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Senate

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

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rev. Paul Rowold of Good Shepherd Lutheran Church in Polson, MT.

PRAYER

The guest Chaplain offered the following prayer:

We pray.

You call us, O Lord our God, to respond today to Your saving actions throughout history. In Micah 6, You call us to justice and humility and loving kindness. In Matthew 23, You call us again to justice and mercy and faith. Move within us, encouraging us to boldly live for the sake of others.

Give to our leaders the courage of those who do justice, the humility of those who value faith, the honesty of those who have received mercy, and the joy of those who show love. This is Your call to all true leaders.

Give to our Nation compassionate strength, faithful perseverance, and open ears and eyes and hearts, ready to respond to Your call.

Let Your wisdom guide us and Your hope fill us with new resolve and Your love send us to all who look to us for lasting justice, humble mercy, and bold faith.

You call us, O Lord our God, to respond today to Your saving actions in our lives, our Nation, and Your world. Move within us all, that we may answer Your call.

In Your mighty Name, we pray. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 10, 2007.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

Mr. REID. Mr. President, I yield to the Senator from Montana.

The ACTING PRESIDENT pro tempore. The senior Senator from Montana is recognized.

THANKING THE GUEST CHAPLAIN

Mr. BAUCUS. Mr. President, I wish to take a moment to thank Rev. Paul Rowold, pastor of Good Shepherd Lutheran Church in Polson, MT.

The prophet Isaiah wrote:

The Lord has given me the tongue of a teacher, that I may know how to sustain the weary with a word.

Thank you, Pastor Paul, for being here to sustain us today and opening our Senate in prayer.

Pastor Paul served Lutheran congregations in several other places in the country—Rockford, IL, and Englewood, CO—prior to his call to Polson, MT, in 1977.

Polson—for those of you who don't know, and I am sure more of you do—is a small community on the Flathead Indian Reservation in Montana. It sits at the south end of Flathead Lake, one of the largest natural freshwater—actually, to be precise, we have to get our adjectives lined up here—Flathead is the largest freshwater lake west of the Mississippi and, I might say, near some of the most pristine wilderness on the planet.

Pastor Paul is an expert on the Holy Land, and he has traveled there more than 20 times, both as an archaeologist and as a tour guide. We were just earlier talking about his experience as a tour guide and just how wonderfully warm he and his family have been received as tour guides when they have been in Palestine. It was very warm and encouraging just listening to him describe that.

He is here today with his wife Donna and two of his daughters, Katie and Stephanie, as well as with many of his extended family. They are all enjoying this moment with Pastor Paul, and we welcome all of you here today, too.

So, Paul, thank you for your life of faith, your leadership of the Good Shepherd Lutheran Church, and for your service to the community of Polson, MT, and to many others who I know attend your church.

Thank you very much.

The PRESIDING OFFICER (Mr. CASEY). The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I have not had an opportunity to speak to the distinguished Republican leader about this, but I ask unanimous consent that the vote, rather than starting at 9:45, start at 9:55 a.m. This will still allow those who are attending hearings to get there immediately after casting their vote.

The PRESIDING OFFICER. Is there objection?

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

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Without objection, it is so ordered.

Mr. REID. Mr. President, I ask consent that all other elements of the previous order remain in effect.

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

Mr. REID. Mr. President, the effect of this consent agreement is that the rollcall vote will occur at 9:55. We will proceed then to the water resources bill. Since this is a very bipartisan bill, I hope cloture is invoked on the motion and shortly thereafter we can proceed to the bill so the managers, Senators BOXER and INHOFE, can work toward completing that action.

MEASURES PLACED ON THE CALENDAR—S. 1348 AND H.R. 2080

Mr. REID. Mr. President, I understand there are two bills at the desk due for a second reading.

The PRESIDING OFFICER. Without objection, the clerk will report the bills en bloc for the second time.

The legislative clerk read as follows:

A bill (S. 1348) to provide for comprehensive immigration reform and for other purposes.

A bill (H.R. 2080) to amend the District of Columbia Home Rule Act to conform the District charter to revisions made by the Council of the District of Columbia relating to public education.

Mr. REID. Mr. President, I object to any further proceedings on these matters.

The PRESIDING OFFICER. Objection is heard.

The bills will be placed on the calendar en bloc.

JUDICIAL NOMINEES

Mr. REID. Mr. President, I am concerned about comments made by a Republican Senator yesterday suggesting that I have made a commitment that the Senate will confirm a specific number of judges in this Congress.

Senator MCCONNELL and I have a lot of private conversations on a lot of different subjects. Senator MCCONNELL has told me that the number of judges confirmed and the way judges are handled in this Congress is very important to him. If that, in fact, is the case, that it is important to him, it is important to me, and I have told him that.

The only way this Senate is going to run well is if the Republican leader and the Democratic leader have an understanding as to how things should proceed. There are certain things I feel strongly about. He knows what they are. I feel that he understands how I feel about those things. And I think the converse is true: If I think something is important, he thinks it is important.

I reiterate, he believes the way judges are handled in this Congress is important to him. It is important to me. It is important to both of us for a number of reasons.

He and I are both lawyers, and we both revere the Federal judiciary. We have worked with present members of the Supreme Court to work on increasing their pay. We have worked with them on a number of issues that are important to the administration of justice in this country. The Federal judiciary, really, is the third branch of our Federal Government, and it is entitled to great respect.

Senator MCCONNELL and I believe that the process for considering judicial nominees has become too partisan over the years. The way the Republican-controlled Senate treated President Clinton's judicial nominees was wrong. And, of course, Republicans have their grievances about the way Republican nominees have been handled. We could weigh them and say: You treated us worse than we treated you, and vice versa, but that does not solve the problem. In this regard, there is no need we look back to yesterday. We should focus on today and tomorrow, and that is what I intend to do.

I do agree, without any reservation, with Senator MCCONNELL that we should work to improve the confirmation process for a number of reasons, part of which is selfish; that is, I understand how the Senate works. Everyone is contemplating the election a year from this November. We are going to have a new President. It may be a Democrat, it may be a Republican. Those elections may tilt the balance of this Senate so that Democrats have more than just the one-vote majority we have now. But, Mr. President, I have been around here a long time. You never know what is going to happen in an election. We may find ourselves in the minority.

So I think one reason we should put all this stuff behind us is we want to handle the judges the same way, no matter who is President or who is in control of the Senate. The House has nothing to do with judges as far as confirmation.

I told Senator MCCONNELL we would work hard to process judicial nominees in due course and in good faith, and I will continue to do that. To Senator MCCONNELL, due course would mean 15 to 17 circuit court confirmations in this Congress because that is the historical average for Presidents during the last 2 years a President is in office. I cannot commit to a specific number. We should measure quality, not quantity. There is no reason we cannot confirm 15 nominees if, in fact, they are seen to be, on both sides, mainstream, capable, experienced nominees who are the product of bipartisan cooperation. But we should not confirm nominees who are out of the mainstream, who are unacceptable, for example, to home State senators.

Now, I say, Mr. President, I think we started off this year in a good light. The President decided not to resubmit names he knew were problematic, and I say publicly, as I have said to Senator MCCONNELL privately, that showed good faith. I appreciate that.

We have confirmed three circuit court nominees in this Congress, including Debra Livingston of New York yesterday. There is a hearing for Judge Southwick that starts in 20 minutes. He is from Mississippi. That has been a seat which has been very difficult to fill. We have been through at least two nominees that I know of. I would hope this hearing goes well.

I will continue to work in good faith. We presently have pending two judges on the appellate level. We have a number of district court judges, but we will focus today on circuit court judges—Mississippi, Southwick, whom I just talked about, and one who was sent up late last month from Texas. We are going to make sure we work to move these as quickly as possible. But I do not have a specific numerical goal, other than the outline the Republican leader has given. The Senate should fulfill its constitutional duty with care and confirm nominees who deserve a lifetime appointment to the Federal bench.

Finally, let me say something about the two who are responsible for this Judiciary Committee, Senators LEAHY and SPECTER. It is no secret—it has already been written about—that Senator LEAHY and Senator HATCH, when they were running this committee, had a difficult relationship. It did not work out well. It has also been written about—and very clear—that the relationship between Senator SPECTER and Senator LEAHY is one of respect. They have done a lot of work together, good work together, and they get along extremely well, including with their work on judges.

I do not want the situation on the floor today to show any disrespect to the two men running that committee, LEAHY and SPECTER. They are doing the best they can. But I would hope that—in the Senate, PAT LEAHY has been here a lot longer than I have. He has a distinguished career—the only Democratic Senator ever elected from the State of Vermont. He had a distinguished career as a prosecutor before he came here. He has a wonderful family. I care a great deal about him, and I have worked very closely with him over these many years, trying to help when I could with the work he has in the Judiciary Committee. And I will continue to do that. So I can only say positive things about Senator LEAHY and Senator SPECTER as a result of what they are doing in that committee.

I do want the record to reflect that—maybe it was a misunderstanding of one of the Senators on the other side of the aisle to say I was not living up to my word in not moving forward on judges. At least that is what I was told he said. If that is the case, I am sure he did not understand all the facts. The record should be very clear that I am going to do everything I can as the majority leader, working with Senator LEAHY, to move these judges as quickly as we can. If, in fact, there are problems that arise during the confirmation process, I cannot make myself the Committee of the Judiciary. I am only

one Senator. I am not a member of that committee. That will be up to Senators LEAHY and SPECTER to run as they see fit and to bring the nominations forward. I will do what I can, working with Senator LEAHY, to expedite the judicial process, but I do not want to interfere with their work other than to say what I have said. I hope people understand the relationship Senator MCCONNELL and I have as to how the Senate runs is extremely important. There are times, I can tell my colleagues without any reservation, when I wish I were the Speaker of the House. The Speaker of the House doesn't have to worry about the minority; they run over everybody. That is the way it is set up. But here, the Founding Fathers those many years ago when they came up with this unique experiment called the Congress, a bicameral legislature, these wise men set up this situation so that one House, if you are in control—if one party is in control, they can do anything they want, and in the other House—the Senate—if one party is in control, they can do some things they want but not everything, because the minority has tremendous power in the Senate. I know. I have been in the minority quite a bit.

So I want the RECORD to reflect I will continue to work with Senator MCCONNELL to move these judges as quickly as we can, and I hope this statement reflects my position on judges. I will do my very best, and if any problems arise regarding judges and people don't understand my position, if I haven't explained it clearly enough today, I will try to do so again if any questions arise.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

JUDICIAL NOMINEES

Mr. MCCONNELL. Mr. President, seeing the occupant of the Chair and realizing he is new to the Senate and learning the process here, I think the majority leader had it right. One thing that is important for everyone to remember is that in the Senate, if you are here for a while, sooner or later the shoe is on the other foot. The position you are in today is the position your adversary may be in very soon in the future. So the precedents we set in the Senate are extremely important.

The majority leader and I, as he indicated this morning, talked about this issue at the beginning of the session and we agreed that the process of confirming circuit court judges had become entirely too contentious, and it was largely a waste of time to try to cast blame as to who was most at fault in that situation developing. To the maximum extent possible, we agreed we wanted to have a clean, fresh start that would honor the traditions of the Senate.

A good way to look at it is to look at the last three Presidents. Each of them in the last 2 years of their tenure in office had a Senate controlled by the opposition party. So the question is, how did the opposition party in the Senate treat the President on circuit court nominees? Looking at the statistics, President Bush, 41; President Clinton and President Bush, 43; and we will see how he comes out, President Bush, President Clinton, and President Reagan, there were an average of 17 circuit court judges confirmed in similar situations.

The majority leader, in one of our discussions on the floor back in February, said:

> This is not our last circuit court judge, but the first of a significant number who can at least meet the standards of Congresses similarly situated as ours.

That was an accurate public reflection by the majority leader back in February of the numerous conversations he and I have had, both publicly and privately, about the standard we ought to achieve here in this Congress. I think that is a standard that can still be met. Three circuit judges have been confirmed this year—a little slower process than frankly I had thought, particularly since we are in the early part of the Congress where presumably it would be more easily done than later. The majority leader was entirely correct, and I commend him, for referring to the gesture the President made at the beginning of this Congress about not resubmitting four or five highly contentious nominees that it is clear the new Democratic majority, as well as the Democratic minority in the past, did not want to see confirmed. The President took those off the table, sent up new nominees, and most of them are completely without controversy. One of them will have a hearing beginning at 10 o'clock this morning, and how that turns out and how that individual is treated will tell us a lot about where we are going to be able to go from here to achieve the standard the majority leader referred to that he and I wish to meet for this Congress.

I thank my friend from Nevada for his observations. I agree with them. I think they accurately reflect our mutual desire here to have this Congress do no worse than the last three Congresses—this Senate—in the last 2 years with Presidents of the opposite party. It is a standard that can be met. It is a standard that should be met.

One day, in spite of the best efforts of people like myself, there will be a Democratic President. One of the things we know around here is that precedents established and lessons learned are hard to undo. So I say to our good friends on the other side, heed the advice of the majority leader. It is in your best interests for us to have a less contentious and more successful treatment of circuit judges during this Congress.

Mr. President, I yield the floor.

ORDER OF PROCEDURE

Mr. REID. Mr. President, how much time is left prior to the vote?

The PRESIDING OFFICER. There is 5 minutes remaining prior to the vote.

Mr. REID. I ask that the time be divided equally between Senators BOXER and INHOFE, and that the vote occur immediately after their statements.

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

WATER RESOURCES DEVELOPMENT ACT OF 2007—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 1495, which the clerk will report.

The legislative clerk read as follows:

> Motion to proceed to the bill (H.R. 1495) 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.

The PRESIDING OFFICER. Under the previous order, the time until 9:55 a.m. shall be equally divided and controlled between the chair and the ranking member of the Environmental and Public Works Committee.

Mrs. BOXER. Mr. President, Senator INHOFE and I wish to be heard for 3 minutes each, if we could have the vote at the end of that. We ask unanimous consent to please accommodate us so we would have the vote 6 minutes from now and divide the time for 3 minutes each.

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

Mrs. BOXER. Mr. President, will you tell me when my 3 minutes has expired so I can then yield the remainder to my friend?

The PRESIDING OFFICER. The Senator will be informed.

Mrs. BOXER. Mr. President, around here we have a lot of tough issues. We have a lot of disagreements. We try to work together. I have to say on this bill, this Water Resources Development Act, we have a bill that is the product of major bipartisan cooperation. Senator INHOFE and I are very proud of the work that has been done on both sides of the aisle. We have had tremendous help from our committee. The chair and ranking member of the subcommittee that oversees this, Chairman BAUCUS and Ranking Member ISAKSON, have been extraordinarily helpful, and all colleagues have as well.

It is rare to have a bill that is supported by the National Association of Manufacturers and the Laborers Union, the American Farm Bureau and the Carpenters Union, the National Waterways Conference, the Associated General Contractors, and the Operating

Engineers. So we are here today to tell the Senate that this bill is a win-win for everyone in this country. We urge our colleagues who have amendments to consider them carefully, because we have worked so hard to balance this bill. It is a delicate balance. I know I have colleagues on my side who have ideas that I support, but I have an agreement, as does Senator BAUCUS, as do Senator ISAKSON and Senator INHOFE, that we will oppose all amendments that are not unanimously agreed to by the four of us in order to keep the balance in this bill. If we have amendments all four of us can agree to, they will be placed in a managers' package.

We want colleagues to please come to this floor as soon as possible with their amendments so we can see how we can dispose of them. Even though we will probably not be voting tomorrow or Monday, we will be working here on this bill.

This bill makes a huge commitment to the people of Louisiana. It puts Louisiana's coast on a category 5 protection path. It is fiscally responsible.

At this time I ask unanimous consent to do something very important, which is to have printed in the RECORD the CBO cost estimate associated with the substitute text that will be considered by the Senate.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 8, 2007.

Hon. BARBARA BOXER,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN: As you requested, CBO has reviewed a proposed amendment in the nature of a substitute to S. 1248, the Water Resources Development Act of 2007, as ordered reported by the Senate Committee on Environment and Public Works on March 29, 2007. The amendment was provided to CBO by your office on May 7, 2007. Based on a preliminary review of the amendment, CBO estimates that implementing S. 1248 with the proposed amendment would increase discretionary outlays by $7.1 billion over the 2008–2012 period and by an additional $6.8 billion over the 10 years after 2012, assuming appropriation of the necessary sums. In addition, CBO estimates that enacting the bill with the proposed amendment would increase direct spending by $6 million in 2008, by $4 million over the 2008–2012 period, and by $5 million over the 2008–2017 period. Enacting the bill would not affect federal revenues.

The bill with the proposed amendment contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). Federal participation in the levee safety program and in water resource projects and programs authorized by this bill would benefit state, local, and tribal governments. Any costs incurred by those governments to comply with the conditions of this federal assistance would be incurred voluntarily.

Based on a preliminary review of the bill, CBO found no new private-sector mandates as defined in UMRA.

The estimated budgetary impact of the legislation with the proposed amendment is shown in the following table.

	By fiscal year, in millions of dollars—				
	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated authorization level	1,649	1,725	1,648	1,571	1,454
Estimated outlays	909	1,448	1,651	1,599	1,501
CHANGES IN DIRECT SPENDING.[1]					
Estimated budget authority	6	−2	*	*	*
Estimated outlays	6	−2	*	*	*

NOTE: * = less than $500,000.
[1] Annual changes in direct spending after 2012 would sum to less than $500,000 a year.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Tyler Kruzich.

Sincerely,

PETER R. ORSZAG,
Director.

WATER RESOURCES DEVELOPMENT ACT OF 2007

Summary: The Water Resources Development Act of 2007 would authorize the Army Corps of Engineers (Corps) to conduct water resource studies and undertake specified projects and programs for flood control, inland navigation, shoreline protection, and environmental restoration. The bill would authorize the agency to conduct studies on water resource needs, to complete feasibility studies for specified projects, and to convey ownership of certain federal properties. Finally, the bill would extend, terminate, or modify existing authorizations for various water projects and would authorize new programs to develop water resources and protect the environment.

