATION.—

''(1) MAINTENANCE OF SYSTEM TO RESPOND TO INQUIRIES.—

''(A) IN GENERAL.—The Commission shall require the entity designated by the Commission under subsection (b)(1) to establish and maintain a toll-free telephone listing, or a readily accessible electronic or other process, to receive and promptly respond to inquiries regarding registration information (including disciplinary actions, regulatory, judicial, and arbitration proceedings, and other information required by law or rule to be reported) involving investment advisers and persons associated with investment advisers.

''(B) APPLICABILITY.—This subsection shall apply to any investment adviser (and the persons associated with that adviser), whether the investment adviser is registered with the Commission under section 203 or regulated solely by a State, as described in section 203A.

''(2) RECOVERY OF COSTS.—An entity designated by the Commission under subsection (b)(1) may charge persons making inquiries, other than individual investors, reasonable fees for responses to inquiries described in paragraph (1).

''(3) LIMITATION ON LIABILITY.—An entity designated by the Commission under subsection (b)(1) shall not have any liability to any person for any actions taken or omitted in good faith under this subsection.''.

(b) CONFORMING AMENDMENTS.—

(1) INVESTMENT ADVISERS ACT OF 1940.—Section 203A of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3a) is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(2) NATIONAL SECURITIES MARKETS IMPROVEMENT ACT OF 1996.—Section 306 of the National Securities Markets Improvement Act of 1996 (15 U.S.C. 80b–10, note) is repealed.

SEC. 8. STATE INSURANCE AND SECURITIES JURISDICTION ON MILITARY INSTALLATIONS.

(a) CLARIFICATION OF JURISDICTION.—Any provision of law, regulation, or order of a State with respect to regulating the business of insurance or securities shall apply to insurance or securities activities conducted on Federal land or facilities in the United States and abroad, including military installations, except to the extent that such law, regulation, or order—

(1) directly conflicts with any applicable Federal law, regulation, or authorized directive; or

(2) would not apply if such activity were conducted on State land.

(b) PRIMARY STATE JURISDICTION.—To the extent that multiple State laws would otherwise apply pursuant to subsection (a) to an insurance or securities activity of an individual or entity on Federal land or facilities, the State having the primary duty to regulate such activity and the laws of which shall apply to such activity in the case of a conflict shall be—

(1) the State within which the Federal land or facility is located; or

(2) if the Federal land or facility is located outside of the United States, the State in which—

(A) in the case of an individual engaged in the business of insurance, such individual has been issued a resident license;

(B) in the case of an entity engaged in the business of insurance, such entity is domiciled;

(C) in the case of an individual engaged in the offer or sale (or both) of securities, such individual is registered or required to be registered to do business or the person solicited by such individual resides; or

(D) in the case of an entity engaged in the offer or sale (or both) of securities, such entity is registered or is required to be registered to do business or the person solicited by such entity resides.

SEC. 9. REQUIRED DEVELOPMENT OF MILITARY PERSONNEL PROTECTION STANDARDS REGARDING INSURANCE SALES; ADMINISTRATIVE COORDINATION.

(a) STATE STANDARDS.—Congress intends that—

(1) the States collectively work with the Secretary of Defense to ensure implementation of appropriate standards to protect members of the Armed Forces from dishonest and predatory insurance sales practices while on a military installation of the United States (including installations located outside of the United States); and

(2) each State identify its role in promoting the standards described in paragraph (1) in a uniform manner, not later than 12 months after the date of enactment of this Act.

(b) STATE REPORT.—It is the sense of Congress that the NAIC should, after consultation with the Secretary of Defense and, not later than 12 months after the date of enactment of this Act, conduct a study to determine the extent to which the States have met the requirement of subsection (a), and report the results of such study to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(c) ADMINISTRATIVE COORDINATION; SENSE OF CONGRESS.—It is the sense of the Congress that senior representatives of the Secretary of Defense, the Securities and Exchange Commission, and the NAIC should meet not less frequently than twice a year to coordinate their activities to implement this Act and monitor the enforcement of relevant regulations relating to the sale of financial products on military installations of the United States.

