

Federal entities covered by MSCP. Arizona and Nevada will each bear 25 percent of the non-Federal costs and California will bear 50 percent of the non-Federal costs.

Although implementation of the program began in April 2005 under the U.S. Department of the Interior's existing authority, legislation is needed to protect the substantial financial commitments that the non-Federal parties are making to species protection. To that end, the bill: 1. expressly authorizes appropriations to cover the Federal share of the program costs; 2. directs the Secretary of the Interior to manage and implement the MSCP in accordance with the underlying program documents; and 3. provides a waiver of sovereign immunity to allow the non-Federal parties to enforce, if necessary, the underlying program documents. The waiver, however, does not allow an action to be brought against the United States for money damages.

While some minor issues remain regarding the continuity of the program documents, we have every confidence that these issues will be resolved as the legislation progresses.

In summary, this bill will ensure the certainty of existing river water and power operations while at the same time conserving and helping the recovery of endangered species on the lower Colorado River. I urge my colleagues to support this legislation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4882. Mrs. FEINSTEIN (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

SA 4883. Mr. ALLEN (for himself, Mr. DURBIN, Mr. STEVENS, Mr. MENENDEZ, Ms. MIKULSKI, Mr. KENNEDY, Mr. BINGAMAN, Mr. OBAMA, Mr. KERRY, Mr. LAUTENBERG, Mr. TALENT, Mr. DEWINE, Mr. BYRD, Mr. SALAZAR, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 5631, *supra*.

SA 4884. Mr. DURBIN (for himself, Mr. MENENDEZ, Ms. MIKULSKI, Mr. KENNEDY, Mr. BINGAMAN, Mr. OBAMA, Mr. KERRY, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 5631, *supra*; which was ordered to lie on the table.

SA 4885. Mr. KENNEDY (for himself and Mr. REID) proposed an amendment to the bill H.R. 5631, *supra*.

SA 4886. Mr. FRIST (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill H.R. 5631, *supra*; which was ordered to lie on the table.

SA 4887. Mr. FRIST (for Ms. SNOWE) proposed an amendment to the bill S. 466, to deauthorize a certain portion of the project for navigation, Rockland Harbor, Maine.

SA 4888. Mr. FRIST (for Mr. JEFFORDS (for himself and Mr. OBAMA)) proposed an amendment to the bill S. 466, *supra*.

SA 4889. Mr. FRIST (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending

September 30, 2007, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4882. Mrs. FEINSTEIN (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of title VIII, add the following:
SEC. 8109. No funds appropriated or otherwise made available by this Act may be obligated or expended to acquire, utilize, sell, or transfer any cluster munition unless the rules of engagement applicable to the cluster munition ensure that the cluster munition will not be used in or near any concentrated population of civilians, whether permanent or temporary, including inhabited parts of cities or villages, camps or columns of refugees or evacuees, or camps or groups of nomads.

SA 4883. Mr. ALLEN (for himself, Mr. DURBIN, Mr. STEVENS, Mr. MENENDEZ, Ms. MIKULSKI, Mr. KENNEDY, Mr. BINGAMAN, Mr. OBAMA, Mr. KERRY, Mr. LAUTENBERG, Mr. TALENT, Mr. DEWINE, Mr. BYRD, Mr. SALAZAR, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of title VIII, add the following:
SEC. _____. Of the amount appropriated or otherwise made available by title VI under the heading "DEFENSE HEALTH PROGRAM", up to \$12,000,000 may be available for the Defense and Veterans Brain Injury Center.

SA 4884. Mr. DURBIN (for himself, Mr. MENENDEZ, Ms. MIKULSKI, Mr. KENNEDY, Mr. BINGAMAN, Mr. OBAMA, Mr. KERRY, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:
SEC. 8109. Of the amount appropriated or otherwise made available by title VI under the heading "DEFENSE HEALTH PROGRAM", \$19,000,000 shall be available for the Defense and Veterans Brain Injury Center (DVBIC).

SA 4885. Mr. KENNEDY (for himself and Mr. REID) proposed an amendment to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 235, between lines 2 and 3, insert the following:

(E) A determination by the Secretary of Defense, in consultation with the Secretary of State, as to whether there is a civil war in Iraq.

(F) A description of the criteria underlying the determination in subparagraph (E) of the Secretary of Defense, in consultation with the Secretary of State, as to whether there is a civil war in Iraq, including—

(1) an assessment of levels of sectarian violence and an estimate of civilian casualties as a result of sectarian violence;

(ii) the numbers of civilians displaced;
(iii) the degree to which government security forces (including the army, police, and special forces) exercise effective control over major urban areas;

(iv) the extent to which militias are providing security;

(v) the extent to which militias have organized or conducted hostile actions against the United States Armed Forces and Iraqi security forces;

(vi) the extent to which the Government of Iraq has developed and is implementing a credible plan to disarm, demobilize, and reintegrate militias into government security forces; and

(vii) the extent to which the Government of Iraq has obtained a credible commitment from the political parties to disarm and disband the militias.

(G) If the Secretary of Defense, in consultation with the Secretary of State, determines pursuant to subparagraph (E) that there is not a civil war in Iraq, the following information (in unclassified format):

(i) A description of the efforts by the United States Government to help avoid civil war in Iraq.

(ii) The strategy of the United States Government to protect the United States Armed Forces in the event of civil war in Iraq.

(iii) The strategy of the United States Government to ensure that the United States Armed Forces will not take sides in the event of civil war in Iraq.

(iv) The progress being made by the Government of Iraq in disarming or demobilizing militias or reintegrating militias into government security forces.

(H) If the Secretary of Defense, in consultation with the Secretary of State, determines pursuant to subparagraph (E) that there is a civil war in Iraq, the following information (in unclassified format):

(i) A statement of the mission and duration of United States Armed Forces in Iraq.

(ii) The strategy of the United States Government to protect the United States Armed Forces while they remain in Iraq.

(iii) The strategy of the United States Government to ensure that the United States Armed Forces will not take sides in the civil war.

SA 4886. Mr. FRIST (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:
SEC. 8109. (a) No funds made available for fiscal year 2006 may be made available to implement any decision of the Army Contract Adjustment Board the funding for which is approved between August 1, 2006, and the adjournment sine die of the 109th Congress.

(b) The total amount of funds made available to implement decisions of the Army Contract Adjustment Board described under subsection (a) may be up to, but may not exceed, \$97,000,000.

SA 4887. Mr. FRIST (for Ms. SNOWE) proposed an amendment to the bill S. 466, to deauthorize a certain portion of the project for navigation, Rockland Harbor, Maine; as follows:

At the end, add the following:

SEC. 2. REDESIGNATION OF PROJECT FOR NAVIGATION, SACO RIVER, MAINE.

The portion of the project for navigation, Saco River, Maine, authorized under section 107 of the River and Harbor Act of 1960 (33