Assuming appropriation of the necessary amounts, including adjustments for increases in anticipated inflation, CBO estimates that implementing the legislation would cost about $5.5 billion over the 2008–2012 period and an additional $26 billion over the 10 years after 2012. In particular, section 1003(0) would effectively authorize the Corps to construct projects in southern Louisiana to protect the region from a hurricane storm surge that results from a category 5 hurricane. Cost estimates to provide that level of protection in the New Orleans region are not available. However, based on the anticipated cost of flood protection projects envisioned for this region, CBO expects that additional flood protection efforts would cost at least $15 billion during the decade following 2012 and perhaps much more. (Some construction costs and operations and maintenance would continue or commence after those first 15 years.)

The bill would convey parcels of land to various nonfederal entities and would forgive the obligation of some local government agencies to pay certain project costs. The bill also would allow the Corps to collect and spend fees charged for training courses offered by the Corps and for processing certain permits issued by the Corps. CBO estimates that enacting those provisions would increase net direct spending by $6 million in 2008, by $4 million over the 2008–2012 period, and by $5 million over the 2008–2017 period. Enacting the bill would not affect revenues.

The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Federal participation in the levee safety program and in water resource projects and programs authorized by this bill would benefit state, local, and tribal governments. Any costs incurred by those governments to comply with the conditions of this federal assistance would be incurred voluntarily.

Estimated cost to the Federal Government: The estimated budgetary impact of the legislation is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated authorization level	1,224	1,350	1,265	1,209	1,197
Estimated outlays	674	1,112	1,272	1,233	1,197
CHANGES IN DIRECT SPENDING:[1]					
Estimated budget authority	6	−2	*	*	*
Estimated outlays	6	−2	*	*	*

Note: * = less than $500,000.
[1] Annual changes in direct spending after 2012 would sum to less than $500,000 a year.

Basis of estimate: For this estimate, CBO assumes that the bill will be enacted before the start of fiscal year 2008 and that the necessary amounts will be appropriated for each fiscal year.

SPENDING SUBJECT TO APPROPRIATION

The bill would authorize new projects related to environmental restoration, shoreline protection, and navigation. It also would modify many existing Corps projects and programs by increasing the amounts authorized to be appropriated to construct or maintain them or by increasing the federal share of project costs. Assuming appropriation of the necessary funds, CBO estimates that implementing the bill would cost $5.5 billion over the 2008–2012 period and an additional $26 billion over the 10 years after 2012, including at least $15 billion that would be authorized by section 1003(0).

For newly authorized water projects specified in the bill, the Corps provided CBO with estimates of the annual budget authority needed to meet project design and construction schedules. CBO adjusted those estimates to reflect the impact of anticipated inflation during the time between project authorization and the appropriation of construction costs. Estimated outlays are based on historical spending rates for Corps projects.

Significant New Authorizations. The legislation would authorize the Corps to conduct water resource studies and undertake specified projects and programs for flood control, inland navigation, shoreline protection, and environmental restoration. For example, the bill would authorize the construction of enhanced navigation improvements for the Upper Mississippi River at an estimated federal cost of $1.8 billion and an ecosystem restoration project, also on the Upper Mississippi River, at an estimated federal cost of $1.6 billion. Another large project that would be authorized by this bill is the Indian River Lagoon project in the Florida Everglades at an estimated federal cost of $683 million. Construction of those projects would likely take more than 15 years.

Hurricane Damage. Several provisions in title I would authorize coastal restoration projects and water control infrastructure in Louisiana that are needed to correct hurricane damage. For example, the Morganza to the Gulf of Mexico Hurricane Protection Project would seek to reduce hurricane and flood damages across 1,700 square miles of coastal Louisiana at an estimated federal cost of $576 million. Other projects would improve flood protection infrastructure within New Orleans and its vicinity. The cost of those provisions would approach $2 billion. CBO expects that most of those projects would be built over the next five to 10 years. Improvements resulting from the completion of those projects could reduce the costs of damages from future storms and the amount of federal funds needed for recovery from such events.

Section 1003(o) of the bill would authorize the Secretary to construct projects in southern Louisiana that would provide protection

for a storm surge equivalent to a category 5 hurricane (or a 500-year storm, which is a storm that has a 1-in-500 chance of hitting the city in any given year) if the Senate Committee on Environment and Public Works and the House Committee on Transportation and Infrastructure each pass a resolution approving those projects.

Very preliminary cost estimates from Corps officials indicate that the cost of protecting New Orleans from a hurricane storm surge that has a 1-in-100 chance of flooding the city in any given year could reach a total of $15 billion. No preliminary cost estimates are available for the resources that would be needed to protect southern Louisiana from the storm surge that would result from a category 5 hurricane. CBO estimates that at least $15 billion would be needed to provide storm-surge protection under section 1003(o) from much more severe storms.

Federal Share of Project Costs. Most projects undertaken by the Corps are required to have a specific portion of costs covered by local interests, and the remaining costs are considered the federal share of the total project cost. Section 2001 would allow local interests that have provided in-kind contributions for the construction of water resources projects to have the value of such contributions credited toward the local share of the total construction cost of such projects. Under the bill, the Corps would be authorized to credit in-kind contributions of local participants on projects. Based on information from the Corps, CBO expects that any credit toward in-kind contributions would not significantly affect the federal share of total project costs.

Deauthorizations. The bill would withdraw the authority for the Corps to build more than 50 projects authorized in previous legislation. Based on information from the Corps, however, CBO does not expect that the agency would begin any significant work under current law for most of those projects during the next five years (or longer). Some of those projects do not have a local sponsor to pay nonfederal costs, others do not pass certain tests for economic viability, and still others do not pass certain tests for environmental protection. Consequently, CBO estimates that cancelling the authority to build those projects would provide no significant savings over the next several years.

DIRECT SPENDING

CBO estimates that enacting the legislation would increase net direct spending by $6 million in 2008, by $4 million over the 2008–2012 period, and by $5 million total over the 2008–2017 period. Components of this estimate are described below.

Various Land Conveyances. The bill would authorize the conveyance at fair market value of 650 acres of federal land at the Richard B. Russell Lake in South Carolina to the state. The bill also would authorize the conveyance at fair market value of 900 acres of federal land located in Grayson County, Texas, to the town of Denison, Texas. Based on information from the Corps, CBO estimates that the federal government would receive about $3 million in each of 2008 and 2009 from those sales.

The bill also would convey certain federal land in Arkansas, Missouri, Georgia, Kansas, and Oregon. CBO estimates that those conveyances would have no significant impact on the federal budget.

Arcadia Lake, Oklahoma. Section 3078 would eliminate the obligation of the city of Edmond, Oklahoma, to pay outstanding interest due on its water storage contract with the Corps. CBO estimates that this provision would result in a loss of receipts of about $9 million in 2008. The city has no further obligations to pay the federal government under this storage contract after 2008.

Waurika Lake Project. Section 3082 would eliminate the obligation of the Waurika Project Master Conservancy District in Oklahoma to pay its outstanding debt related to the construction of a water conveyance project. Because of an accounting error, the Corps inadvertently undercharged the district for costs associated with a land purchase related to the water project in the early 1980s. Under terms of the construction contract, the district is required to pay all costs associated with building the project, including the full cost of the land purchases. The section would eliminate the requirement for the district to pay the difference between the full cost of the property and the initial (undercharged) amounts. CBO estimates that enacting this section would cost less than $200,000 a year over the 2008–2017 period.

Fees for Training and Processing Permits. Title II would allow the Corps to accept and spend fees collected in conjunction with its training courses. Title II also would make permanent the Corps' current authority to accept and spend funds contributed by private firms to expedite the evaluation of permit applications submitted to the Corps. CBO estimates that the Corps would collect and spend less than $500,000 during each year under those provisions and that the net budgetary impact would be negligible.

Intergovernmental and private-sector impact: The legislation contains no intergovernmental or private-sector mandates as defined in UMRA. Grant funds authorized in the bill would benefit state governments that participate in a national program to improve levee safety. State, local, and tribal governments also would benefit from water resource projects and other programs authorized in the bill. Governments that choose to participate in those programs and projects would incur costs to comply with the conditions of the federal assistance, including cost-sharing requirements, but such costs would be incurred voluntarily. In addition, some state and local governments participating in ongoing water resources projects would benefit from provisions in the bill that would alter existing cost-sharing obligations. Many of those provisions would make it easier for non federal participants to meet their obligations by giving them credit for expenses they have already incurred or by expanding the types of expenditures counted towards the nonfederal share.

Previous CBO estimate: On March 29, 2007, CBO transmitted a cost estimate for H.R. 1495, the Water Resources Development Act of 2007, as ordered reported by the House Committee on Transportation and Infrastructure on March 15, 2007. Assuming appropriation of the necessary amounts, CBO estimated that implementing H.R. 1495 would cost about $6.7 billion over the 2008–2012 period and an additional $6.5 billion over the 10 years after 2012. In addition, CBO estimated that enacting H.R. 1495 would decrease net direct spending by $6 million in 2008, $9 million over the 2008–2012 period, and $8 million over the 2008–2017 period. The differences in the cost estimates stem from different levels of authorized funding and from differences in direct spending provisions. In particular, the House bill does not contain the provision regarding Arcadia Lake, Oklahoma.

Estimate prepared by: Federal Costs: Tyler Kruzich; Impact on State, Local, and Tribal Governments: Lisa Ramirez-Branum; Impact on the Private Sector: Amy Petz.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

Mrs. BOXER. Mr. President, what we are very proud of, both Senator INHOFE and I, is that the CBO comes in with a cost estimate that is $13.9 billion, which is about $2 billion less than the House-passed bill.

So for all of those reasons, we urge a ''yes'' vote on this motion to proceed on this bill.

I yield the remaining time to my friend and colleague Senator INHOFE.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I thank the leader and the chairman of the committee. Let me make one comment which I think is very important. We had such a short period of time to talk before this, and I hope anyone who has any concern over this bill at least will go ahead on the motion to proceed.

Let me make one comment that surprises a lot of people. It is true I used to chair this committee before the Democrats took the majority, and now Senator BOXER is the chairman. Senator BOXER is a very proud liberal Democrat and I am a very proud conservative Republican. I think it is important for people to understand that, because there are areas where we agree. We understand we have a crisis in this country on infrastructure.

I have often said—and I am ranked No. 1 as the most conservative Member of the Senate—I feel we need to spend in areas of national defense and infrastructure, and this bill is the second most important infrastructure bill that is out there. We are far beyond the time we should have had this. It has been some 7 years since we have had an infrastructure bill.

Let me say to my conservative friends, it was misreported that this is going to be a $30.5 billion bill. It is less than half of that. It is less than the House has sent over. I can tell my colleagues this: If we don't pass this—this is not a spending bill; this is a reauthorization bill. This is not an appropriations bill. So if we don't do this, then it will be done without any guidelines. We followed guidelines. Perhaps they are not quite as good as they were a year ago, but still, they are guidelines in terms of what we will consider and what we won't. But if we don't pass this, then we will be doing it without any type of discipline at all. So I think it is very important that we agree to move on to the bill.

I yield my last minute to the Senator from Georgia, who is the ranking member of the subcommittee.

Mr. ISAKSON. Mr. President, I thank the ranking member and I commend the chairman on great work on this bill. I want to make one point. This is not a spending bill; this is an investment bill. It is an investment in safe drinking water. It is an investment in storm water management. It is an investment in flood control and water resources of the United States of America. It is fiscally responsible and it is accountable. We have worked together in an absolutely bipartisan way to accomplish that.

I encourage each of our Members to come and vote for the motion to proceed. If they have an amendment, bring it early, and let's go forward with the most important bill we may do in this session of the Congress of the United States.

I want to add to that it is bipartisan, it is fiscally responsible, and it is the first time we have reauthorized it in 7 years. It is long overdue and important for us to do it now.

Mrs. BOXER. Mr. President, even though the disclosure requirements of S. 1 have not been enacted, Senator INHOFE and I believe we should comply with the intent of that legislation, so I ask unanimous consent to have printed in the RECORD a listing of all the project-related provisions of the substitute text and the proponents of those provisions.

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

WATER RESOURCES DEVELOPMENT ACT OF 2007

Section 4003+A1												
Section 1001- Project Authorizations												
	HAINES HARBOR, ALASKA	Stevens	Murkowski									
	TANQUE VERDE CREEK, ARIZONA	Kyl										
	SALT RIVER (VA SHLYAY AKIMEL), MARICOPA COUNTY, ARIZONA	Kyl										
	MAY BRANCH, FORT SMITH, ARKANSAS	Lincoln	Pryor									
	HAMILTON CITY, CALIFORNIA	Boxer										
	IMPERIAL BEACH, CALIFORNIA	Boxer										
	MATILIJA DAM, VENTURA COUNTY, CALIFORNIA	Boxer										
	MIDDLE CREEK, LAKE COUNTY, CALIFORNIA	Boxer										
	NAPA RIVER SALT MARSH, CALIFORNIA	Boxer										
	SOUTH PLATTE RIVER, DENVER, COLORADO	Allard	Salazar									
	COMPREHENSIVE EVERGLADES RESTORATION PLAN, CENTRAL AND SOUTHERN FLORIDA	Nelson (FL)	Martinez									
	INDIAN RIVER LAGOON, SOUTH FLORIDA	Nelson (FL)	Martinez									
	MIAMI HARBOR, MIAMI, FLORIDA	Nelson (FL)	Martinez									
	PICAYUNE STRAND, FLORIDA	Nelson (FL)	Martinez									
	EAST ST. LOUIS AND VICINITY, ILLINOIS	Durbin	Obama									
	PEORIA RIVERFRONT, ILLINOIS	Durbin	Obama									
	WOOD RIVER LEVEE SYSTEM, ILLINOIS	Durbin	Obama									
	DES MOINES AND RACCOON RIVERS, DES MOINES, IOWA	Grassley	Harkin									
	BAYOU SORREL LOCK, LOUISIANA	Landrieu	Vitter									
	MORGANZA TO THE GULF OF MEXICO, LOUISIANA	Landrieu	Vitter									
	PORT OF IBERIA, LOUISIANA	Landrieu	Vitter									
	POPLAR ISLAND EXPANSION, MARYLAND	Mikulski	Cardin									
	SMITH ISLAND, MARYLAND	Mikulski	Cardin									
	ROSEAU RIVER, ROSEAU, MINNESOTA	Coleman	Klobuchar									
	MISSISSIPPI COASTAL IMPROVEMENT PROJECT, HANCOCK, HARRISON, AND JACKSON COUNTIES, MISSISSIPPI	Cochran	Lott									
	ARGENTINE, EAST BOTTOMS, FAIRFAX JERSEY CREEK, AND NORTH KANSAS LEVEES UNITS, MISSOURI RIVER AND TRIBUTARIES AT KANSAS CITIES, MISSOURI AND KANSAS	Bond	Brownback	Roberts	McCaskill							
	SWOPE PARK INDUSTRIAL AREA, MISSOURI	Bond	McCaskill									
	GREAT EGG HARBOR INLET TO TOWNSENDS INLET, NEW JERSEY	Lautenberg	Menendez									
	HUDSON-RARITAN ESTUARY, LIBERTY STATE PARK, NEW JERSEY	Lautenberg	Menendez									
	MANASQUAN TO BARNEGAT INLETS, NEW JERSEY	Lautenberg	Menendez									
	RARITAN BAY AND SANDY HOOK BAY, UNION BEACH, NEW JERSEY	Lautenberg	Menendez									
	SOUTH RIVER, NEW JERSEY	Lautenberg	Menendez									
	SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO	Domenici	Bingaman									
	MONTAUK POINT, NEW YORK	Clinton										
	HOCKING RIVER BASIN, MONDAY CREEK, OHIO	Voinovich										
	BLOOMSBURG, PENNSYLVANIA	Specter	Casey									
	PAWLEYS ISLAND, SOUTH CAROLINA	Graham										
	CORPUS CHRISTI SHIP CHANNEL, CORPUS CHRISTI, TEXAS	Hutchison	Cornyn									
	GULF INTRACOASTAL WATERWAY, BRAZOS RIVER TO PORT O'CONNOR, MATAGORDA BAY RE-ROUTE, TEXAS	Hutchison	Cornyn									
	GULF INTRACOASTAL WATERWAY, HIGH ISLAND TO BRAZOS RIVER, TEXAS	Hutchison	Cornyn									
	LOWER COLORADO RIVER BASIN PHASE I, TEXAS	Hutchison	Cornyn									
	CRANEY ISLAND EASTWARD EXPANSION, VIRGINIA	Warner	Webb									
	DEEP CREEK, CHESAPEAKE, VIRGINIA	Warner	Webb									
	CHEHALIS RIVER, CENTRALIA, WASHINGTON	Murray	Cantwell									
Section 1002 - ENHANCED NAVIGATION CAPACITY IMPROVEMENTS AND ECOSYSTEM RESTORATION PLAN FOR UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM		Grassley	Harkin	Bond	Durbin	Obama	McCaskill	Klobuchar				
Section 1003 - LOUISIANA COASTAL AREA ECOSYSTEM RESTORATION, LOUISIANA		Durbin	Landrieu	Vitter	Obama							
Section 1004 - SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION												
	CACHE RIVER BASIN, GRUBBS, ARKANSAS	Lincoln	Pryor									
	BIBB COUNTY AND THE CITY OF MACON LEVEE, GEORGIA	Chambliss	Isakson									
	FORT WAYNE AND VICINITY, INDIANA	Lugar	Bayh									
	SALEM, MASSACHUSETTS	Kennedy	Kerry									