SEC. 10. REQUIRED DISCLOSURES REGARDING LIFE INSURANCE PRODUCTS.

(a) REQUIREMENT.—Except as provided in subsection (e), no person may sell, or offer for sale, any life insurance product to any member of the Armed Forces or a dependant thereof on a military installation of the United States, unless a disclosure in accordance with this section is provided to such member or dependent at the time of the sale or offer.

(b) DISCLOSURE.—A disclosure in accordance with this section is a written disclosure that—

(1) states that subsidized life insurance is available to the member of the Armed Forces from the Federal Government under the Servicemembers' Group Life Insurance program (also referred to as ''SGLI''), under subchapter III of chapter 19 of title 38, United States Code;

(2) states the amount of insurance coverage available under the SGLI program, together with the costs to the member of the Armed Forces for such coverage;

(3) states that the life insurance product that is the subject of the disclosure is not offered or provided by the Federal Government, and that the Federal Government has in no way sanctioned, recommended, or encouraged the sale of the life insurance product being offered;

(4) fully discloses any terms and circumstances under which amounts accumulated in a savings fund or savings feature under the life insurance product that is the subject of the disclosure may be diverted to pay, or reduced to offset, premiums due for continuation of coverage under such product;

(5) states that no person has received any referral fee or incentive compensation in connection with the offer or sale of the life insurance product, unless such person is a licensed agent of the person engaged in the business of insurance that is issuing such product;

(6) is made in plain and readily understandable language and in a type font at least as large as the font used for the majority of the solicitation material used with respect to or relating to the life insurance product; and

(7) with respect to a sale or solicitation on Federal land or facilities located outside of the United States, lists the address and phone number at which consumer complaints are received by the State insurance commissioner for the State having the primary jurisdiction and duty to regulate the sale of such life insurance products pursuant to section 8.

(c) VOIDABILITY.—The sale of a life insurance product in violation of this section shall be voidable from its inception, at the sole option of the member of the Armed Forces, or dependent thereof, as applicable, to whom the product was sold.

(d) ENFORCEMENT.—If it is determined by a Federal or State agency, or in a final court proceeding, that any person has intentionally violated, or willfully disregarded the provisions of, this section, in addition to any other penalty under applicable Federal or State law, such person shall be prohibited from further engaging in the business of insurance with respect to employees of the Federal Government on Federal land, except—

(1) with respect to existing policies; and

(2) to the extent required by the Federal Government pursuant to previous commitments.

(e) EXCEPTIONS.—This section shall not apply to any life insurance product specifically contracted by or through the Federal Government.

SEC. 11. IMPROVING LIFE INSURANCE PRODUCT STANDARDS.

(a) IN GENERAL.—It is the sense of Congress that the NAIC should, after consultation with the Secretary of Defense, and not later than 6 months after the date of enactment of this Act, conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on—

(1) ways of improving the quality of and sale of life insurance products sold on military installations of the United States, which may include—

(A) limiting such sales authority to persons that are certified as meeting appropriate best practices procedures; and

(B) creating standards for products specifically designed to meet the particular needs of members of the Armed Forces, regardless of the sales location; and

(2) the extent to which life insurance products marketed to members of the Armed Forces comply with otherwise applicable provisions of State law.

(b) CONDITIONAL GAO REPORT.—If the NAIC does not submit the report as described in subsection (a), the Comptroller General of the United States shall—

(1) study any proposals that have been made to improve the quality of and sale of life insurance products sold on military installations of the United States; and

(2) not later than 6 months after the expiration of the period referred to in subsection (a), submit a report on such proposals to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

SEC. 12. REQUIRED REPORTING OF DISCIPLINARY ACTIONS.

(a) REPORTING BY INSURERS.—Beginning 1 year after the date of enactment of this Act, no insurer may enter into or renew a contractual relationship with any other person that sells or solicits the sale of any life insurance product on any military installation of the United States, unless the insurer has implemented a system to report to the State insurance commissioner of the State of domicile of the insurer and the State of residence of that other person—

(1) any disciplinary action taken by any Federal or State government entity with respect to sales or solicitations of life insurance products on a military installation that the insurer knows, or in the exercise of due diligence should have known, to have been taken; and

(2) any significant disciplinary action taken by the insurer with respect to sales or solicitations of life insurance products on a military installation of the United States.