WATER RESOURCES DEVELOPMENT ACT OF 2007

	CROW RIVER, ROCKFORD, MINNESOTA	Coleman	Klobuchar
	SOUTH BRANCH OF THE WILD RICE RIVER, BORUP, MINNESOTA	Coleman	Klobuchar
	CHEYENNE, WYOMING	Thomas	
Section 1005 - SMALL PROJECTS FOR NAVIGATION			
	BARROW HARBOR, ALASKA	Stevens	Murkowski
	NOME HARBOR, ALASKA	Stevens	Murkowski
	OLD HARBOR, ALASKA	Stevens	Murkowski
	LITTLE ROCK PORT, ARKANSAS	Lincoln	Pryor
	EAST BASIN, MASSACHUSETTS	Kennedy	Kerry
	LYNN HARBOR, MASSACHUSETTS	Kennedy	Kerry
	MERRIMACK RIVER, MASSACHUSETTS	Kennedy	Kerry
	OAK BLUFFS HARBOR, MASSACHUSETTS	Kennedy	Kerry
	WOODS HOLE GREAT HARBOR, MASSACHUSETTS	Kennedy	Kerry
	AU SABLE RIVER, MICHIGAN	Stabenow	
	CLINTON RIVER, MICHIGAN	Levin	Stabenow
	ONTONAGON RIVER, MICHIGAN	Levin	Stabenow
	TRAVERSE CITY, MICHIGAN	Levin	Stabenow
	SEBEWAING RIVER, MICHIGAN	Levin	Stabenow
	TOWER HARBOR, MINNESOTA	Coleman	Klobuchar
	OUTER CHANNEL AND INNER HARBOR, MENOMINEE HARBOR, MICHIGAN AND WISCONSIN	Stabenow	
	MIDDLE BASS ISLAND STATE PARK, MIDDLE BASS ISLAND, OHIO	Voinovich	
	MILWAUKEE HARBOR, WISCONSIN	Kohl	
Section 1006 - SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION			
	BLACK LAKE, ALASKA	Stevens	Murkowski
	SAN DIEGO RIVER, CALIFORNIA	Boxer	
	SUISON MARSH, SAN PABLO BAY, CALIFORNIA	Boxer	
	CHATTAHOOCHEE FALL-LINE, GEORGIA	Chambliss	Isakson
	MILL POND, LITTLETON, MASSACHUSETTS	Kennedy	Kerry
	MILFORD POND, MILFORD, MASSACHUSETTS	Kennedy	Kerry
	PINE TREE BROOK, MILTON, MASSACHUSETTS	Kennedy	Kerry
	CLINTON RIVER, MICHIGAN	Levin	Stabenow
	CALDWELL COUNTY, NORTH CAROLINA	Burr	
	MECKLENBERG COUNTY, NORTH CAROLINA	Burr	
	JOHNSON CREEK, GRESHAM, OREGON	Wyden	Smith
	BLACKSTONE RIVER, RHODE ISLAND	Reed	Whitehouse
	COLLEGE LAKE, LYNCHBURG, VIRGINIA	Warner	
Section 1007 - SMALL PROJECTS TO PREVENT OR MITIGATE DAMAGE CAUSED BY NAVIGATION PROJECTS			
	TYBEE ISLAND, GEORGIA	Chambliss	Isakson
	BURNS WATERWAY HARBOR, INDIANA	Lugar	Bayh
Section 1008 - SMALL PROJECTS FOR AQUATIC PLANT CONTROL		Nelson (NE)	
Title II - General Provisions			
Subtitle A - Provisions			
Section 2011 - CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS			
	THORNTON RESERVOIR, COOK COUNTY, ILLINOIS	Durbin	Obama
	BUFFALO BAYOU, TEXAS	Hutchison	Cornyn
	HALLS BAYOU, TEXAS	Hutchison	Cornyn
	MENOMONEE RIVER WATERSHED, WISCONSIN	Kohl	
Section 2012 - REGIONAL SEDIMENT MANAGEMENT			
	FIRE ISLAND INLET, SUFFOLK COUNTY, NEW YORK	Clinton	
	FLETCHER COVE, CALIFORNIA	Boxer	
	DELAWARE RIVER ESTUARY, NEW JERSEY AND PENNSYLVANIA	Lautenberg	Menendez
	TOLEDO HARBOR, LUCAS COUNTY, OHIO	Voinovich	
Section 2016 - ECOSYSTEM RESTORATION BENEFITS			
	GRAYSON'S CREEK, CALIFORNIA	Boxer	
	SEVEN OAKS, CALIFORNIA	Boxer	

WATER RESOURCES DEVELOPMENT ACT OF 2007

	OXFORD, CALIFORNIA	Boxer										
	WALNUT CREEK, CALIFORNIA	Boxer										
	WILDCAT PHASE II, CALIFORNIA	Boxer										
Section 2037 - SMALL PROJECTS FOR THE REHABILITATION AND REMOVAL OF DAMS												
	MOUNTAIN PARK, GEORGIA	Chambliss	Isakson									
	KEITH CREEK, ROCKFORD, ILLINOIS	Durbin	Obama									
	MOUNT ZION MILL POND DAM, FULTON COUNTY, INDIANA	Lugar	Bayh									
	HAMILTON DAM, FLINT RIVER, MICHIGAN	Levin	Stabenow									
	INGHAM SPRING DAM, SOLEBURY TOWNSHIP, PENNSYLVANIA	Specter	Casey									
	STILLWATER LAKE DAM, MONROE COUNTY, PENNSYLVANIA	Specter	Casey									
Title III - Project-Related Provisions												
Section 3001	ST. HERMAN AND ST. PAUL HARBORS, KODIAK, ALASKA	Stevens	Murkowski									
Section 3002	SITKA, ALASKA	Stevens	Murkowski									
Section 3003	BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA	Shelby										
Section 3004	NOGALES WASH AND TRIBUTARIES FLOOD CONTROL PROJECT, ARIZONA	Kyl										
Section 3005	RIO DE FLAG, FLAGSTAFF, ARIZONA	Kyl										
Section 3006	TUCSON DRAINAGE AREA (TUCSON ARROYO), ARIZONA	Kyl										
Section 3007	AUGUSTA AND CLARENDON, ARKANSAS	Lincoln	Pryor									
Section 3008	EASTERN ARKANSAS ENTERPRISE COMMUNITY, ARKANSAS	Lincoln	Pryor									
Section 3009	RED-OUACHITA RIVER BASIN LEVEES, ARKANSAS AND LOUISIANA	Lincoln	Pryor									
Section 3010	ST. FRANCIS BASIN, ARKANSAS AND MISSOURI	Lincoln	Pryor									
Section 3011	ST. FRANCIS BASIN LAND TRANSFER, ARKANSAS AND MISSOURI	Lincoln	Pryor									
Section 3012	MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, ARKANSAS AND OKLAHOMA	Inhofe	Lincoln	Pryor								
Section 3013	CACHE CREEK BASIN, CALIFORNIA	Boxer										
Section 3014	CALFED LEVEE STABILITY PROGRAM, CALIFORNIA	Boxer										
Section 3015	HAMILTON AIRFIELD, CALIFORNIA	Boxer										
Section 3016	LA-3 DREDGED MATERIAL OCEAN DISPOSAL SITE DESIGNATION, CALIFORNIA	Boxer										
Section 3017	LARKSPUR FERRY CHANNEL, CALIFORNIA	Boxer										
Section 3018	LLAGAS CREEK, CALIFORNIA	Boxer										
Section 3019	MAGPIE CREEK, CALIFORNIA	Boxer										
Section 3020	PETALUMA RIVER, PETALUMA, CALIFORNIA	Boxer										
Section 3021	PINE FLAT DAM FISH AND WILDLIFE HABITAT, CALIFORNIA	Boxer										
Section 3022	REDWOOD CITY NAVIGATION PROJECT, CALIFORNIA	Boxer										
Section 3023	SACRAMENTO AND AMERICAN RIVERS FLOOD CONTROL, CALIFORNIA	Boxer	Feinstein									
Section 3024	SACRAMENTO RIVER BANK PROTECTION PROJECT, CALIFORNIA	Boxer	Feinstein									
Section 3025	CONDITIONAL DECLARATION OF NONNAVIGABILITY, PORT OF SAN FRANCISCO, CALIFORNIA	Boxer										
Section 3026	SALTON SEA RESTORATION, CALIFORNIA	Boxer										
Section 3027	SANTA BARBARA STREAMS, LOWER MISSION CREEK, CALIFORNIA	Boxer										
Section 3028	UPPER GUADALUPE RIVER, CALIFORNIA	Boxer										
Section 3029	YUBA RIVER BASIN PROJECT, CALIFORNIA	Boxer										
Section 3030	CHARLES HERVEY TOWNSHEND BREAKWATER, NEW HAVEN HARBOR, CONNECTICUT	Dodd	Lieberman									
Section 3031	ANCHORAGE AREA, NEW LONDON HARBOR, CONNECTICUT	Dodd	Lieberman									
Section 3032	NORWALK HARBOR, CONNECTICUT	Dodd	Lieberman									
Section 3033	ST. GEORGE'S BRIDGE, DELAWARE	Biden	Carper									
Section 3034	ADDITIONAL PROGRAM AUTHORITY, COMPREHENSIVE EVERGLADES RESTORATION, FLORIDA	Nelson (FL)	Martinez									
Section 3035	BREVARD COUNTY, FLORIDA	Nelson (FL)	Martinez									
Section 3036	CRITICAL RESTORATION PROJECTS, EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION, FLORIDA	Nelson (FL)	Martinez									
Section 3037	LAKE OKEECHOBEE AND HILLSBORO AQUIFER PILOT PROJECTS, COMPREHENSIVE EVERGLADES RESTORATION, FLORIDA	Nelson (FL)	Martinez									
Section 3038	LIDO KEY, SARASOTA COUNTY, FLORIDA	Nelson (FL)	Martinez									
Section 3039	PORT SUTTON CHANNEL, TAMPA HARBOR, FLORIDA	Nelson (FL)	Martinez									
Section 3040	TAMPA HARBOR, CUT B, TAMPA, FLORIDA	Nelson (FL)	Martinez									
Section 3041	ALLATOONA LAKE, GEORGIA	Chambliss	Isakson									
Section 3042	D'WORSHAK RESERVOIR IMPROVEMENTS, IDAHO	Craig	Crapo									
Section 3043	LITTLE WOOD RIVER, GOODING, IDAHO	Craig	Crapo									

WATER RESOURCES DEVELOPMENT ACT OF 2007

Section 3044	PORT OF LEWISTON, IDAHO	Craig	Crapo									
Section 3045	CACHE RIVER LEVEE, ILLINOIS	Durbin	Obama									
Section 3046	CHICAGO, ILLINOIS	Durbin	Obama									
Section 3047	CHICAGO RIVER, ILLINOIS	Durbin	Obama									
Section 3048	ILLINOIS RIVER BASIN RESTORATION	Durbin	Obama									
Section 3049	MISSOURI AND ILLINOIS FLOOD PROTECTION PROJECTS RECONSTRUCTION PILOT PROGRAM	Bond	Durbin	Obama	McCaskill							
Section 3050	SPUNKY BOTTOM, ILLINOIS	Durbin	Obama									
Section 3051	STRAWN CEMETERY, JOHN REDMOND LAKE, KANSAS	Brownback	Roberts									
Section 3052	MILFORD LAKE, MILFORD, KANSAS	Brownback	Roberts									
Section 3053	OHIO RIVER, KENTUCKY, ILLINOIS, INDIANA, OHIO, PENNSYLVANIA, AND WEST VIRGINIA	Specter	Durbin	Voinovich	Casey							
Section 3054	HICKMAN BLUFF STABILIZATION, KENTUCKY	McConnell										
Section 3055	MCALPINE LOCK AND DAM, KENTUCKY AND INDIANA	McConnell										
Section 3056	PUBLIC ACCESS, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA	Landrieu	Vitter									
Section 3057	REGIONAL VISITOR CENTER, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA	Landrieu	Vitter									
Section 3058	CALCASIEU RIVER AND PASS, LOUISIANA	Landrieu	Vitter									
Section 3059	EAST BATON ROUGE PARISH, LOUISIANA	Landrieu	Vitter									
Section 3060	MISSISSIPPI RIVER GULF OUTLET RELOCATION ASSISTANCE, LOUISIANA	Landrieu	Vitter									
Section 3061	RED RIVER (J. BENNETT JOHNSTON) WATERWAY, LOUISIANA	Landrieu	Vitter									
Section 3062	CAMP ELLIS, SACO, MAINE	Snowe	Collins									
Section 3063	ROCKLAND HARBOR, MAINE	Snowe										
Section 3064	ROCKPORT HARBOR, MAINE	Snowe										
Section 3065	SACO RIVER, MAINE	Snowe										
Section 3066	UNION RIVER, MAINE	Snowe										
Section 3067	BALTIMORE HARBOR AND CHANNELS, MARYLAND AND VIRGINIA	Mikulski	Cardin									
Section 3068	CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM, MARYLAND, PENNSYLVANIA, AND VIRGINIA	Warner	Specter	Mikulski	Cardin	Casey	Webb					
Section 3069	CUMBERLAND, MARYLAND	Mikulski	Cardin									
Section 3070	AUNT LYDIA'S COVE, MASSACHUSETTS	Kennedy	Kerry									
Section 3071	FALL RIVER HARBOR, MASSACHUSETTS AND RHODE ISLAND	Kennedy	Kerry									
Section 3072	NORTH RIVER, PEABODY, MASSACHUSETTS	Kennedy	Kerry									
Section 3073	ECORSE CREEK, MICHIGAN	Levin	Stabenow									
Section 3074	ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN	Levin	Stabenow									
Section 3075	DULUTH HARBOR, MINNESOTA	Coleman	Klobuchar									
Section 3076	PROJECT FOR ENVIRONMENTAL ENHANCEMENT, MISSISSIPPI AND LOUISIANA ESTUARINE AREAS, MISSISSIPPI AND LOUISIANA	Cochran	Lott	Landrieu								
Section 3077	LAND EXCHANGE, PIKE COUNTY, MISSOURI	Bond	McCaskill									
Section 3078	L-15 LEVEE, MISSOURI	Bond	McCaskill									
Section 3079	UNION LAKE, MISSOURI	Bond	McCaskill									
Section 3080	LOWER YELLOWSTONE PROJECT, MONTANA	Baucus	Tester									
Section 3081	YELLOWSTONE RIVER AND TRIBUTARIES, MONTANA AND NORTH DAKOTA	Baucus	Tester									
Section 3082	WESTERN SARPY AND CLEAR CREEK, NEBRASKA	Hagel	Nelson (NE)									
Section 3083	LOWER TRUCKEE RIVER, MCCARRAN RANCH, NEVADA	Ensign										
Section 3084	COOPERATIVE AGREEMENTS, NEW MEXICO	Domenici	Bingaman									
Section 3085	MIDDLE RIO GRANDE RESTORATION, NEW MEXICO	Domenici	Bingaman									
Section 3086	LONG ISLAND SOUND OYSTER RESTORATION, NEW YORK AND CONNECTICUT	Clinton	Dodd	Lieberman								
Section 3087	MAMARONECK AND SHELDRAKE RIVERS WATERSHED MANAGEMENT, NEW YORK	Schumer	Clinton									
Section 3088	ORCHARD BEACH, BRONX, NEW YORK	Clinton										
Section 3089	NEW YORK HARBOR, NEW YORK, NEW YORK	Clinton	Lautenberg	Menendez								
Section 3090	NEW YORK STATE CANAL SYSTEM	Clinton										
Section 3091	SUSQUEHANNA RIVER AND UPPER DELAWARE RIVER WATERSHED MANAGEMENT, NEW YORK	Clinton										
Section 3092	MISSOURI RIVER RESTORATION, NORTH DAKOTA	Conrad										
Section 3093	OHIO	Voinovich										
Section 3094	LOWER GIRARD LAKE DAM, GIRARD, OHIO	Voinovich										
Section 3095	TOUSSAINT RIVER NAVIGATION PROJECT, CARROLL TOWNSHIP, OHIO	Voinovich										
Section 3096	ARCADIA LAKE, OKLAHOMA	Inhofe										

WATER RESOURCES DEVELOPMENT ACT OF 2007

Section 3097	LAKE EUFAULA, OKLAHOMA	Inhofe										
Section 3098	RELEASE OF RETAINED RIGHTS, INTERESTS, AND RESERVATIONS, OKLAHOMA	Inhofe										
Section 3099	OKLAHOMA LAKES DEMONSTRATION PROGRAM, OKLAHOMA	Inhofe										
Section 3100	OTTAWA COUNTY, OKLAHOMA	Inhofe										
Section 3101	RED RIVER CHLORIDE CONTROL, OKLAHOMA AND TEXAS	Inhofe										
Section 3102	WAURIKA LAKE, OKLAHOMA	Inhofe										
Section 3103	LOOKOUT POINT PROJECT, LOWELL, OREGON	Wyden	Smith									
Section 3104	UPPER WILLAMETTE RIVER WATERSHED ECOSYSTEM RESTORATION	Wyden	Smith									
Section 3105	UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK	Specter	Clinton	Casey								
Section 3106	NARRAGANSETT BAY, RHODE ISLAND	Reed	Whitehouse									
Section 3107	SOUTH CAROLINA DEPARTMENT OF COMMERCE DEVELOPMENT PROPOSAL AT RICHARD B. RUSSELL LAKE, SOUTH CAROLINA	Graham										
Section 3108	MISSOURI RIVER RESTORATION, SOUTH DAKOTA	Thune										
Section 3109	MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT	Grassley	Bond	McCaskill								
Section 3110	NONCONNAH WEIR, MEMPHIS, TENNESSEE	Alexander										
Section 3111	OLD HICKORY LOCK AND DAM, CUMBERLAND RIVER, TENNESSEE	Alexander										
Section 3112	SANDY CREEK, JACKSON COUNTY, TENNESSEE	Alexander										
Section 3113	CEDAR BAYOU, TEXAS	Hutchison	Cornyn									
Section 3114	DENISON, TEXAS	Hutchison	Cornyn									
Section 3115	CENTRAL CITY, FORT WORTH, TEXAS	Hutchison	Cornyn									
Section 3116	FREEPORT HARBOR, TEXAS	Hutchison	Cornyn									
Section 3117	HARRIS COUNTY, TEXAS	Hutchison	Cornyn									
Section 3118	CONNECTICUT RIVER RESTORATION, VERMONT	Sanders										
Section 3119	DAM REMEDIATION, VERMONT	Sanders										
Section 3120	LAKE CHAMPLAIN EURASIAN MILFOIL, WATER CHESTNUT, AND OTHER NONNATIVE PLANT CONTROL, VERMONT	Sanders										
Section 3121	UPPER CONNECTICUT RIVER BASIN WETLAND RESTORATION, VERMONT AND NEW HAMPSHIRE	Sanders										
Section 3122	UPPER CONNECTICUT RIVER BASIN ECOSYSTEM RESTORATION, VERMONT AND NEW HAMPSHIRE	Sanders										
Section 3123	LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK	Sanders	Clinton									
Section 3124	CHESAPEAKE BAY OYSTER RESTORATION, VIRGINIA AND MARYLAND	Warner	Mikulski	Cardin	Webb							
Section 3125	JAMES RIVER, VIRGINIA	Warner	Webb									
Section 3126	TANGIER ISLAND SEAWALL, VIRGINIA	Warner	Webb									
Section 3127	EROSION CONTROL, PUGET ISLAND, WAHKIAKUM COUNTY, WASHINGTON	Murray	Wyden	Cantwell								
Section 3128	LOWER GRANITE POOL, WASHINGTON	Murray	Cantwell									
Section 3129	MCNARY LOCK AND DAM, MCNARY NATIONAL WILDLIFE REFUGE, WASHINGTON AND IDAHO	Craig	Murray	Crapo	Cantwell							
Section 3130	SNAKE RIVER PROJECT, WASHINGTON AND IDAHO	Craig	Murray	Crapo	Cantwell							
Section 3131	WHATCOM CREEK WATERWAY, BELLINGHAM, WASHINGTON	Murray	Cantwell									
Section 3132	LOWER MUD RIVER, MILTON, WEST VIRGINIA	Byrd										
Section 3133	MCDOWELL COUNTY, WEST VIRGINIA	Byrd										
Section 3134	GREEN BAY HARBOR PROJECT, GREEN BAY, WISCONSIN	Kohl										
Section 3135	MANITOWAC HARBOR, WISCONSIN	Kohl										
Section 3136	OCONTO HARBOR, WISCONSIN	Kohl										
Section 3137	MISSISSIPPI RIVER HEADWATERS RESERVOIRS	Klobuchar										
Section 3138	LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE	Cochran	Lott									
Section 3139	UPPER MISSISSIPPI RIVER SYSTEM ENVIRONMENTAL MANAGEMENT PROGRAM	Harkin										
Section 3140	UPPER BASIN OF MISSOURI RIVER	Baucus	Hagel	Nelson (N	Thune	Tester						
Section 3141	GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION PROGRAM	Levin	Specter	Kohl	Durbin	Voinovich	Bayh	Schumer	Stabenow	Clinton	Brown	Casey
Section 3142	GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION	Levin	Specter	Kohl	Durbin	Voinovich	Bayh	Schumer	Stabenow	Clinton	Brown	Casey
Section 3143	GREAT LAKES TRIBUTARY MODELS	Levin	Specter	Kohl	Durbin	Voinovich	Bayh	Schumer	Stabenow	Clinton	Brown	Casey
Section 3144	UPPER OHIO RIVER AND TRIBUTARIES NAVIGATION SYSTEM NEW TECHNOLOGY PILOT PROGRAM	Specter	Casey									
Title IV - Studies												
Section 4001	SEWARD BREAKWATER, ALASKA	Stevens	Murkowski									
Section 4002	NOME HARBOR IMPROVEMENTS, ALASKA	Stevens	Murkowski									
Section 4003	MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, ARKANSAS AND OKLAHOMA	Inhofe	Lincoln	Pryor								
Section 4004	FRUITVALE AVENUE RAILROAD BRIDGE, ALAMEDA, CALIFORNIA	Boxer										
Section 4005	LOS ANGELES RIVER REVITALIZATION STUDY, CALIFORNIA	Boxer										

WATER RESOURCES DEVELOPMENT ACT OF 2007

Section 4006	NICHOLAS CANYON, LOS ANGELES, CALIFORNIA	Boxer	
Section 4007	OCEANSIDE, CALIFORNIA, SHORELINE SPECIAL STUDY	Boxer	
Section 4008	COMPREHENSIVE FLOOD PROTECTION PROJECT, ST. HELENA, CALIFORNIA	Boxer	
Section 4009	SAN FRANCISCO BAY, SACRAMENTO-SAN JOAQUIN DELTA, SHERMAN ISLAND, CALIFORNIA	Boxer	
Section 4010	SOUTH SAN FRANCISCO BAY SHORELINE STUDY, CALIFORNIA	Boxer	
Section 4011	SAN PABLO BAY WATERSHED RESTORATION, CALIFORNIA	Boxer	
Section 4012	FOUNTAIN CREEK, NORTH OF PUEBLO, COLORADO	Salazar	
Section 4013	SELENIUM STUDY, COLORADO	Allard	Salazar
Section 4014	DELAWARE INLAND BAYS AND TRIBUTARIES AND ATLANTIC COAST, DELAWARE	Biden	Carper
Section 4015	HERBERT HOOVER DIKE SUPPLEMENTAL MAJOR REHABILITATION REPORT, FLORIDA	Martinez	Nelson (FL)
Section 4016	BOISE RIVER, IDAHO	Crapo	
Section 4017	PROMONTORY POINT THIRD-PARTY REVIEW, CHICAGO SHORELINE, CHICAGO, ILLINOIS	Obama	
Section 4018	VIDALIA PORT, LOUISIANA	Landrieu	Vitter
Section 4019	LAKE ERIE AT LUNA PIER, MICHIGAN	Levin	Stabenow
Section 4020	WILD RICE RIVER, MINNESOTA	Coleman	Klobuchar
Section 4021	ASIAN CARP DISPERSAL BARRIER DEMONSTRATION PROJECT, UPPER MISSISSIPPI RIVER	Coleman	Klobuchar
Section 4022	FLOOD DAMAGE REDUCTION, OHIO	Voinovich	
Section 4023	MIDDLE BASS ISLAND STATE PARK, MIDDLE BASS ISLAND, OHIO	Voinovich	
Section 4024	OHIO RIVER, OHIO	Voinovich	
Section 4025	TOLEDO HARBOR DREDGED MATERIAL PLACEMENT, TOLEDO, OHIO	Voinovich	
Section 4026	TOLEDO HARBOR, MAUMEE RIVER, AND LAKE CHANNEL PROJECT, TOLEDO, OHIO	Voinovich	
Section 4027	WOONSOCKET LOCAL PROTECTION PROJECT, BLACKSTONE RIVER BASIN, RHODE ISLAND	Reed	Whitehouse
Section 4028	JASPER COUNTY PORT FACILITY STUDY, SOUTH CAROLINA	Graham	
Section 4029	JOHNSON CREEK, ARLINGTON, TEXAS	Hutchison	Cornyn
Section 4030	ECOSYSTEM AND HYDROPOWER GENERATION DAMS, VERMONT	Sanders	
Section 4031	EURASIAN MILFOIL	Sanders	
Section 4032	LAKE CHAMPLAIN CANAL STUDY, VERMONT AND NEW YORK	Clinton	Sanders
Section 4033	BAKER BAY AND ILWACO HARBOR, WASHINGTON	Murray	Cantwell
Section 4034	ELLIOT BAY SEAWALL REHABILITATION STUDY, WASHINGTON	Murray	Cantwell
Section 4035	JOHNSONVILLE DAM, JOHNSONVILLE, WISCONSIN	Kohl	
Section 4036	DEBRIS REMOVAL	Landrieu	Vitter
Title V - Miscellaneous Provisions			
Section 5001 - LAKES PROGRAM			
	Lake Sakakawea, North Dakota	Conrad	
	Lake Morley, Vermont	Sanders	
	Lake Fairlee, Vermont	Sanders	
	Lake Rogers, Creedmoor, North Carolina	Dole	
Section 5003 - ENVIRONMENTAL INFRASTRUCTURE			
	Jackson County, Mississippi	Cochran	Lott
	DeSoto County, Mississippi	Cochran	Lott
	(77) Chattooga County, Georgia	Chambliss	Isakson
	(78) Albany, Georgia	Chambliss	Isakson
	(79) Moultrie, Georgia	Chambliss	Isakson
	(80) Stephens County/City of Toccoa, Georgia	Chambliss	Isakson
	(81) Dahlonega, Georgia	Chambliss	Isakson
	(82) Banks County, Georgia	Chambliss	Isakson
	(83) Barrien County, Georgia	Chambliss	Isakson
	(84) City of East Point, Georgia	Chambliss	Isakson
	(85) Armuchee Valley: Chattooga, Floyd, Gordon, Walker, and Whitfield Counties, Georgia	Chambliss	Isakson
	(86) Atchison, Kansas	Roberts	
	(87) Lafourche Parish, Louisiana	Landrieu	Vitter
	(88) South Central Planning and Development Commission, Louisiana	Landrieu	Vitter
	(89) Rapides Area Planning Commission, Louisiana	Landrieu	Vitter
	(90) Northwest Louisiana Council of Governments, Louisiana	Landrieu	Vitter
	(91) Lafayette, Louisiana	Landrieu	Vitter

WATER RESOURCES DEVELOPMENT ACT OF 2007

	(92) Lake Charles, Louisiana	Landrieu	Vitter									
	(93) Ouachita Parish, Louisiana	Landrieu	Vitter									
	(94) Union-Lincoln Regional Water Supply Project, Louisiana	Landrieu	Vitter									
	(95) Central Lake Region Sanitary District, Minnesota	Coleman										
	(96) Goodview, Minnesota	Coleman										
	(97) Grand Rapids, Minnesota	Coleman										
	(98) Willmar, Minnesota	Coleman										
	(99) City of Corinth, Mississippi	Cochran	Lott									
	(100) Clean Water Coalition, Nevada	Ensign	Reid									
	(101) Town of Mooresville, North Carolina	Dole										
	(102) City of Winston-Salem, North Carolina	Dole										
	(103) Neuse Regional Water and Sewer Authority, North Carolina	Dole	Burr									
	(104) Town of Cary/Wake County, North Carolina	Dole	Burr									
	(105) City of Fayetteville, North Carolina	Dole										
	(106) Washington County, North Carolina	Dole	Burr									
	(107) City of Charlotte, North Carolina	Dole										
	(108) City of Ada, Oklahoma	Inhofe										
	(109) Norman, Oklahoma	Inhofe										
	(110) Eastern Oklahoma State University, Wilberton, Oklahoma	Inhofe										
	(111) City of Weatherford, Oklahoma	Inhofe										
	(112) City of Bethany, Oklahoma	Inhofe										
	(113) Woodward, Oklahoma	Inhofe										
	(114) City of Disney and Langley, Oklahoma	Inhofe										
	(115) City of Durant, Oklahoma	Inhofe										
	(116) City of Midwest City, Oklahoma	Inhofe										
	(117) City of Ardmore, Oklahoma	Inhofe										
	(118) City of Guymon, Oklahoma	Inhofe										
	(119) Lugert-Altus Irrigation District, Altus, Oklahoma	Inhofe										
	(120) City of Chickasha, Oklahoma	Inhofe										
	(121) Oklahoma Panhandle State University, Guymon, Oklahoma	Inhofe										
	(122) City of Bartlesville, Oklahoma	Inhofe										
	(123) City of Konawa, Oklahoma	Inhofe										
	(124) City of Mustang, Oklahoma	Inhofe										
	(125) City of Alva, Oklahoma	Inhofe										
	(126) Vinton County, Ohio	Voinovich										
	(127) Burr Oak Regional Water District, Ohio	Voinovich										
	(128) Fremont, Ohio	Voinovich										
	(129) Fostoria, Ohio	Voinovich										
	(130) Defiance County, Ohio	Voinovich										
	(131) Akron, Ohio	Voinovich										
	(132) Meigs County, Ohio	Voinovich										
	(133) City of Cleveland, Ohio	Voinovich										
	(134) Cincinnati, Ohio	Voinovich										
	(135) Dayton, Ohio	Voinovich										
	(136) Lawrence County, Ohio	Voinovich										
	(137) City of Columbus, Ohio	Voinovich										
	(138) Beaver Creek Reservoir, Pennsylvania	Specter	Casey									
	(139) Myrtle Beach, South Carolina	Graham										
	(140) Charleston and West Ashley, South Carolina	Graham										
	(141) Charleston, South Carolina	Graham										
	(142) North Myrtle Beach, South Carolina	Graham										
	(143) Surfside, South Carolina	Graham										
	(144) Cheyenne River Sioux Reservation (Dewey and Ziebach Counties) and Perkins and Meade Counties, South Dakota	Johnson	Thune									
	(145) City of Oak Ridge, Tennessee	Alexander	Corker									
	(146) Nashville, Tennessee	Alexander										

WATER RESOURCES DEVELOPMENT ACT OF 2007

	(147) Counties of Lewis, Lawrence and Wayne, Tennessee	Alexander										
	(148) County of Giles, Tennessee	Alexander										
	(149) City of Knoxville, Tennessee	Alexander										
	(150) Shelby County, Tennessee	Alexander										
	(151) Johnson County, Tennessee	Alexander										
	(152) Plateau Utility District, Morgan County, Tennessee	Alexander										
	(153) City of Harrogate, Tennessee	Alexander										
	(154) Hamilton County, Tennessee	Alexander										
	(155) Grainger County, Tennessee	Alexander										
	(156) Claiborne County, Tennessee	Alexander										
	(157) Blaine, Tennessee	Alexander										
	(158) Chesapeake Bay	Warner	Mikulski	Cardin	Webb							
	(159) Arkansas Valley Conduit, Colorado	Salazar										
	(160) Boulder County, Colorado	Salazar										
	(161) Plainville, Connecticut	Lieberman										
	(162) Southington, Connecticut	Lieberman										
	(163) Norwalk, Connecticut	Lieberman										
	(164) Enfield, Connecticut	Lieberman										
	(165) New Haven, Connecticut	Lieberman										
	(166) Miami-Dade County, Florida	Nelson (FL)										
	(167) Hillsborough County, Florida	Nelson (FL)										
	(168) Palm Beach County, Florida	Nelson (FL)										
	(169) Chesapeake Bay Region, Maryland and Virginia	Warner	Mikulski	Cardin	Webb							
	(170) Michigan Combined Sewer Overflows	Levin	Stabenow									
	(171) Middletown Township, New Jersey	Lautenburg	Menendez									
	(172) Rahway Valley, New Jersey	Lautenburg	Menendez									
	(173) Cranford Township, New Jersey	Lautenburg	Menendez									
	(174) Yates County, New York	Schumer	Clinton									
	(175) Village of Patchogue, New York	Schumer	Clinton									
	(176) Elmira, New York	Schumer	Clinton									
	(177) Essex Hamlet, New York	Schumer	Clinton									
	(178) Niagara Falls, New York	Schumer	Clinton									
	(179) Village of Babylon, New York	Schumer	Clinton									
	(180) Fleming, New York	Schumer	Clinton									
	(181) Village of Kyrias-Joel, New York	Schumer	Clinton									
	(182) Devils Lake, North Dakota	Conrad										
	(183) North Dakota	Conrad										
	(184) Clark County, Nevada	Reid										
	(185) Washoe County, Nevada	Reid	Ensign									
	(186) Glendale Dam Diversion Structure, Nevada	Reid	Ensign									
	(187) Reno, Nevada	Reid	Ensign									
	(188) Los Angeles County, California	Boxer										
	(189) Montebello, California	Boxer										
	(190) La Mirada, California	Boxer										
	(191) East Palo Alto, California	Boxer										
	(192) Port of Stockton, Stockton, California	Boxer										
	(193) Perris, California	Boxer										
	(194) Amador County, California	Boxer										
	(195) Calaveras County, California	Boxer										
	(196) Santa Monica, California	Boxer										
	(197) Malibu, California	Boxer										
Section 5004 - ALASKA		Stevens	Murkowski									
Section 5005 - CALIFORNIA		Boxer										
Section 5006 - CONVEYANCE OF OAKLAND INNER HARBOR TIDAL CANAL PROPERTY		Boxer										
Section 5007 - STOCKTON, CALIFORNIA		Boxer										

WATER RESOURCES DEVELOPMENT ACT OF 2007

Section 5008 - RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, COLORADO, NEW MEXICO, AND TEXAS	Domenici	Bingaman	Hutchison	Cornyn	Salazar						
Section 5009 - DELMARVA CONSERVATION CORRIDOR, DELAWARE AND MARYLAND	Biden	Carper									
Section 5010 - SUSQUEHANNA, DELAWARE, AND POTOMAC RIVER BASINS, DELAWARE, MARYLAND, PENNSYLVANIA, AND VIRGINIA	Biden	Warner	Specter	Carper	Casey						
Section 5011 - ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND MARYLAND	Warner	Mikulski	Cardin								
Section 5012 - BIG CREEK, GEORGIA, WATERSHED MANAGEMENT AND RESTORATION PROGRAM	Chambliss	Isakson									
Section 5013 - METROPOLITAN NORTH GEORGIA WATER PLANNING DISTRICT	Chambliss	Isakson									
Section 5014 - IDAHO, MONTANA, RURAL NEVADA, NEW MEXICO, RURAL UTAH, AND WYOMING	Reid	Craig	Bennett	Thomas	Crapo	Ensign					
Section 5016 - MISSOURI RIVER AND TRIBUTARIES, MITIGATION, RECOVERY, AND RESTORATION, IOWA, KANSAS, MISSOURI, MONTANA, NEBRASKA	Baucus	Harkin	Conrad	Hagel	Nelson (NE)	Thune	Tester				
Section 5017 - SOUTHEAST LOUISIANA REGION, LOUISIANA	Vitter										
Section 5018 - MISSISSIPPI	Cochran	Lott									
Section 5019 - ST. MARY PROJECT, BLACKFEET RESERVATION, MONTANA	Baucus	Tester									
Section 5020 - LOWER PLATTE RIVER WATERSHED RESTORATION, NEBRASKA	Hagel	Nelson (NE)									
Section 5021 - NORTH CAROLINA	Burr										
Section 5022 - OHIO RIVER BASIN ENVIRONMENTAL MANAGEMENT	Luger										
Section 5023 - STATEWIDE COMPREHENSIVE WATER PLANNING, OKLAHOMA	Inhofe										
Section 5024- CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND TERRESTRIAL WILDLIFE HABITAT RESTORATION, SOUTH DAKOTA	Thune										
Section 5025 - TEXAS	Hutchison	Cornyn									
Section 5026 - CONNECTICUT RIVER DAMS, VERMONT	Sanders										

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, and pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 128, H.R. 1495, Water Resources Development Act.