(b) REPORTING BY STATES.—It is the sense of Congress that, not later than 1 year after the date of enactment of this Act, the States should collectively implement a system to—

(1) receive reports of disciplinary actions taken against persons that sell or solicit the sale of any life insurance product on any military installation of the United States by insurers or Federal or State government entities with respect to such sales or solicitations; and

(2) disseminate such information to all other States and to the Secretary of Defense.

(c) DEFINITION.—As used in this section, the term ''insurer'' means a person engaged in the business of insurance.

SEC. 13. REPORTING BARRED PERSONS SELLING INSURANCE OR SECURITIES.

(a) ESTABLISHMENT.—The Secretary of Defense shall maintain a list of the name, address, and other appropriate information relating to persons engaged in the business of securities or insurance that have been barred or otherwise limited in any manner that is not generally applicable to all such type of persons, from any or all military installations of the United States, or that have engaged in any transaction that is prohibited by this Act.

(b) NOTICE AND ACCESS.—The Secretary of Defense shall ensure that—

(1) the appropriate Federal and State agencies responsible for securities and insurance regulation are promptly notified upon the inclusion in or removal from the list required by subsection (a) of a person under the jurisdiction of one or more of such agencies; and

(2) the list is kept current and easily accessible—

(A) for use by such agencies; and

(B) for purposes of enforcing or considering any such bar or limitation by the appropriate Federal personnel, including commanders of military installations.

(c) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Defense shall issue regulations in accordance with this subsection to provide for the establishment and maintenance of the list required by this section, including appropriate due process considerations.

(2) TIMING.—

(A) PROPOSED REGULATIONS.—Not later than the expiration of the 60-day period beginning on the date of enactment of this Act, the Secretary of Defense shall prepare and submit to the appropriate Committees of Congress a copy of the regulations required by this subsection that are proposed to be published for comment. The Secretary may not publish such regulations for comment in the Federal Register until the expiration of the 15-day period beginning on the date of such submission to the appropriate Committees of Congress.

(B) FINAL REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate Committees of Congress a copy of the regulations under this section to be published in final form.

(C) EFFECTIVE DATE.—Final regulations under this paragraph shall become effective 30 days after the date of their submission to the appropriate Committees of Congress under subparagraph (B).

(d) DEFINITION.—For purposes of this section, the term ''appropriate Committees of Congress'' means—

(1) the Committee on Financial Services and the Committee on Armed Services of the House of Representatives; and

(2) the Committee on Banking, Housing, and Urban Affairs and the Committee on Armed Services of the Senate.

SEC. 14. STUDY AND REPORTS BY INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

(a) STUDY.—The Inspector General of the Department of Defense shall conduct a study on the impact of Department of Defense Instruction 1344.07 (as in effect on the date of enactment of this Act) and the reforms included in this Act on the quality and suitability of sales of securities and insurance products marketed or otherwise offered to members of the Armed Forces.

(b) REPORTS.—Not later than 12 months after the date of enactment of this Act, the Inspector General of the Department of Defense shall submit an initial report on the results of the study conducted under subsection (a) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, and shall submit followup reports to those committees on December 31, 2008 and December 31, 2010.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill as amended be read the 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 committee amendment in the nature of a substitute was agreed to.

The bill (S. 418), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

ORDERS FOR THURSDAY, JULY 20, 2006

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Thursday, July 20. I further ask that following the prayer and 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 H.R. 9, the Voting Rights Act, as under the previous order.

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

PROGRAM

Mr. MCCONNELL. Mr. President, tomorrow, the Senate will consider the Voting Rights Act under a limited time agreement. There are 8 hours of debate, but we hope to yield back some of the time and vote in the afternoon tomorrow. We will also have votes on several circuit court and district court nominees, the Adam Walsh Child Protection and Safety Act, and under an agreement reached earlier this week, we will proceed to the consideration of S. 403, the Child Custody Protection Act. So Senators should plan for a full day tomorrow with a number of votes throughout the day.