Harry Reid, Robert P. Casey, Jr., Byron L. Dorgan, Patty Murray, Barbara Boxer, Dick Durbin, Claire McCaskill, Bernard Sanders, Tom Carper, Max Baucus, Frank R. Lautenberg, Ben Cardin, Robert Menendez, Ken Salazar, Edward Kennedy, H.R. Clinton, Amy Klobuchar.

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

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 1495, 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, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO) and the Senator from Arizona (Mr. MCCAIN).

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

The yeas and nays resulted—yeas 89, nays 7, as follows:

[Rollcall Vote No. 162 Leg.]

YEAS—89

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

NAYS—7

Allard	DeMint	Sununu
Bunning	Ensign	
Coburn	Gregg	

NOT VOTING—4

Crapo	McCain
Johnson	Rockefeller

The motion was agreed to.

The PRESIDING OFFICER. On this vote, the yeas are 89, the nays are 7. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Delaware.

Mr. BIDEN. Mr. President, I ask unanimous consent that I be able to speak in morning business under the time that is allotted to me postcloture.

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

IRAQ FUNDING

Mr. BIDEN. Mr. President, last week, the Congress sent the President an emergency supplemental spending bill for Iraq. That bill provided every dollar our troops need and every dollar the President requested and then some.

It also provided what a majority of Americans expect and that is they expect a plan to start to bring home American troops, to bring this war to a responsible end, and to not escalate it indefinitely as this President is doing.

In vetoing the bill, the President not only denied our troops the funding they needed, but he denied the American people what they have clearly stated they want: a responsible path out of Iraq. That is what the 2006 election was about. That is what every poll is about. That is what the Senator from West Virginia, whom I see on the floor, and I and others have been saying for some time now. I might add, that is also what I think an awful lot of our Republican colleagues want.

I raised a few eyebrows when I said a month ago that I don't think there are more than a dozen members of the opposition who truly believe this policy of unrelenting escalation with no end in sight in Iraq is one they support. The question is: What do we do in the face of the President's recalcitrance?

We all know, and again I refer to my friend from West Virginia, the most learned person in the Senate—I don't go back as far as he does, but I go back to trying to end the war in Vietnam. I remember how painfully long that process was. Once the whole Nation and the Senate had turned against the war, it was still painfully difficult to end.

So if it were up to me, I would send the same emergency spending bill back to the President and have the votes, with the money for our troops and the plan that is in that legislation to end the war, which the people expect. I would send it back to him again and again and again and again and let him veto it again and again and again and again. Any reasonable person listening to my speaking might ask: Why would you do that, not a fool's errand? I believe the more we keep this front and center, the more we relentlessly push on this President to abandon his flawed policy, the more pressure will be brought upon our colleagues who, in their hearts, know this is not the right policy but are voting with the President instead of with the troops.

I must admit straight up, this is about building pressure. We are going to need 67 votes to end this war—67 votes in the Senate. So that means, although I had a great conversation with TIM JOHNSON last night—I might say, he sounded wonderful—although that means until Senator JOHNSON comes back, we need 17 Republican Senators to change their minds. That is why we have to keep pushing. We have to let the President demonstrate time and again that he is totally out of touch with what our troops need, what the American people want, and where America's interests lie. In a sense, this reminds me a little bit of Richard Nixon. He seems divorced from reality. He seems divorced from what is going on around him. I don't quite understand it. I have been here 34 years. It reminds me of Nixon during Watergate.

Here we had the Attorney General testify before our Judiciary Committee with a terrible appearance, and the President says he did wonderfully. The President says the war is going well. The President said the response to Katrina initially was great. There seems to be a disconnect here. So the only thing I know to do is to continually force him to demonstrate again and again, until he changes his mind, how out of touch he is, to build pressure in the Congress.

The truth is, votes matter. We need the votes to stop this war because I am convinced this President has made a decision with his Vice President to keep this from completely blowing up and hand it off to the next President. The problem is, in the meantime, a lot of people are going to lose their lives—a lot of Americans and a whole lot more Iraqis. But I recognize, as I said, the reality that it takes 60 votes to send the same supplemental back to the President, as it would take 60 votes to formally deauthorize the war, as my friend from West Virginia is attempting to do, as I and Carl Levin talked about, and we introduced legislation similar to that, to deauthorize the war and reauthorize a more limited mission. We need, though, 60 votes. It is just as people talk about cutting off funding, we still need 60 votes. It would take, obviously, 67 votes then to overcome a Presidential veto.

The reason I say this is we all are frustrated on this floor. Right now, we don't have those votes. We don't have the votes right now to send back the same supplemental.

What should we do next? In my view, first, anything we send back to the President must and will provide every dollar the troops need. As long as we are on the frontlines, I will vote for the money to protect them. That money must include funding for additional Mine Resistant Ambush Protected Vehicles, so-called MRAPs.

The amendment I offered was overwhelmingly adopted. The vast majority of deaths and injuries are from roadside bombs. They are responsible for 70 percent of our casualties in Iraq. These new V-shaped hull vehicles that will take the place of heavily armored humvees have a four to five times greater prospect of protecting troops inside those vehicles. They can literally cut our casualty rates by two-thirds.

As a matter of fact, depending on what we do send back to the President, it is my intention, if somehow we make no progress, to take this money out for those vehicles and move it separately because it literally, literally, literally can change the lives of our soldiers in the field. Our military wants them; our soldiers need them.

Defense Secretary Gates said MRAPs are ''the highest priority acquisition program. Any and all options to accelerate the production and fielding of this capability should be identified, assessed, and applied.'' I am happy to hear him say that because originally they didn't ask for this money to fast-forward the funding of these vehicles. The Secretary is right. I think it would be unconscionable not to get as many of these new vehicles as possible in the field as fast as possible.

Second, if we don't have the votes now for a hard timetable, which is what is in the bill that was vetoed, a hard timetable that came out of the language Senator LEVIN and I worked on putting in the bill, if, in fact, we don't have the votes now for that hard timetable to start getting our troops out of Iraq, any bill we send back to the President must limit dramatically the mission of the troops in Iraq.

We must get our troops out of the middle of this sectarian civil war that we cannot end militarily. Having 15,000, 20,000, 30,000 troops in a city of 6,200,000 people knocking on doors in the middle of a civil war is just foolhardy. Instead, we should focus our military on a much more limited mission that is in the national interest, that we can achieve with fewer troops, and that is doable; that is, training the Iraqi Army, preventing al-Qaida from occupying territory in parts of Anbar Province, and—and—force protection.

If we limit the mission in that way, the President will not be able to justify keeping 160,000 troops in Iraq, especially at a time when our military is dangerously overstretched, threatening the readiness of our troops and the ability to retain those now serving, to recruit those who may wish to serve in the future, and—and—to provide a National Guard at home that is needed for natural disasters at home, as we have recently seen in Kansas.

Just this week, we have seen how overstretching is hurting us at home. When a tornado wiped 80 square blocks of Greensburg, KS, off the map, the State's National Guard was slow in responding. Why? Because much of its manpower and equipment is in Iraq.

Across the country, our Governors have been warning for months that their National Guards are not prepared for the next local disaster because they are tied down overseas; or, even if they are home, because they took their equipment overseas when they were deployed and were unable to bring it back, they are ill prepared in terms of manpower and/or equipment. So if we limit the mission of our troops in Iraq to a more rational mission, the President will have to start bringing troops home now, with or without a hard timetable.

He will have to start listening to our Governors. He will have to start listening to our troops and their families who have told so many of us about the strain of going back to Iraq on third and fourth tours, about being ordered to stay longer each time they go, about not having the year at home between deployments that they were promised. He will have to start listening because he won't have an excuse not to.

Third, if we can't get a hard timeline into this emergency spending bill, we should add it to the next bill we vote on, and to the one after that, and to the one after that. We have to be relentless. Sooner or later, our colleagues will stop voting with the President and start backing what the American people want: a responsible end to this war.

Until we have the votes to force the President to change course, we have to keep the pressure on for change every single day. That is what I have been doing, and that is what I will continue to do until this policy levee that the President has erected breaks.

The fact is, the fundamental strategy under which the President has operated is flawed. The idea that through force we are going to be able to establish a strong central democratic government in Baghdad is simply not possible. It is simply not possible. It is not going to happen in the lifetime of any Member of this Senate.

Starting to get our troops out of Iraq, and getting most of them out by early next year, is the first step toward bringing this war to a responsible end. Just as important, we have to have a plan for what we leave behind so we do not trade a dictator for chaos in Iraq and the region that undermines our interests for decades.

I don't want my son going to Iraq, but I also don't want my grandson going to that part of the world in the next 15 years. How we leave and what we leave behind will impact on that second question. We have to have a plan to bring stability to Iraq as we leave, and that requires a political solution. Everyone—everyone—from the President on, says there is no military solution to Iraq; there is a political solution only. But he hasn't offered a political solution.

I know my colleagues have heard me talk about my plan for a political settlement in Iraq for more than a year now. It calls for separating the warring factions, giving them breathing room in their own regions, as their constitution provides, with control over the fabric of their daily lives—such as police protection, education, marriage, jobs, religion—and a limited central government that would be responsible for distributing oil revenues, which should be the glue that holds this country together, responsible for the army and responsible for the borders.

Every passing day makes my plan, the Biden-Gelb plan, more urgent and more relevant. Look at what is happening in Ramadi, where al-Qaida has a stronghold. The administration rightly points to some successes in getting Sunni tribal leaders to turn on al-Qaida in Iraq and getting thousands of young Sunni men to sign up for the Ramadi police force and protection forces. Listen carefully to how this happened, as described by the Los Angeles Times:

> Fed up with the insurgents' killings and their acts of intimidation in Ramadi, the Sunni sheiks came to the coalition in September to tell the U.S.-led force that they were ready to cooperate and would urge their tribes to supply recruits for the Iraqi army and police. Even the most optimistic U.S. colonel was not prepared for the flood of recruits once the sheiks got the word out that joining the Army, police, and provincial forces had their approval. Recently, 1,500 Iraqi youths showed up to enlist in the police, more than the recruiters could take.

Continuing to quote.

> Another change that helped recruiting was a policy introduced in February promising recruits from Al Anbar that they would be based close to home if they enlisted. Within 2 days of that switch, 400 youths had signed up.

So you have Sunnis joining the police and army in their own regions, staying in their regions to deal with Sunni extremists in the midst of their own region, and becoming part of the anti-al-Qaida solution.

What is that all about? It is what I have been saying for a long time: give them local control and they will have the prospect of bringing this country to a peaceful settlement. That is a whole lot better than having them take the fight to the Shiites and becoming part of the sectarian nightmare.

It makes sense for our troops to be in Anbar, helping local Sunnis defeat al-Qaida. That is what we should limit their mission to. It does not make sense for them to be going door to door in Baghdad, a city of 6.2 million people, and getting caught in the crossfire of a self-sustaining civil war. It makes sense for us to focus on a political settlement by bringing problems and responsibilities down to the local level, giving each group an opportunity to advance its interests peacefully, not with bombs and death squads but with a political compromise.

It does not make sense to send more and more troops into Iraq in pursuit of a strategy that has virtually no prospect for success. The administration hopes the surge will buy time for Prime Minister Maliki's government to

get its act together. But there is no trust within that government, no trust of the government by the people it purports to serve, and no capacity on the part of the government to deliver the services or security that is needed. There is little prospect that the government will build that trust and capacity any time soon.

In short, the most basic premise of the President's approach, and that of some of my colleagues on this side of the aisle, is that the Iraqi people will rally behind a strong central government that looks out for their interests equally and is fundamentally fair. That whole notion, I have been saying for over 4 years, is fundamentally flawed. It is not achievable. So instead of escalating this war with no end in sight, we have to start bringing our troops home with the goal of getting most of them out by early next year.

As the President rails against those of us who have been proposing that, I remind him his former Secretary of State Baker, his father's former Secretary of State Eagleburger, were part of a commission that said we should get our troops out by March of 2008. The British, in Basra, did essentially what I am suggesting. They redeployed their troops out of the cities, did not engage in the civil war, and began to draw them down. Are they abandoning?

Instead of escalating this war, we have to start to bring our troops home, and we have to help Iraq make the transition to the decentralized federal system that is called for in their constitution. Making federalism work for all Iraqis is a strategy that can still succeed and allow our troops to leave without leaving chaos behind.

This war must end, but it is still within our power to end it responsibly. That is a mission that can unite Americans and protect our interests, and that is a mission that is long overdue.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. INHOFE. Mr. President, I am going to again invite Members to come to the floor. The order is H.R. 1495, the Water Resources Development Act. We have had a chance now to act on a motion to proceed. We are on that right now. I know there are several Members who have said they want to come to the floor with statements and amendments. I join Senator BOXER, the chairman of our committee, in encouraging people to bring their amendments down and give us a chance to look at them.

I have to say, I was a little disappointed that we did not have a unanimous vote on the motion to proceed. Let me again say this, and I say this to my conservative friends, the Water Resources Development Act that is under consideration now is very similar to the one we acted on a year ago. In fact, it started out to be the same thing. I wanted to use the same criteria on the current bill that we used last year. However, on environmental infrastructure projects, there are a lot of people who wanted some of those to be considered. Frankly, I would have preferred not to. But nonetheless, that is now part of the criteria. There is a limited number of those projects.

We have criteria that go along the line of making sure there is local support. We do not have any waivers for local support of these efforts, so the participation has to be there from the local governments to demonstrate clearly these are important projects to be considered.

Speaking as a conservative, let me emphasize there are certain things conservatives believe Government should be doing. The top two in my category are armed services—we have to defend America; that is our function; that is what we are supposed to be doing—and second is infrastructure. Way back in the Eisenhower administration, we started a system of national highways. It has been very successful. But we have a problem in the way we have been funding them with user fees, with a Federal gasoline excise tax. It has worked fairly well. However, we are to the point now where the last bill we passed 2 years ago, the Transportation reauthorization bill, was one where, even though it was a very large bill in terms of spending that amount of money, it did nothing more than maintain what we currently have. That is not adequate.

You might say that has nothing to do with the Water Resources Development Act. It does. Right now, looking into the future, I see nothing but serious problems. We know 10 years from now the traffic on our highway system throughout America is going to double and probably triple in 20 years. If something is not done to increase the road capacity, it is going to be chaotic. The two things that have the most favorable effect on surface transportation are our rail and waterway system. That is what this is all about, our waterway system.

We are going to be talking in a lot more detail about this, but I want to say, particularly to those out there who believe there may be projects they don't like: These projects meet a criteria. If we were not to pass the Water Resources Development Act, if we were to say we are not going to pass it—maybe people are fabricating some reason, they don't like one or two projects that are in there—No. 1, as it is now, those projects have met the criteria, and, No. 2, if we do not pass this bill, we will have no spending discipline on these projects. They will simply go and get appropriations, and they can be things that have nothing to do with meeting important criteria.

Look at this as a criterion bill to reduce spending, runaway spending; to reduce money being spent on things that do not meet the criteria in terms of the Corps of Engineers' reports to make sure they meet environmental and other requirements.

It may surprise a lot of people to know that in my State of Oklahoma, we actually have a navigational waterway. A lot of people are not aware of that. In fact, it was the best kept secret for many years. But we carry grain and oil products and petroleum products back and forth all the way from my city of Tulsa, OK, it is called the Port of Catoosa, down through the Arkansas and Mississippi Rivers and distributed throughout the water system. It is something absolutely necessary. If we did not have that, if we were not able to pass legislation to expand that capacity, then that traffic is going to fall on our highways.

I can assure you right now the same committee considering the water bill now is going to be considering the highway reauthorization, probably in a couple of years. It is going to make it that much more traumatic if we do not get this done.

I will give an example. In the State of Oklahoma, 98 percent of the way we have a 12-foot channel. However, if it is only 2 percent that is a 9-foot channel, that restricts the entire channel. I think we all understand that.

While that is not in this bill—I don't have anything self-serving about this comment because that has already been authorized, that has been authorized for years—it is that type of thing that, if we are to shut down for any reason or dramatically restrict our waterways, all that is going to fall on our highways. It is a serious problem.

I reemphasize to those who are my conservative friends—we have rankings around here. One of the unique things about the Senate and House of Representatives is that if people want to know how their Members are voting, if you are concerned about overtaxation, you have a number of organizations—the National Taxpayers Union, the National Tax Limitation Committee, and others—that rank us as to how we vote on tax increases. If you are concerned about overregulation of small business—I spent 35 years in small business so I know a little bit about overregulation—if you are concerned about that, the National Federation of Independent Businesses ranks all Members, Democrats and Republicans, House and Senate, as to how they vote on regulatory issues that might inhibit the expansion of small businesses.

The same thing is true with how people vote on defending America. The Center for Security Policy ranks all Democrats and Republicans, House and Senate, on how they vote on defense issues, which is a real critical thing that we are dealing with right now.

The same is true in terms of people who are conservatives. The American Conservative Union ranks all Members of the House and Senate. I have to say to my conservative friends, I am, as of

2 weeks ago, again, considered and ranked as the No. 1 most conservative Member of the Senate. I am proud of that. So I don't want anyone to run around saying we are passing a bill that is somehow going out and doing projects that should not be done.

Sure, there are some projects in here that I don't like as well as others. I might not have had the same criteria as someone on the other side of the aisle might. But I have to say this, with the chairman of our committee, Senator BOXER, she and I have worked for a long time on this. She, as I said before, is a proud liberal Democrat. I am a proud conservative Republican. We agree on these things. We know Government has the function of making sure we do certain things. Certainly, the greatest Nation in the world has to have an infrastructure system that will accommodate transportation.

This is a very important part of that. When we deploy units for training out of Oklahoma, we send the heavy equipment via channels.

I have not told this story in a long time, but since I see Senator BOXER, I will tell it. Many years ago when I was in the State Senate, it occurred to me that our navigation way that makes us navigable in the State of Oklahoma was something nobody knew about. They said: We know about the Intercoastal Waterway, we know about the Arkansas River, we know about the Mississippi River and the Great Lakes, but they didn't know anything about the State of Oklahoma and the fact you can get all the way up there with barge traffic into my hometown of Tulsa, OK.