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator HARKIN.

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

The Senator from Iowa is recognized.

STEM CELL RESEARCH ENHANCEMENT ACT

Mr. HARKIN. Mr. President, a few hours ago, the President used his first ever veto in his 6 years of being in office to kill H.R. 810, the Stem Cell Research Enhancement Act, a bill that is supported by over 70 percent of the American public, a bill that was supported by a bipartisan majority of the House, a bill that was supported by a bipartisan, big majority in the Senate—63 Members of the Senate, Republicans and Democrats, voted for it yesterday—and is supported by 591 different patient advocacy groups, research institutions, universities, scientific organizations, biomedical research institutions—everything from Alzheimer's to Parkinson's to cancer, spinal cord injuries, you name it. This bill has almost been universally supported. Over 80 Nobel laureates support this bill. Virtually every reputable scientist in America supports this bill.

I will mince no words about the President's action today. The veto he cast is a shameful display of cruelty, hypocrisy, and contempt for science. It is cruel because it denies hope to millions of Americans who suffer from Parkinson's and Alzheimer's, who have already received the death sentence of Lou Gehrig's disease, kids suffering from juvenile diabetes all over America, those suffering from cancer and spinal cord injuries, and many other diseases and injuries.

The best scientists in the world, as I said, including many dozens of Nobel Prize winners and every Director at the National Institutes of Health say that embryonic stem cell research offers enormous potential to cure these illnesses, to ease suffering, to make the lame walk again.

H.R. 810 would have expanded Federal funding to pursue this research. But with the stroke of his pen today, the President vetoed this bill and dashed the hopes of millions of Americans.

This veto displays hypocrisy because the President describes the research as immoral. He himself provided Federal funding for it. His press Secretary, Tony Snow, claimed yesterday that using leftover embryos, even those already slated to be discarded, is tantamount to murder. That is the word he used. Here is his own words. Mr. Snow said:

> The President believes strongly that for the purpose of research, it is inappropriate for the Federal Government to finance something that many people consider murder.

Mr. Snow went on to say that the President is one of those people who consider the practice to be murder.

This is a very bizarre statement. First, H.R. 810 would not allow Federal funding to be used to derive human embryos. That is already prohibited by existing law. And I couldn't believe my ears today when I heard the President say that H.R. 810—which passed with 63 Senate votes, and passed with the majority of the House—would overturn over 10 years of Federal prohibitions against deriving embryos.

I couldn't believe the President said that. The bill expressly does not do that. How could he say that? Either A, he did not read the bill; B, his assistants didn't read the bill; or C, he is purposely misleading the American public.

We do not overturn what is called the so-called Dickey-Wicker amendment that prohibits Federal funds from deriving stem cells. That is existing law. Federal funding can only be used to conduct research on stem cell lines, not to derive them. That derivation has to be funded privately. The President himself has already supported that.

What is even stranger and more bizarre and more hypocritical is that the President has already endorsed embryonic stem cell research. Under the policy that he announced 5 years ago, on August 9, 2001—I remember it well. I was in Iowa. I was listening to the radio, listening to his speech because this was an area of interest to me. Senator SPECTER and I had the first hearings in 1998, right after Doctors Gearhart and Thomson had derived the first human embryonic stem cells at the University of Wisconsin. That was in November of 1998. We commenced hearings after that, and when I was

chairman I continued the hearings. So I was chairman of the committee at the time—and of the subcommittee—that funded these programs at the time, so I was listening to the President's speech.

Under the policy that he announced nearly 5 years ago, he allowed Federal funding—get this—he allowed Federal funding for research on embryonic stem cell lines that were derived before 9 p.m, August 9, 2001, but no Federal funding for any research on any lines derived after that date and time.

So let's look at this. Here is the stem cell hypocrisy. The President of the United States—President Bush—said that all the stem cell lines derived before August 9, 2001, at 9 p.m.—is morally acceptable. If they are derived after 9 p.m. on August 9, 2001, they are morally unacceptable. Who drew this line, I ask? What right does the President of the United States have to say that something is moral before 9 p.m. and immoral afterward? I mean, what about the lines that were derived at 9:05 p.m. or 9:30 p.m? Why is that line there? It is because the President arbitrarily drew it.

So I ask, if using discarded embryos to extract stem cells is murder, isn't it then immoral to allow Federal research on existing lines of embryonic stem cells, as the current administration policy permits? Murder is murder, Mr. President. So if you, Mr. President, are saying that it is all right for Federal funds to be used for research on stem cell lines derived before August 9, 2001, at 9 p.m., why is that any different from afterward? Why isn't it here murder and here it is not? And isn't it immoral to allow privately funded embryonic stem cell research to continue?

Now, again, as we heard many times on the Senate floor over the last couple of days of debate, privately funded embryonic stem cell research goes on in the United States, but according to the President, this is murder. And if it is really murder to take left over human embryos and cause them to cease to be embryos, but to take the stem cells out, why isn't the President using his authority, his moral authority to shut down all the in vitro fertilization clinics in America?

By his definition of murder, these clinics are institutions of mass murder because they routinely dispose of countless unwanted embryos. Virtually every time a couple goes to a fertility clinic, left over embryos are created. That is how the IVF—in vitro fertilization—process, works. Eventually, after moms and dads have had their children, when they have had all the children they want, they either call the clinic or the clinic calls them—someone has to pay to keep these frozen, so the clinic may call and say: Well, we have all these embryos left over. Do you want to continue to pay to have them frozen?

No, we don't want them anymore. You have our consent to discard them.

Every day this happens. If that is murder, then how can the President permit it to continue? Where is his outrage? Where is his outrage at the IVF clinics in this country? Why isn't he here proposing legislation to shut down in vitro fertilization in this country, make it a crime, a Federal crime to conduct in vitro fertilization?

In the President's narrow moral universe, it seems to be fine to destroy embryos—to throw them away as the byproduct of producing babies through IVF, but it is murder to use the embryos to conduct lifesaving research. Someone please explain the logic of that to me.

One more time: In the President's narrow moral universe, to take these unwanted embryos that are left over from in vitro fertilization clinics, throw them away, flush them down the drain, that is OK. To take the same embryos, extract the stem cells, keep them alive, keep them growing, to perhaps discover something that will save someone's life, that is murder.

I don't get it. Who gave the President the authority to draw that line? He may be the President of the United States, but he is not the moral authority for all Americans. I say, Mr. President, you are not our moral Ayatollah. You don't have that right, and you don't have that power. Oh, you can veto legislation. You can veto it. But you notice, when the President vetoed the bill today, he didn't veto it on the grounds it was unconstitutional. He did not veto it on the grounds it spent too much money. He did not veto it on any grounds that Congress exceeded its authority, none of the usual reasons that a President gives for vetoing a bill. He vetoed it because he said it is immoral, tantamount to murder.

No. I am sorry. It is hypocrisy at the extreme for the President to take that position. As I said, if you take the lines before August 9 at 9 p.m., it is OK; after August 9 at 9 p.m., it is not OK. No, you are not our moral Ayatollah, Mr. President. You may be our President, and I respect you for being the President of the United States. I respect the office. But I don't pay any respect to someone trying to dictate to me the moral authority of the President of the United States; that somehow you can define what is moral and what is immoral. Leave that to our religious leaders. Leave that to our theologians.

Why isn't the President prosecuting the many thousands of American men and women who use these IVF clinics? If their attempts to have children result in leftover embryos and their embryos eventually get discarded, aren't they complicit in murder? Let's say a couple had in vitro fertilization; they wanted to have children. They finally have their children, and they say: We don't want the rest of those embryos, you can discard them—because they have to approve it. Are they complicit in murder?

Under the President's narrow moral logic—I hate to call it logic—under the President's narrow moral view, any man or woman who allows their embryos to be discarded, something that happens every single day all over the country, is authorizing murder. Why is the President standing idly by? Why isn't he putting all these men and women in jail? I would have to warn him, though, there are over 50,000 babies born every year to couples via IVF. We are going to have to build a lot of jails if you are going to throw them all in jail for murder.