A guy came to me with an idea. This is years ago. He was from Kellyville, OK. His name was Kelly. That must tell you something. He was the head of the World War II submarine veterans.

He came to me and said: If you want to get the message across that we are navigable in Oklahoma, I can raise money to get a World War II surplus submarine from Orange, TX. With volunteers we can, together, if you will do the legislation in the State of Oklahoma and come help us on this, we can bring that submarine all the way from Orange, TX, up their waterway, up the Mississippi, over the Arkansas, to the Port of Catoosa—actually, the Port of Muskogee is where it ended up—and we can let the whole world know we have this navigation way. We did.

All my political adversaries were against it. They said, in the State Senate, we are going to sink Inhofe with the submarine. It didn't work. The submarine is there now. It is proudly displayed in Muskogee, OK, letting all the world know we are able to barge material in and out of the State of Oklahoma.

I have to say it is the Nation's most inland port. I invite you to come out and take a trip, I say to my friend Senator BOXER.

The bottom line is this. We have to get the heavy stuff moved around. If it is not going to be on rail, if it is not going to be on the channel system, the waterway system we are talking about today, then it will have to be on the other surface transportation or highway system that is going to be so congested.

That is what this is all about. I renew our request for Members who have amendments they want to bring to the floor, bring them now. We have lots of time. We have all day to be looking at these. We want to consider them. We want to give them our best consideration.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I say thank you to Senator INHOFE. People see us tangling on a host of issues. I think it gives them a good feeling to know there are times when we see eye to eye. I would say, when those times occur, it should mean we can get our legislation through pretty quickly because we have worked hard to accommodate the views of both sides of the aisle.

I am pleased the Senate voted overwhelmingly to start the process of considering the Water Resources Development Act of 2007. I hope, in short order, we will find out we can actually move to the bill. We are technically on a motion to proceed to the bill, which is slowing us up a bit, but we think there are other issues causing that. We hope they will be resolved.

This important legislation authorizes projects and policies of the Civic Works Program of the Army Corps of Engineers and, as I said, it has tremendous support both from my ranking member, Senator INHOFE, the entire Environment and Public Works Committee—which runs the gamut of philosophies and geographies and all the rest.

Colleagues asked to see the substitute bill we worked so hard on, that has a very good score from the Congressional Budget Office—less than the House-passed bill; fiscally responsible. A good chunk of it is aimed at Hurricane Katrina—which both Senator INHOFE and I feel very good about. We believe certainly Louisiana is in desperate need of help, and we have answered their call in a very strong way. I would say about 25 percent of the bill is actually dedicated to making sure Louisiana is made whole and is protected in the future.

We hope our colleagues from Louisiana will feel good about this. If there are other things they want to offer, we ask them to come down and show us what they are. Senator INHOFE, Senator ISAKSON, Senator BAUCUS, and I have an agreement that unless the four of us agree on these amendments, we are going to oppose them. That is hard for us to do. We don't like to give up our freedom. But on this we are going to do it. Why? This bill is 7 years overdue—7 long years. There is enough blame to go around as to why it happened. We don't need to get into it. It is not important. Right now we have an opportunity to make up for lost time and get to where we are back on a track that makes sense. This is a great economy in this country. We need an infrastructure that matches our ambitions and our future dreams for a thriving business community, a place where workers can get good jobs. So we need this bill.

What we are saying to colleagues is, first of all, some of you want to see the bill. Of course. The bill is available to you.

The bill is available in both cloakrooms. The bill will be printed in the RECORD tonight. You have all been part of it. I think you all will be pleased with it. There is a CBO score that has been placed in the RECORD for you to see. There is huge support out here in America for this bill. We have letters coming in from disparate groups in this country which include farmers, which include workers' unions, contractors, all kinds of businesses. This is a very powerful message to the Senate to move forward. The House has passed the bill. Let's get to conference. Let's get a bill to the President's desk.

Again, I say thank you to Senator INHOFE. I will say this a lot. But it has been a pleasure to work with him and his staff. My staff feels the same way. We have made great progress. This bill is a project of commitment, of bipartisan and partnership.

I mentioned Senators BAUCUS and ISAKSON. They have been very important in terms of working with us on this package. Many members of the committee went to Louisiana to see the problem there. Senators LANDRIEU and VITTER were determined to show us their needs, and they did. Again, a lot of the work in this bill is directed toward Louisiana.

I do want to thank members of the staff. Sometimes chairmen wait until the bill is finished to do that. But I want to do it now: My staff director, Bettina Poirier, and my deputy staff director, Ken Kopocis; Jeff Rosato and Tyler Rushforth for all their work. On Senator INHOFE's staff, I wanted to thank Andrew Wheeler, Ruth Van Mark, Angie Giancarlo, and Letmon Lee. Additionally, I thank Jo-Ellen Darcy and Paul Wilkins with Senator BAUCUS and Mike Quiello with Senator ISAKSON.

We have had many late-hour, emergency, stressful phone calls getting to this stage. We hope those phone calls will not have been in vain and that we have come up with a product everyone will be proud of.

In so many ways this is the start of a new day because I believe we are now on track to restore the regular process of meeting the Nation's water resources needs as they arise. But we will not get done with this bill if colleagues do not come to the floor and let us see their amendments.

I echo what Senator INHOFE said. Let's not play hide and seek with

amendments. Let's get those amendments out. I have already been very open. I have told everybody there is an agreement with the big four on the committee; that we need to agree to them, to support them. It may well be there is an amendment on Senator INHOFE's side that he wouldn't vote for because one of us said it is not acceptable. The same thing could well happen on our side. That does not diminish anyone's right to offer these amendments. They have the right to do it. We support their right to do it because if they come soon, maybe we can work on these amendments together and get them included in the managers' package. So that would be the best of all worlds.

I thank Senator FEINGOLD because he and I had a chat. He is going to offer an amendment I do not agree with on prioritization of Corps projects. But he is going to come over here at noon. He is going to take his time then, and then he is not going to talk about this anymore until we have a vote. And he will do it in 2 minutes on Tuesday so that we can get the debate on these amendments over with now.

So I ask other Senators with amendments, within the sound of our voices: Please come over with your amendments. We have all day, all day here with an open microphone for you. You can take as much time as you want. You can put your amendment out there. You can talk about it, and then Senator INHOFE and I can look it over, share it with Senators ISAKSON and BAUCUS.

We want to accommodate everybody. We really do. If you meet the criteria we have set out—I think the criteria is well thought out. We want to make sure every project in this bill can be defended. That is important because we have precious few dollars to waste. So we want you to come over with your amendments. We are going to try to help everyone. We have already done so much to help you. We want to do more. We both agree, Senator INHOFE and I, that WRDA is an important bill, and it is overdue 7 years—too long to wait for a bill that authorizes essential flood control, navigation, ecosystem restoration; 7 years of projects being ready to go and unable to begin because, for whatever reason.

Again, we did not—we could not get the political will, or we could not just push it over the finish line, as I like to say. So we had 7 years of communities in your State and mine and Oklahoma and other places, people waiting to shore up their infrastructure needs, many of them vital to protecting homes and families from catastrophic flooding.

Believe me, I can tell you, in my State flood control is one of the major priorities of Senator FEINSTEIN and I, as well as Governor Schwarzenegger. It is quite bipartisan in the State legislature as well.

So, yes, there are a lot of projects in the bill. It is the cost of waiting so long to act. So I think it is remarkable that given all the time that has gone on, we were able to put together a bill that is fiscally responsible. The bill before the Senate is less expensive than the bill passed by the House. The original bill had some ambiguous language that drove up the score. But I believe Senator INHOFE and I and others, we have corrected this problem. It was not easy. It took discipline, but we worked cooperatively in a bipartisan way.

We have a bill that meets our communities' and our Nation's acute and unmet water infrastructure needs. It does it in a fiscally responsible way. Let me tell you what the bill does. Title I would authorize 47 projects consistent with completed chief of engineers reports. Now, that is very important because these reports lay out what we have to do, what the cost will be.

Those chief of engineers reports deal with flood control, navigation, and ecosystem restoration projects. These chief reports are the result of years of engineering science, economic analysis, environmental assessment, hours of Corps of Engineers work and expertise going into preparing these documents, concluding with the final review of the chief.

Title I would also authorize new locks on the upper Mississippi River, Illinois waterway system, and the concurrent ecosystem restoration plan for those waters. This project is important to waterway goods movement, particularly grains from the heartland of America. That is why the farmers support this bill. We have an amazing coalition of people supporting this bill.

If you cannot move goods, grain, from the heartland, we are in a lot of trouble. We will be in a lot of trouble if this bill does not get done. Senator INHOFE and I are committed to getting this done. We have our differences in this Chamber, and by the way, that is the way it should be. There are differences in this Chamber, but when it comes to this bill, it seems to me we have to set them aside. Those differences should be set aside.

Title I also includes authorization for the Louisiana Coastal Area Ecosystem Restoration Program, to revert wetland loss and provide hurricane and storm damage reduction benefits.

I will discuss this issue in depth at a later time. But we know the loss of wetlands is a major cause of flooding. Not even to get into the fact that our species need these wetlands, put that aside; the wetlands are flood control, natural flood control. We have lost so many wetlands that the Corps came to us and told us they believe it is a major cause of trouble now. We did not realize what we had until they were gone. So now we are restoring wetlands.

Finally, title I includes small projects for flood damage reduction, navigation, aquatic ecosystem restoration, under the continuing authority programs of the Corps.

Title II will make changes in Corps of Engineers authorities in how it carries out its programs. Title II contains the administrative provisions that are commonly referred to as Corps reform. These important provisions include updating the Corps' planning process, the water resources planning coordinating committee, independent peer review, and improvements to the Corps' mitigation program.

Now, a lot of this language was new to the last bill. I thank my colleague, Senator INHOFE. When he was in charge of the committee, he took the lead on this section, and we kept that section intact. We made progress with Corps reform. These provisions will help ensure the Corps does its job more effectively and soundly, require in many cases an extra pair of eyes on its projects.

Senator INHOFE worked with Senator FEINGOLD and me and others. The language stands. We should be proud. Yes, there is Corps reform in this bill.

Now, I wanted to make it clear that Senator FEINGOLD wants to do more. One of his ideas is prioritization. Frankly, I think it is off the mark, and we are going to have a debate about it to see where the chips fall on that particular amendment. But I thank him for his cooperation. He is going to come down in a little while. He is going to take his time. He is going to debate this bill. Senator INHOFE and I, I am sure, will have a response, and then we will be able to have a very short continuation of the debate just a couple of minutes per side, hopefully, on Monday or Tuesday, and we will finish this bill.

Title II also contains the authorization for the National Levee Safety Program, a new program that helps identify failing levees and provides Corps resources and expertise to help improve and repair those levees.

Title III includes provisions that would affect existing, ongoing, or completed projects. These sections include making modifications to project cost ceilings, modifying project purposes, changing project boundaries, extending authorizations for annual programs, and correcting original deficiencies. Why is this important? Because so much time has passed that these projects need another look. Sometimes there is new technologies that can come in and meet the needs. Sometimes there is new cost estimates that need to be reflected. So Title III affects existing, ongoing, or completed projects.

I have just about 3 more minutes or 4 more minutes, then I will have to yield to whoever would like to speak at that time.

Title IV includes authorizations for new project studies. It also makes modifications to ongoing studies. Title V includes modifications to the Estuary Restoration Act, an existing restoration program of the Corps. It includes programmatic authorities for regional approaches to water resources problems.

Title VI would deauthorize all or portions of 52 previously authorized Corps

projects. The deauthorization represents projects or portions of projects that are no longer supported by local interests. This does happen. Sometimes you have a plan, and after years and years people say: There is a better way to do it, or we don't need it. That is reflected here.

So that is a brief overview of the bill. But it only begins to express the bill's importance to our communities, our families, our Nation, our farmers, our workers, our businesses. The bill is about authorizing projects our communities need to help protect thousands of homes and millions of lives from catastrophic floods. The bill is about authorizing projects our communities need to help restore the great wetlands, estuaries, and rivers of our Nation. These are places in which wildlife thrives and our families can enjoy for generations to come.

Indeed, as hunting, fishing, boating, camping, and our outdoor industries boom, this bill is an important part of keeping America's recreation economy thriving.

The bill makes other very important contributions to our Nation's economy. It authorizes projects our communities need to help increase our port and waterway capacity and makes shipping easier, safer, more efficient.

It literally keeps America's economy moving. We are in a global economy. Ships come into port, and they go out of port. They move goods in, they move goods out. Workers are at the ports, businesses are at the ports.

I will tell you, when we get to our next highway bill, we have to do a lot more for our ports in terms of cleaner air and goods movement. I look forward to working with Senator INHOFE perhaps as early as next year, and the other colleagues who chair and rank on that subcommittee, to begin looking at that next bill that is so important to our goods movement.

But this is part of it. We need to pass this bill to keep America's economy moving because so much of our economy is dependent on our water resources. In just the next 2 minutes, I am going to give you a couple of examples of what I am talking about.

America's ports and harbors are our gateway to the world. Our manufacturers' goods, automobiles, computer chips, agriculture goods such as grains, wines, and fruit pass through our ports and harbors around the world. Goods worth $5.5 billion pass through our ports every day and more than 2.5 billion tons of trade move through our ports and waterways. That volume is expected to double over the next 15 years. In the next 15 years, goods movement is going to double in our country. So we have to get down passing this bill, because thousands of jobs are on the line. Many businesses are expecting us to take action, and our farmers want action. Five million jobs are at America's ports. WRDA is essential.

Outdoor recreation, I talked about that. The Corps of Engineers operates more than 2,500 recreation areas at 463 projects, and leases an additional 1,800 sites to States or locals. The Corps hosts 360 million visits a year at its lakes, beaches, and other areas. It is estimated that 1 in 10 Americans visits Corps projects once a year, 25 million people. We need to pass this bill. That generates 600,000 jobs to support visitors.

Public health and safety, economic growth, environmental protection are the goals of this bill.

This is the first bill—I think Senator INHOFE and I are very proud of this—that takes into effect ethics reform, even though the bill has not been signed into law. We have asked colleagues to submit letters answering the question: Do you have a conflict of interest in any of your projects? Those letters are open for the public to see. They are at the committee offices. We have printed in large print the results of those letters and each of the projects Members have asked for.

We are proud of that.

One of the lessons of Hurricane Katrina is we ignore water infrastructure at our own peril. We are going to be moving new WRDA bills right after this one. We are going to be looking at our levees. We are not resting after this bill passes.

I look forward to moving along on this bill. I know at this point we have a bit of a slowdown on the bill by my Republican colleagues. I understand their issues have nothing to do with the legislation. I respect that. It is a tool being used. But I urge both sides, let's put aside our differences on whatever they are. Whether it is judges, whether it is Iraq, God knows we have differences; they are tough. I respect those differences. Senator INHOFE does as well. But we need to move this legislation. This bill can't wait much longer.

Again, we are going to work in a cooperative way. We urge Members from both sides to get their amendments to the floor. Even though we can't at this point put those amendments in the RECORD, we can debate them today.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I appreciate the remarks made by the chairman of the committee, Senator BOXER. I do agree. It is very unusual that we agree so much on one bill, and we do on this one. It is important that everyone understands, this bill is actually less than the House bill is. This bill is less than the bill when I was chairman of the committee a year ago. But the most important part is, it offers discipline. When you say you need a chief's report, you are saying a project has to be economically justified, environmentally sound, and technically feasible. Without this bill, there is no discipline. That is what I keep saying to my conservative friends.

One of the Members who has been very helpful was the chairman of the subcommittee—and I was ranking member—out of which this bill emerged, the Senator from Georgia, Mr. ISAKSON. So we can lock in the next two speakers, if there is no objection, I ask unanimous consent that Senator ISAKSON be recognized for up to 8 minutes, followed by Senator GRASSLEY from Iowa for up to 20 minutes.

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

Mr. INHOFE. I also ask unanimous consent for Senator FEINGOLD to be recognized at noon today for up to 1 hour. Then at 1 o'clock, we will have an opportunity to respond.

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

The Senator from Georgia.

Mr. ISAKSON. Mr. President, I reiterate my commitment to the chairman and ranking member, and to Senator BAUCUS, that we will remain united to support this bill to the end. We will be united on amendments whether we are for them or against them. This is in the best interest of the United States.

I thank Ruth Van Mark, Angie Ciancarlo, Letmon Lee, Jeff Rosato, Ken Kopocis, Tyler Rushforth and Jo-Ellen Darcy for their work on this bill. I particularly thank my staff member Mike Quiello.

The bill before us is an investment in infrastructure. It is not a spending bill. It ensures safe drinking water, clean drinking water, storm water management, and navigable waterways will be a reality. They will be workable and they will be improved. To use my State as an example, I cite three things included in this bill that are important to the infrastructure of the Southeast.

First, I wish to take a minute to talk about the Water Resources Development Act of 1986. This committee has considered that legislation to authorize four projects on a biennial basis. Unfortunately, we have gone 7 years without a reauthorization. Now is without question the time to make that reauthorization. I am proud of the work the committee has done.

Specifically, for the State of Georgia, there are a number of important provisions included in this legislation: a fund for the construction of conveyance systems to connect both existing and planned wastewater infrastructure and facilities for the Metro North Georgia Water Planning District. What is so important about this is, it represents what Congress and the Corps have said is the future of quality, good management water. That is a regional approach. Water does not recognize political jurisdictions. It does not recognize politicians. It flows downstream and downhill and intersects regions as it goes. It is important to fund projects such as this to deal with water on a regional and comprehensive basis.

Also included in this legislation is the Big Creek watershed in North Fulton County. The Mayor of Roswell, the city of Roswell, the County of Fulton, have worked critically on this watershed management and have increased

the flow of water into the Chattahoochee and improved its quality and used new high technology for flood and water control management. It is essential we invest in that type of infrastructure in the future for good quality water, good quality runoff, and good quality storm management.