As I have said, the President's veto is cruel for dashing the hopes of millions of Americans who suffer. It is hypocritical, as I pointed out here, because the President says it is OK in one moment but it is not OK here.

I want to point out another thing the President gave misinformation about today. He said today that there were 22 lines, stem cell lines for research—from here on this chart. That is OK, you understand. That is morally OK because, according to the President, it was before 9 p.m. of August 9. I still don't understand that, but somehow that is morally OK. What he didn't tell you is that when he made this decision at 9 p.m. on August 9, at that time he said there were 78 lines. Now he says there are 22.

There is one other thing the President didn't say today and we all know is a scientific fact: Every single one of those stem cell lines is contaminated because they were all grown in Petri dishes with mouse cells to energize them and grow them—so they are all contaminated. They will not be used for human therapies. Many of those stem cell lines are sick. They are not viable. He didn't tell you that, either, did he? He didn't tell you that they are all contaminated with mouse cells. He didn't say that.

As I have said, it is cruel, it is hypocritical, and his veto today shows a shocking contempt for science, a disdain for science. I don't know who the President's science teachers were when he was in school, but I will bet none of them are bragging about it.

The President's political adviser, Karl Rove, told the Denver Post last week that researchers have found ''far more promise from adult stem cells than from embryonic stem cells.'' I hate to disagree with such a renowned biomedical expert as Karl Rove but, frankly, he does not know what he is talking about and his statement is absolutely, totally, irrevocably false.

Here is what Dr. Michael Clarke of Stanford University said about Mr. Rove's claim: It is ''just not true.'' I will take Dr. Clarke's word over Mr. Rove's any day of the week. Dr. Clarke is the director of the Stanford stem cell institute, and he published the first study showing how adult stem cells replicate themselves. So here is an authority on adult stem cells basically saying what Karl Rove said is just not true. Yet Karl Rove says it.

Dr. Stephen Teitelbaum also disagrees with Mr. Rove. Dr. Teitelbaum

is a professor of pathology at the Washington University School of Medicine in St. Louis, a former President of the Federation of American Societies for Experimental Biology. I spoke with him on the phone yesterday. He said something that struck me, and I wrote it down. He said if people want to disagree on moral grounds, that is fine. If people want to have a certain moral view of something, that is their right in our society. But they don't have the right to buttress their claims with misinformation and falsehoods. In other words, the President and Mr. Rove are entitled to their own moral opinions, whatever they may be. However narrow they may be, they are entitled to them. But they are not entitled to mislead the public with misinformation and falsehoods. And that is what the President did today. That is what the President did today.

The facts are that virtually every reputable scientist in this country believes in the promise of embryonic stem cell research to cure and treat diseases. It has the greatest potential to do so. By vetoing H.R. 810, the President is closing his heart and his mind to the facts, to the science, and to the strict ethical guidelines we put in the bill.

By his veto today, the President has put himself in some very illustrious company down through history, people such as Cardinal Roberto Bellarmino, who told Galileo that it was heresy for him to claim that the Earth went around the Sun. Religious teaching at that time said that the Earth was the center of the universe and everything revolved around the Earth. We forget that Galileo was sentenced to life in prison.

The President also puts himself in the company of people such as Pope Boniface VIII, who banned the practice of cadaver dissection in the 1200s, and for 300 years it was banned. There was no dissection of cadavers until finally someone came along who decided to do it and discovered all of the different ways the muscles work in the body. Of course, now we know that cadaver dissection from donated cadavers has led us to all kinds of medical breakthroughs and the understanding of how the human body works. But here was a Pope who said: No, you can't do it. Just like the President today—no, you can't do it. So the President can take his place alongside Pope Boniface VIII.

The President could also take his spot alongside people such as Rev. Edward Massey, who had this to say in 1722 in response to the new science of vaccination. Here is what Reverend Massey said:

> Diseases are sent by providence for the punishment of sin and a proposed attempt to prevent them is a diabolical operation.

Imagine how many millions of lives would have been lost if the Reverend Massey's ignorance had prevailed, if a President of the United States had said: You know, Reverend Massey is right, we are not going to permit vaccinations. Think of it. President Bush, take your place right alongside him.

I might add you don't even have to go back so far. The President has company in more recent times. Just a few decades ago, many religious people considered heart transplants to be immoral—heart transplants to be immoral. Others objected on moral grounds to the use of anesthesia during childbirth, saying that the Bible held that women were meant to suffer when delivering babies.

Many people opposed in vitro fertilization, one of those being Dr. Leon Kass. Guess what he was. He was the head of this President's Bioethics Council. Years ago, he opposed in vitro fertilization. Do you get the picture? And the President made him the head of his Bioethics Council.

I guess, Mr. President, you can take your place alongside Leon Kass, too. Tell all those wonderful families out there who have had babies through IVF, tell them that they were wrong, they should not have had them.

In all of these cases, we look back with a sense of astonishment that people could be so blinded by a narrow view of religion or ideology that they could stand in the way of scientific progress that has saved lives, eased pain and made life better for so many people.

Twenty or 30 years from now, history books will ask the same question about this President. People will wonder: How could he have objected to research that has led to so much good for so many people?

Maybe not in my lifetime—I don't know how long God will give me here on Earth. But maybe these young people's lifetimes here, the pages, maybe in their lifetime through the embryonic stem cell research that is being done in Great Britain, Korea, Singapore, and other places around the world where a number of scientists—because they are handcuffed to do that research here—will find a way of taking embryonic pluripotent stem cells and finding how they make nerve cells. And guess what. Just as they have done with rats—we have seen the films of rats with their spinal cords severed, taking embryonic stem cells from other rats and putting them into these rats and watching them walk again. As my departed friend Christopher Reeve, the first Superman, said after that, ''Oh, to be a rat.''

You all remember the tragedy of Christopher Reeve. He was paralyzed from the neck down. He fought so hard for embryonic stem cell research.

It has been said that we are 99 percent rat. I don't mean just us politicians. I mean humans. And politicians, maybe more. I don't know. But it is said of humans that we are basically 99 percent the same DNA as a rat. We can do it for rats. It is not hard to think that the same thing can be done for humans.

It is going to happen in their lifetimes—the lifetimes of these young people here today. Somewhere, in Great Britain, somewhere, they can do this research and we will find out how to take these cells—people like my nephew Kelly who hasn't walked for 27 years because of a spinal cord injury—and make it possible for people like him to walk again.

People will say, What was this President thinking? Like Pope Boniface VIII, like Cardinal Bellarmino, like Reverend Massey—how could the President have objected to this ethical good research that has led to so much good for so many people?

Let's be clear. Nothing could be more pro-life than signing this bill into law.

We all know people—friends or family members—with ALS or Parkinson's or juvenile diabetes or a spinal cord injury. What could be more pro-life than using the scientific tools that God has given us to help heal them?

White House spokesperson Tony Snow said yesterday, ''The President is not going to get on the slippery slope of taking something that is living and making it dead for the purpose of research.''

Again, I want to emphasize a couple of things. We carefully crafted H.R. 810 to impose strict ethical standards on embryonic stem cell research. This bill would not allow Federal funds to be used to create or destroy human embryos. The only embryos we are talking about are those already slated for destruction in the clinics. It is right there in the bill. Let me read it:

> Prior to the consideration of embryo donation and through consultation with the individuals seeking fertility treatment, it was determined that the embryos would never be implanted in a woman and would otherwise be discarded.

It is right there in the bill.

All we are saying is, instead of discarding some 400,000 embryos that are currently sitting frozen in storage, let us use some of them—as long as the donors give written informed consent—to help people who are suffering from diseases. I think it is this choice that is truly respectful of human life.

Besides, the stem cells that come from those embryos don't die. That is the amazing thing about stem cells. They keep reproducing themselves. They just keep reproducing themselves. They will be more alive when used as treatment in research than if they were washed down a drain or sit in storage for another hundred years.