I also wish to take a moment to talk about an historic event that took place in my State at 2 p.m. on 12 March 2007. Governor Sonny Purdue of Georgia and Governor Mark Sandord of South Carolina met on the banks of Jasper County in South Carolina and announced a bistate proposal to build a joint port operation in Jasper County. It is historic because for the better part of two decades, Georgia and South Carolina have fought over the use of that land. It has been used as an environmental dump, if you will. The two States operate the Port of Charleston, the Port of Savannah, and the Port of Brunswick. All are reaching capacity. The two States wanted to go together, build a port, and operate that port jointly to ensure the future of commerce to the Southeast and, in fact, the rest of the Nation, so much so that the two States are putting up the money to pay for the feasibility study. The WRDA bill only authorizes the study to be made. It does not cost the taxpayers of America a dime. The taxpayers of Georgia and South Carolina are paying for it.

During the debate, there is going to be an amendment offered to clarify language in section 4028 of the bill which will more accurately reflect that agreement.

I ask unanimous consent to have printed in the RECORD a copy of this historic transcript as well as a copy of the transcript of Assistant Secretary of the Army for Civil Works John Paul Woodley talking about this agreement and acknowledging it in the EPW Committee.

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

TERM SHEET

Whereas, Governor Sanford and Governor Perdue, as the chief executive officers of their respective states, recognize that the capacity at the existing ports in Charleston and Savannah is finite and that their states' businesses and industries have a need for increased access to marine terminal facilities to import and export goods associated with their activities for the benefit of each of the states, the United States and for international commerce generally; and

Whereas, Governor Sanford and Governor Perdue believe that the most practical means of increasing each state's capacity for marine-related transportation facilities is to: (a) build a new maritime terminal on the Savannah River in Jasper County, South Carolina, and (b) improve access to both the new terminal in Jasper County and the existing and potential new or expanded terminals in Garden City and Savannah, Georgia; and

Whereas, in order to expedite and facilitate the building of the new terminal in Jasper County and to improve access to this new terminal and the existing and potential new or expanded terminals in Garden City and Savannah, Governor Sanford and Governor Perdue are desirous of setting forth herein their mutual intent to cooperate and coordinate in all appropriate respects and to promote and advocate in good faith the taking and occurrence of any and all actions necessary to those ends, including, without limitation, those set forth herein;

Whereas, Governor Sanford and Governor Perdue recognize the importance of the environmental resources in the Savannah River and the surrounding areas, and the need for wise use and long-term sustainability of these resources through planning and cooperation on resource management in a regional and cooperative manner, and are proposing the actions herein in a manner that balances the need for economic development and protection of sustainable natural resources to the maximum extent feasible;

Now, therefore, to promote and advocate the taking of actions necessary to build a new maritime terminal on the Savannah River in Jasper County and to improve access to both this new terminal and the existing and potential new or expanded terminals in Garden City and Savannah, and to establish a framework from which their respective state legislatures can draft and adopt a formal compact to accomplish those objectives, Governor Sanford and Governor Perdue set forth this Term Sheet.

THE JASPER COUNTY MARITIME TERMINAL

1. Governor Sanford and Governor Perdue will use their best efforts as the Governors of their respective states to promote the development of a maritime terminal, by the two states on an equal basis through an appropriate entity (the Bi-State Port Authority) and pursuant to a compact (the Bi-State Compact) approved by the two states' legislatures and ratified by the United States Congress (the Congress), on an appropriate portion of the land (the Jasper Terminal Site) situate in Jasper County, owned by the Georgia Department of Transportation (the Georgia DOT) and currently subject to litigation between the states.

2. Independent of the pursuit of the Bi-State Compact to develop a maritime terminal on the Jasper Terminal Site (see paragraph 3 below), Governor Sanford and Governor Perdue recognize that, as a threshold matter, in order for a maritime terminal to be developed on the Jasper Terminal Site by any entity, the easements (the Easements) used by the United States Army Corps of Engineers (the Corps) for placement of dredged fill materials for the Savannah Harbor Federal Navigation Project (the Savannah Harbor Project) on the Jasper Terminal Site must be removed, released, or modified. In this regard, Governor Sanford and Governor Perdue further recognize that the Georgia DOT as the current owner of the Jasper Terminal Site is the appropriate party to initiate and pursue the release, removal or modification of the Easements, and they will use their best efforts as the Governors of their respective states to cooperatively pursue the timely release, removal or modification of the Easements by requesting:

(a) that the Georgia DOT, as soon as possible after execution of this Term Sheet, make a formal application to the Corps for the release, removal or modification of the Easements and that the State of South Carolina submit a letter of support to the Corps;

(b) that the Congress authorize the necessary studies to permit such release, removal or modification (the Federal Feasibility Study) and that each state take whatever action may be required, including if necessary an appropriation by its legislature during the 2007 legislative session, to ensure that each state has the requisite funds dedicated as soon as possible after execution of this Term Sheet for the payment of one-half of the estimated cost of the Federal Feasibility Study; and

(c) that each state's legislature appropriate during the 2008 legislative session, if necessary, funds dedicated for the payment of one-half of the state or local share of costs associated acquiring replacement spoil disposal sites.

Governor Sanford and Governor Perdue further acknowledge that these efforts to release, remove or modify the Easements must immediately proceed on a track independent of the Bi-State Compact process and declare that these efforts shall represent the necessary tangible commitment by the two states to act in good faith toward ensuring that a new maritime terminal on the Savannah River in Jasper County becomes a reality. Additionally, Governor Sanford and Governor Perdue acknowledge that, in the event the Bi-State Compact process fails and title to the Jasper Terminal Site remains reposed with the Georgia DOT (and thus continues to remain the subject of the condemnation litigation pending between the SCSPA and the Georgia DOT), then it would be equitable for the State of Georgia to recompense the State of South Carolina for funds expended by it in connection with the Federal Feasibility Study and acquiring replacement disposal sites to compensate for the areas no longer encumbered by the Easements, and therefore Governor Perdue will use his best efforts as Governor of Georgia to have the Georgia legislature make the appropriate equitable reimbursement arrangements.

3. Independent of their immediate effort to pursue the release, removal or modification of the Easements from the Jasper Terminal Site (see paragraph 2 above), Governor Sanford and Governor Perdue will also use their best efforts as the Governors of their respective states to promote the passage of the Bi-State Compact in their respective state's legislatures, on or before March 31, 2008, to:

(a) create the Bi-State Port Authority to be owned on a 50–50 basis by the two states and governed by a board comprised of directors appointed in equal numbers by the two states, provided, however, that there are adequate provisions for the resolution of deadlocks and specific assurances that the Bi-State Port Authority would be completely committed to the timely development of a new maritime terminal on the Jasper Terminal Site, with specific milestones to be achieved, so that the Bi-State Port Authority would not be in any way biased toward the protection of existing or future maritime terminal facilities owned and/or operated by the South Carolina State Ports Authority (the SCSPA) at the Port of Charleston or the Georgia Ports Authority (the GPA) at the Port of Savannah;

(b) authorize the Georgia DOT's sale of the Jasper Terminal Site to the Bi-State Port Authority for its fair market value, with matters of record that prohibit the development of a maritime terminal being removed prior to the sale, with costs of such removal to be shared by the two states 50–50, such sale to close immediately after the United States Congress ratifies the Bi-State Compact;

(c) appropriate funds (with each state bearing one-half of the funding) for the Bi-State Port Authority land acquisition and costs related to its accomplishment of its responsibilities;

(d) direct the SCSPA to dismiss its condemnation action against the Georgia DOT and release the Georgia DOT from such claims simultaneous with the Bi-State Port Authority's acquisition of the Jasper Terminal Site; and

(e) direct the Bi-State Authority to issue Requests for Proposal for private companies to submit proposals to participate in the development the first phase of the Jasper Terminal Site using private capital.

THE SAVANNAH HARBOR PROJECT

4. After the release, modification or removal of the Easements from the Terminal Site, the Georgia DOT's sale of its right, title and interest in and to the Jasper Terminal Site to the Bi-State Port Authority, and the required approval and ratification of the Bi-State Compact by the state legislatures and the Congress, then Governor Perdue and Governor Sanford agree to cooperate and to use their best efforts to cause the respective Georgia and South Carolina agencies and public interest parties to cooperate each with the other and with other interested parties, including but not three limited to the Corps, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the U.S. Environmental Protection Agency, in the deepening of the Savannah River navigation channel as conditionally authorized in the federal 1999 Water Resources Development Act and set forth as the Savannah Harbor Project further described at www.sav-harbor.com. and in the permitting of the development of the Jasper Terminal Site, with the understanding that any local sponsor or other nonfederal costs associated with the Federal Feasibility Study and the deepening of the Savannah River navigation channel to at least 48 feet from the Atlantic Ocean to and including the Jasper Terminal Site will be divided equally between the states of Georgia and South Carolina, or their respective agencies or departments, and provided that neither the State of South Carolina nor any of its agencies and departments shall bear any local sponsor or other nonfederal costs of deepening the Savannah River navigation channel beyond the westernmost terminus of the Jasper Terminal Site.

THE SAVANNAH RIVER COMMITTEES

5. By executive orders issued in June 2005, Governor Sanford and Governor Perdue created committees to identify and discuss issues of mutual interest related to the water resources of the Savannah River Basin, and pursuant to those orders the Governor's Water Law Review Committee, appointed by Governor Sanford, and the Governor's Savannah River Committee, appointed by Governor Perdue (collectively, the Savannah River Committees), have corresponded and met to discuss those issues, including, without limitation, the following:

(a) The potential that fresh groundwater supplies in the Upper Floridan Aquifer are being contaminated by salt water intrusion from the Port Royal Sound and other areas;

(b) the impact of the Total Maximum Daily Load (TMDL) regulation for the Lower Savannah River recently issued by the EPA;

(c) the use of the Savannah River below the Thurmond Dam as a receptacle for treated wastewater from municipalities and industries; and

(d) the need for a long-term strategy between the two states to manage the use of the Savannah River.

Governor Sanford and Governor Perdue declare that nothing in this Term Sheet shall undermine the importance of the issues being considered by the Savannah River Committees and reaffirm that these committees have been and continue to be charged with the responsibility of investigating those issues, with due consideration as to how such may impact the other objectives discussed in this Term Sheet, and with the task of reporting their findings and recommendations to the two governors in a timely manner.

MISCELLANEOUS

6. Governor Sanford and Governor Perdue shall appoint a six-member task force (the Task Force) chaired jointly by a member from each state with each Governor having an equal number of appointments and direct it to present to them, within 180 days (the 180-Day Task Force Due Diligence Period) of the date hereof, a proposed Bi-State Compact that incorporates the material provisions of paragraph 3 above and that, once it has been passed by the two state legislatures and then ratified by the Congress, would create binding legal obligations in furtherance of the objectives referenced herein. Governor Perdue and Governor Sanford further agree to direct the Task Force to establish a deliberative compact development process in which the draft compact is made available to state officers, stakeholders and the public for comment and revision prior to introduction in the respective legislatures during the 2008 sessions.

7. Nothing in this Term Sheet shall delay or in any way influence the legal options available to either state relative to the prosecution or defense of litigation related to any condemnation of the Jasper Terminal Site nor shall this Term Sheet be admissible in such litigation; provided, however, that Governor Sanford and Governor Perdue will ask the SCSPA and the Georgia DOT to: a) take such actions as may be reasonably necessary to have a final adjudication in the pending condemnation action deferred by the South Carolina state circuit court judge until after the expiration of 180–Day Task Force Due Diligence Period, with the understanding, however, that the two litigants during such time would still be able to engage in activities preparatory to such final adjudication; and b) enter into a six-month tolling agreement confirming that the right of either party to petition the United States Supreme Court to accept jurisdiction of the condemnation action shall not be negatively affected by this request for a delay of final adjudication. In this latter regard, it is recognized that, notwithstanding this Term Sheet, the SCSPA expressly reserves any and all arguments and positions that it would be improper for the litigation it has with the Georgia DOT to be removed to the original jurisdiction of the United States Supreme Court and the Georgia DOT expressly reserves any and all arguments and positions that such removal would be proper.

8. Market studies conducted both by the SCSPA and the GPA indicate that a window of opportunity now exists for maritime terminals in the Southeast to increase their volume of imports and exports, and Governor Sanford and Governor Perdue will use their best efforts as the Governors of their respective states to promote regional cooperation between the State of South Carolina and the State of Georgia to take advantage of this opportunity—not only in regard to the new maritime terminal planned for the Jasper Terminal Site, but also between the existing operations at the Port of Charleston and the Port of Savannah—so that the two states are able to take advantage of this opportunity, said cooperation to include, without limitation, the development of a coordinated and improved network of rail access to and rail delivery and distribution from terminal operations in Jasper County, the Port of Savannah and the Port of Charleston.

9. This Term Sheet is a statement of the mutual understanding of the parties. Neither this Term Sheet nor any provision hereof constitutes, or shall constitute, a legal and binding obligation, contract or agreement between either of the parties. Even though this Term Sheet is not binding in any way, the parties agree that: a) if, within 180 days of the creation of the Task Force referred to in paragraph 6 above, a proposed Bi-State Compact is not presented to Governor Sanford and Governor Perdue by such Task Force, then this Term Sheet shall terminate automatically; and b) if by March 31, 2008, the legislatures of the two states have not formally approved the Bi-State Compact, then this Term Sheet and the Bi-State Compact, if any, shall terminate automatically.

STATEMENT OF THE HONORABLE JOHNNY ISAKSON, A UNITED STATES SENATOR FROM THE STATE OF GEORGIA

Senator ISAKSON. Thank you, Mr. Chairman. I have enjoyed working with you on many projects in the past, and look forward to working with you on this Committee. I pledge to Chairman Boxer that I absolutely will do everything I can to help expedite and facilitate the WRDA bill and I associate myself with her remarks.

I would like to welcome Senator Mack Mattingly from Georgia, who is in the audience today, and Doug Marchand, who will testify later, who since 1994 has overseen the expansion of the Port of Savannah and the Port of Brunswick. I express my appreciation to the Corps of Engineers for the investment and the work they have done at both those facilities.

I particularly welcome General Strock, and tell you how much I appreciate all you have done and how much you will be missed. You have done an outstanding job.

Mr. Chairman, on Monday of this week at 2:00 p.m., the Governors of South Carolina and Georgia met on the banks of the Savannah River and held an historic press conference which announced a bi-State compact to propose the building of a new port in Jasper County, South Carolina to be jointly operated by the State of Georgia and the State of South Carolina.

Historically, the two States have been at odds over Jasper County on many issues, and they joined hands today and even offered to pay the financial cost of the feasibility studies necessary to move forward on that event. I would like to submit that entire agreement between Georgia and South Carolina for the record.

Senator BAUCUS. Without objection.

Senator ISAKSON. Speaking of cooperation, Mr. Chairman, I am pleased to tell you that the Governors of Alabama and Georgia, you would think we were having a new civil war with all my testimony here, but the Governors of Alabama and Georgia have also worked together in the last eight months to bring about a tri-State water compact in the Chattahoochee Basin. We have been in court for the better part of 17 years without a tri-State water agreement. It has hurt the States of Florida, Georgia and Alabama. The Corps was to begin early this year, has not yet, but I am going to encourage them to hurry up and facilitate the completion of the water control plan, which is the essential framework to formalize the tri-State water compact and make that in fact happen.

I also am looking forward to the testimony of the members of the Corps with regard to the fiscal year 2008 budget request, as to its sufficiency. In my personal judgment, it is probably insufficient to meet the challenges that we need. I hope they will make suggestions as to what we can do in the Senate and the Congress to improve that.

I again want to end where I began, with my sincere appreciation to the Corps of Engineers for the investment of capital and time in the State of Georgia and our resources. Our ports of Brunswick and Savannah are two of the great facilities on the East Coast of the United States. The proposal to build a third port jointly by Georgia and South Carolina is because those two ports have finite capabilities: Brunswick, Savannah and the Port of Charleston. The States have realized the importance of meeting the needs of the people of the United States of America and our commerce in the 21st century, and

believe that facility to be an essential part of it.

I thank the Ports Authority representatives for attending today. I thank the Corps for their investment in Georgia. I look forward to hearing from the Corps with regard to the water control plan on the Chattahoochee River.

Thank you, Mr. Chairman.

Mr. ISAKSON. In conclusion, this water resources bill represents a long overdue step forward in the investment to protect our water resources, enhance our environmental restoration, and spur economic development. It is an investment in the future of our drinking water, an investment in the future of our navigable waterways, and an investment in the future of our commerce. For Congress to fail today or the Senate to fail today to act on this bill responsibly and move forward will be doing a disservice to commerce, to our citizens, and we will, in fact, be abandoning our responsibility to meet the needs of the people of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 20 minutes.

Mr. GRASSLEY. I thank the Chair.

Mr. President, it is a pleasure to see this bill out here again as it was last year, passing the Senate, I think unanimously. I had thoughts that maybe we would never see this bill again in this new Congress, such a needed bill as it is. We have not passed a water resource development bill since 2000. Usually Congress, before that period of time, had been reauthorizing every 2 years or authorizing for the first time on a regular basis.

This bill is important to the entire country, but we each represent our respective States. So I see the necessity of this bill from how it enhances the economy of the upper Midwest, Iowa being in the upper Midwest, benefiting very much from it, not only because of where we are geographically located, but we are such a breadbasket for the world as well. For Iowa, the Enhanced Navigation Capacity Improvement and Ecosystem Restoration plan for the upper Mississippi and the Illinois water systems being included in this Water Resources Development Act is vital to the economy and to the ecology of the upper Midwest and particularly to the Mississippi River, with its triple purpose of environment, recreation, and commerce.

Of course, Iowa has the Mississippi River as our eastern boundary. Iowa and the Nation rely on the river to move many of our goods, both domestically and internationally, moving goods into our State that are needed for production as well as moving finished product and raw product out of Iowa, not only agricultural products, which maybe you think about most often, but other products beyond agriculture.

For the United States as a whole, our inland waterway system plays a major role in our Nation's economy. More than a billion tons of commerce is moved domestically through our inland waterways with a value of $300 billion. Of the $300 billion, the upper Mississippi and the Illinois River system contribute significantly. The value of that part of our inland waterway system is $12 billion per year. Approximately 60 percent of that $12 billion a year is involved with bulk agricultural exports moving from the farms to the river, down the river, both upper Mississippi and Illinois River, out into international commerce. Navigation on these rivers supports over 400,000 jobs, including 90,000 high-paying manufacturing jobs.