Think about that. They talk about destroying these embryos. If you take an embryo from an IVF clinic and destroy it, wash it down the drain, that is the end of it. That really does destroy the embryo. That does kill it. That ends it.

But if you take that embryo and take the stem cells out—talking about a blastocyst which has about 100 or 200 cells—take some of those cells out, those cells live. They are alive. They do not die. They live. They grow. They became tissue, nerve tissue, bone tissue, or maybe they became other

things that we can use to help cure disease. They live. It seems to me that it is the pro-life position. Using research to improve people's lives is a true pro-life position.

Once again, the President has staked out an extreme ideological position—a position that flies in the face of science and common sense. He refuses to listen to any other point of view, including the pleas of Nancy Reagan, Republican supporters of the bill, scientists all over America, and people at NIH.

I was told that some Republican supporters of this bill requested an opportunity to talk with the President, and they were turned down. He didn't even want to talk to them.

As I have said, President Bush's veto is cruel, hypocritical, and absolutely disdainful of science. But I guess most of all, it is just sad. It is just sad.

On Monday and Tuesday, we had a great debate. On Tuesday we had a great bipartisan vote, 63 Senators, Republicans, Democrats, liberals, conservatives, pro-life, pro-choice, all came together to support life-saving research. That was also supported by more than 70 percent of Americans. It was a huge debate for millions of Americans suffering from disease and paralysis who might be cured by this life-saving research.

After the vote, I went upstairs. There was a young woman in a wheelchair. She must have been upstairs watching the vote. I didn't ask her name. She was using a wheelchair, and she said, ''Thank you—thank you for giving me hope.''

Today, the President slammed the door. He took that hope away. How sad. How sad.

The President insists that he knows better than the American people; he knows better than all of the scientists; he knows better than all the directors at the National Institutes of Health; he knows better than 63 Senators; he knows better than the majority of the House.

So with one arrogant stroke of his pen, he dashed the bill, dashed the hopes of millions of Americans. He vetoed the hopes. It wasn't just a veto of the bill. He vetoed the hopes of millions of Americans living with Parkinson's, ALS, juvenile diabetes, and spinal cord injuries.

Where is the President's compassion? How dare the President refer to himself as a compassionate conservative.

I don't think you can get much more conservative than Senator ORRIN HATCH, Senator SMITH, Senator LOTT, and a number of Senators here. I named them because they are cosponsors of the bill. You don't get much more conservative than that. Can you get much more conservative than Nancy Reagan? I don't think so. They were compassionate. They were truly compassionate.

My message to my nephew Kelly who waited 27 years, my message to millions of others whose hopes were raised this week and then sadly crushed today, my message is this: The President's veto is not the final word. It may be this year because to get the agreement to bring up the bill we had to agree that we wouldn't bring it up again this year. So it is over for this year. Perhaps next year, when Senator SPECTER and I will reintroduce this bill along with others in January, we will have more Senators here. We will have more Senators who represent the true wishes of the American people, who understand the necessity for moving ahead on stem cell research.

Maybe the voters this fall will speak about that. All those families who have someone with Parkinson's, Alzheimer's or juvenile diabetes, maybe they will say, Look, we need people in the Senate and in the House who will help us get over this veto.

The President's veto is not the final word. Science is on our side. Ethics is on our side. There is an election in November. It will be known where every candidate, where he or she stands on embryonic stem cell research. We will introduce it again in January. We will be back. We will not go away. And just perhaps we will have a few more Senators and a few more Members of the House who want to do the ethical, right thing, and help cure disease and suffering with the potential of embryonic stem cell research.

It is a sad day, a sad day, indeed. We will be back.

ORDER OF PROCEDURE

Mr. HARKIN. Mr. President, I ask unanimous consent that if the majority leader or his designee introduces a bill related to energy during Thursday's session, it be in order to move to proceed to that legislation on Friday.

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

Mr. HARKIN. I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m., Thursday, June 20, 2006.

Thereupon, the Senate, at 7:41 p.m., adjourned until Thursday, June 20, 2006, at 9:30 a.m.