The United States enjoys a comparative advantage in corn production worldwide. My State of Iowa is the leading corn-producing State of the Nation. But the United States as a whole has a comparative advantage to the rest of the world. The per-ton cost for transporting corn in the United States is lower than in lots of other countries. That gives us a tremendous advantage beyond our productive capability. Our Nation must not allow its transportation infrastructure to continue to deteriorate. I believe one of the most important reasons for this legislation, at least as it relates to the Mississippi and Illinois, is there has been deterioration of the system on the one hand and, on the other hand, it has not been expanded in the most efficient way handle the enhanced commerce, the enhanced tonnage that goes up and down the river today compared to decades ago when this system was first set up. Because of that, we have to be concerned not only with this deterioration and maintenance but with the expansion of it because our international competitors are making major investments in their transportation systems.

I had the good fortune, a year ago about now, to travel to Brazil with a codel I headed, to look at the transportation of agricultural products from the inland of Brazil to the ocean into world commerce. As far as some of their infrastructure is concerned, it is very inferior to ours because when traveling in rural Brazil, last year, we ran over more potholes—and I suppose in that area, like in rural Iowa, you would call them mud holes—than you can count.

But Brazil has made significant investments in river infrastructure as compared to their surface transportation. They are realizing they have to get the stuff to the river if they are going to get it into world commerce, so they are spending a lot in resources now on surface transportation to move it from the farm to the ocean. When that happens, I am telling you, we are really going to be at an economic disadvantage with Brazil because of what they are doing on the Amazon, because Brazil already has made significant investments in its river infrastructure.

In the Chamber, I have a map of Brazil, and it happens that where the two arrows are depicted on the map is where we stopped—at those locations on the Amazon River. At the eastern location, you can see there is a city called Santarem. It is 400 miles in from the Atlantic Ocean, which is about the same distance from New Orleans to Memphis. They have a brandnew facility there for loading oceangoing ships—not using barges, the way we do, and then taking them out to the ocean and loading from the barges onto oceangoing ships. They have oceangoing ships going all the way up the Amazon River to that point—400 miles. They get the efficiency of loading right onto the oceangoing ships, to give them an advantage. It is a very modern loading facility.

Now, there are also new facilities for barges farther up the river—another 200 miles up the river—where they can load onto barges and move their production into the world commerce. Barges traveling that far into the mainland are going to help Brazil become very competitive with our own farmers.

Then again, let me repeat, once they figure out how to get their railroad—they do not have much of a railroad system for commerce to move bulk—when they get railroads in place, when they get their highways in place, they are going to be a real challenge to us.

Let me say, I ought to give them more credit than I have. From the standpoint of what they can produce, at least with soybeans, they are outproducing the United States, as of a couple years ago, when, for the first time, we were no longer the world's leading producer of soybeans. So they have that capacity to produce. Where we are more competitive at this point is getting our stuff to market. But you can see they are concentrating on that. That is why we need to concentrate on this legislation to get our dam-and-lock situation on the upper Mississippi and the Illinois River in a position so we can do that.

Now, South America has more virgin land that has not been under production, and they are converting 17 million acres of virgin land into agricultural production. The long-term results of these efforts on producers in the United States, if we do not keep our transportation system on the Mississippi River and Illinois River up to date and expanded, would be to reduce farm income by $562 million a year, increase the foreign trade imbalance by $245 million, and to have a loss of sensitive global environmental habitat.

Therefore, we must invest in major improvements to all of our transportation infrastructure. Currently, every mode of transportation is near or at maximum capacity. If we do not make these investments in our roads, in our rail, in our water, U.S. agriculture, U.S. industry, and the working men and women are going to pay the price.

According to the Congressional Research Service, in 2005, U.S. exports of goods and services totaled $1.2 trillion, compared to $1.1 trillion in 2004 and

just a little over $1 trillion in 2003. Also, our Nation relies on many imported goods that come to the United States. Many of these goods travel by our inland waterways. It is also forecast that both our exports and imports will continue to grow in the coming years. We must be able, then, to efficiently and economically move these goods.

Nearly two-thirds of all grain and soybean exports are moved through the Mississippi and Illinois Rivers. According to one study, unless the Army Corps of Engineers modernizes the lock-and-dam system on the upper Mississippi and Illinois Rivers, the cost of transporting corn would rise 17 cents per bushel. As a result, corn and soybean exports would decline by 68 million and 10 million bushels per year respectively. The decline in corn and soybean exports would reduce farm income by $246 million. Loss from lower prices and decreased interstate corn demand would equal $316 million. So these figures highlight how important barge transportation is to farmers and to the overall U.S. economy.

In addition, there are many environmental benefits to river transportation. According to the EPA, towboats emit 35 to 60 percent fewer pollutants than locomotives or trucks. Barges operate at 10 percent of the cost of trucks and 40 percent the cost of trains, while releasing 20 times less nitrous oxide, 9 times less carbon monoxide, 7 times less hydrocarbons, and burning 10 times less fuel. And you can see this comparison right here, shown on this chart—with barges on the left, hopper cars or trains in the middle, and then trucks and semis on the right—you can see the massive number of semis it takes to do what one 15-barge tow would do. This chart shows 15 railcars or 58 semitrucks being needed to replace each barge loaded, diverted off the upper Mississippi river system. A 15-barge tow equates to 870 semitrucks. EPA also estimates that the Nation currently saves $100 million to $300 million in air pollution abatements by moving bulk commodities by barge on the upper Mississippi river system.

In these times of high fuel prices, and with the need to conserve energy, 1 gallon of fuel in a towboat can carry 1 ton of freight 2½ times farther than rail and 9 times farther than trucks.

The Minnesota Department of Transportation estimates shifting from barge to rail results in fuel usage, emissions, and probable accident increases of 331 percent, 470 percent, and 290 percent respectively—for fuel usage, emissions, and probable accidents. Shifting traffic from barges to trucks increases fuel use by 826 percent, emissions by 709 percent, and probable accidents by almost 6,000 percent. Furthermore, shifting the 245 million tons from our rivers would add an additional 9.4 million trucks each year. That would add more than 169 million tires in our landfills.

For these reasons, I have been working with several of my Senate colleagues for so many years now on getting the initial authorization for lock-and-dam modernization and enhanced environmental restoration on these rivers signed into law. So I am very pleased this committee included these important initiatives in the Water Resources Development Act and that a bipartisan group of Senators is advocating for this very important modernization.

The lock system on the upper Mississippi River was built in the late 1930s. Many of the lock chambers are only 600 feet long and cannot accommodate 1,100-foot barge tows. These structures require modern tow configuration to ''double lock'' in order to make the pass-through. This adds up to mounting delay times, increased costs to shippers, increased harm to our environment by higher emissions and higher sediment suspension in the river channels, loss of jobs, and lower wages.

By the year 2020, if we do not make the much needed improvements in these locks, $562 million will be lost in farm income per year. This amount does not even take into account the huge cost of increased delays and congestion on our rail system and our road system. Also, keep in mind that $1 invested in this navigation project yields $6 in national benefit. That is a pretty good return on the investment of taxpayers' money.

We realize the authorization for the lock-and-dam improvements is just a first step in a lengthy process of improving the lock-and-dam system on the upper Mississippi, but it is an important and necessary project for our Nation. So I urge all of my colleagues to vote for this balanced legislation for the good of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I thank Senator GRASSLEY so much for his endorsement of this important bill.

It was interesting, I say to the Senator, that just as you came to the floor, I was handed the letter from the Corn Growers saying how much they support our legislation. And we add to that the letters from the American Public Works Association, the Associated General Contractors of America, the National Waterways Conference, the American Farm Bureau Federation. We have the Carpenters Union. We have many unions.

This is one of those bills that have broad support. But I am just very glad the Senator came down to express his support.

Mr. GRASSLEY. Mr. President, will the Senator yield for a second?

Mrs. BOXER. I am happy to yield.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, let me verify, not only from the National Corn Growers Association, as you read from their letter, but I can tell you, from the town meetings I had during the Easter break and also during the February break, from the grassroots of my State, farmers, including members of the Corn Growers Association, came to my meetings and on an individual basis backed up what their national organization stands for. So I think it is very much a national consensus of an organization, but it is also an understanding with the family farmers as to the importance of this legislation.

I thank the Senator for inserting those letters in the RECORD.

Mrs. BOXER. I thank the Senator very much.

Mr. President, I ask unanimous consent that those letters be printed in the RECORD.

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

NATIONAL CORN GROWERS ASSOCIATION,
May 8, 2007.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATORS REID AND MCCONNELL: The National Corn Growers Association (NCGA) appreciates your time, effort and steadfast commitment to bring the Water Resources Development Act (WRDA) to the Senate floor for consideration. Additionally, we applaud the Senate Environment and Public Works Committee and associated staff for their determination to see this long over-due legislation completed.

Corn growers have been long-time advocates for improvements to our inland waterway system. We have sought partners with industry, labor organizations, and environmental advocates building a broad coalition of support for WRDA. Our country's inland navigation system plays a critical role in our nation's economy, moving more than a billion tons of domestic commerce valued at more than $300 billion. More than 1 billion bushels of grain (about 60 percent of all grain exports) move to export markets via the inland waterways each year, accounting for $8.5 billion in exports.

Furthermore, inland waterways relieve congestion on our already over-crowded highways and railways that run through cities. One jumbo barge has the same capacity as 58 trucks or 15 rail cars. For a typical 15-barge tow on our nation's rivers, that is equal to 870 trucks in just one barge movement. One gallon of fuel in a towboat can carry one ton of freight 2.5 times farther than rail and nine times farther than truck.

The Mississippi River and its tributaries serve as one of our nation's major transportation corridors. Yet, the infrastructure on the Mississippi and Illinois Rivers was built in the 1930's when the total corn crop for the country was two billion bushels. In 2006, corn production eclipsed 10 billion bushels for the fourth consecutive year.

For continued success, U.S. farmers need efficient transportation networks. Investment in the Upper Mississippi and Illinois Rivers has not kept pace with demands. The antiquated system is slowly being starved resulting in operational failures that hinder barge movement and dramatically impact corn prices. Problems along the Mississippi and Illinois Rivers will continue to persist year after year if long-term investments are not made to improve our transportation infrastructure.

Specifically, WRDA would authorize a fifteen year project that includes the construction of seven new locks on the Upper Mississippi and Illinois Rivers as well as immediate implementation of small-scale measures. This legislation would authorize a fifteen year project that includes the construction of seven new locks on the Upper Mississippi and Illinois Rivers as well as immediate implementation of small-scale measures and the creation of a major ecosystem restoration program. As with our highways and interchanges, the purpose of modernization on the Upper Mississippi and Illinois Rivers is to make the entire system more efficient.

The continued development of our water resources in an environmentally sound manner will contribute mightily to our nation's well-being. The Congress needs to act now to address issues such as environmental restoration, navigation, flood control, hurricane protection, water supply, irrigation, beach nourishment and recreation.

Corn growers appreciate your support and stand ready to work with you in passing this important piece of legislation to the nation.

Sincerely,

KEN MCCAULEY,
President.

AMERICAN PUBLIC WORKS ASSOCIATION,
May 10, 2007.

Hon. BARBARA BOXER,
Chairwoman, Environment and Public Works Committee, Washington, DC.

DEAR MADAM CHAIRWOMAN: The American Public Works Association applauds your leadership in moving the Senate Water Resources Development Act of 2007 through committee and readying it for floor action! This bill will authorize vital inland and coastal public works projects needed for transportation, flood control, shore protection and environmental restoration. Passage of WRDA is long overdue and the time for action is now.

Our water resource systems are integral to our nation's well-being. With adequate dredging, our ports and waterways are the backbone of our transportation system—ensuring domestic and international trade opportunities and low-cost, environmentally sensitive goods movements. Our flood damage reduction program saves lives and prevents almost $8 in damages for each dollar spent. Corps hydropower facilities provide electricity to 24% of citizens. Shore protection projects provide safety from hurricanes and other storm events for transportation, petroleum and agriculture infrastructure around our coastal waterways and deltas. They also provide recreational benefits, returning $4 in benefits for each dollar invested. Projects for water supply, irrigation, recreation and wildlife habitat provide innumerable benefits.

APWA's members are uniquely positioned to collaborate with municipal and county agencies, engineers and local community leaders on these issues. APWA's 29,000 members design, build, operate and maintain transportation, water supply, sewage and refuse disposal systems, public buildings and other structures and facilities essential to our nation's economy and way of life. Public works professionals serve a diverse range of local communities, municipalities, counties, townships, villages and districts, whether large or small, urban or rural. As stewards of public infrastructure, APWA members are dedicated to managing and operating public works departments that provide safe and reliable service to their communities.

We thank you for your efforts to ensure that our water resources infrastructure, from our coastlines to our inland rivers and Great Lakes, will continue to be viable. We look forward to celebrating with you the enactment of a sound Water Resources Development Act of 2007 that furthers the goals of providing the nation with an economically and environmentally sustainable future.

Sincerely,

PETER B. KING,
Executive Director.

THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA,
Arlington, VA, May 9, 2007.

U.S. Senate,
Washington, DC.

DEAR SENATOR: On behalf of The Associated General Contractors of America (AGC), I urge you to vote in favor of S. 1248, the Water Resources Development Act of 2007 (WRDA).

The enactment of a strong WRDA is of critical importance to the nation's environmental and economic well being. For every $1 billion expended on water resources development activities, approximately 40,000 direct and indirect jobs are created. In addition, an estimated $706 billion in damages have been prevented through flood damage reduction projects—most within the past 25 years—representing a six-to-one return on investment.

Over the past five years, the U.S. Army Corps of Engineers has voluntarily implemented new policies designed to improve analysis, accountability, regulatory compliance and environmental protection for the nation's Civil Works program.

The Water Resources Development Act of 2007 will finally set the Nation back on the track of reaping substantial returns on investment. Congress must commit to infrastructure investment now to leave behind a legacy of economic security and opportunity for future generations. WRDA is a key vote for AGC members and we urge you to vote YES for final passage of S. 1248.

Sincerely,

JEFFREY D. SHOAF,
Senior Executive Director, Government and Public Affairs.

NATIONAL WATERWAYS CONFERENCE, INC.,
Arlington, VA, May 10, 2007.

Hon. BARBARA BOXER,
Chairwoman, Senate Environment and Public Works Committee, U.S. Senate, Washington, DC.

DEAR MADAM CHAIRWOMAN: It is vitally important that America's water resources infrastructure be reliable and productive. Therefore we applaud your efforts to end the stalemate over water resources project authorization by bringing H.R. 1495, the Water Resources Development Act of 2007 (WRDA) to the Senate floor. We firmly believe that it is time to end the impasse over passage of WRDA.

A Water Resources Development Act is vitally needed to accommodate the many important projects awaiting authorization, including the modernization of the locks on the Upper Mississippi and Illinois Rivers. Projects with a Chief of Engineers' report have undergone years of study and analysis to determine if they are in the best interest of the Federal government. In addition, stakeholders have already indicated their willingness to cost-share the price-tags. Water resources projects are the very foundation upon which citizens can be productive in their daily lives. As outlined in the letter sent by the National Waterways Alliance on May 3, it is equally important that policy provisions enhance the process by which the Corps of Engineers formulates project solutions. Finally addressing the ''Corps reform'' issue in a balanced way can lead to stability for the Corps of Engineers and reassure the nation that the Corps is a world-class engineering organization for the future.

Our water resources system contributes mightily to America's well-being. With adequate dredging, our ports and waterways are the backbone of our transportation system—ensuring domestic and international trade opportunities and a safe, cheap and eco-friendly transportation alternative for products such as steel, coal, fertilizer, energy products and byproducts, salt, sand and gravel, cement, petroleum, chemicals, etc. In addition, the U.S. maritime transportation system moves more than 60 percent of the Nation's grain exports. Our flood damage reduction program saves lives and prevents, on average, almost $8 in damages for each dollar spent. Corps hydropower facilities supply 24% of the hydropower generated in the United States. Projects for water supply, irrigation, recreation, beach nourishment and wildlife habitat provide innumerable benefits. These water-related assets have the potential to help grow our economy, help ease our Nation's growing congestion problem and provide a finer quality of life.

As you know, the National Waterways Conference is the Nation's ''umbrella'' water resources policy organization. Its members include those who ship goods domestically and around the world, the carriers of those goods, waterway service firms such as engineering companies, fleeting services and dredging concerns, public entities such as coastal and inland ports, levee districts, water supply districts and state governmental units, and associations, both regional and national in scope—representing a wide variety of interests. The members of the National Waterways Conference, Inc., look forward to working with you to ensure that our water resources infrastructure remains a monument to the greatness of the United States.

Sincerely,

WORTH HAGER,
President.

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, May 4, 2007.

Hon. BARBARA BOXER,
Senate Office Building,
Washington, DC.

DEAR SENATOR BOXER: The American Farm Bureau Federation urges you to support S. 1248, the Water Resources Development Act of 2007 (WRDA), when it is considered on the floor. The bill authorizes important, long overdue flood control, dam safety, storm damage reduction and environmental restoration projects across the country. It includes critical provisions to update and modernize the locks and dams on the Upper Mississippi and Illinois rivers.

Modernizing the locks and dams on the Upper Mississippi and Illinois Rivers is essential for U.S. commerce and the agricultural sector. One medium-size tow on the river can carry the same weight as 870 trucks. However, the structures now in use were built many decades ago and were not designed to accommodate today's longer barge tows that are absolutely necessary in order to compete in a global market. While these outdated locks and dams make our transportation system less efficient, our competitors in countries such as Argentina and Brazil are aggressively modernizing their own infrastructure.

Farm Bureau urges you to support S. 1248 and oppose any amendment that would hinder progress on infrastructure improvements.

Sincerely,

BOB STALLMAN,
President.

Mrs. BOXER. Mr. President, I ask unanimous consent to allocate time, and that would be for Senator MARTINEZ to immediately follow my remarks and to have the floor for up to 10 minutes; then Senator SALAZAR for 10 minutes; Senator ALEXANDER for 10 minutes; and at the end of their time, the time be reserved for Senator FEINGOLD for 1 hour, followed by myself at the end of that hour.

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

Mrs. BOXER. Mr. President, I yield to my colleague from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 10 minutes.

Mr. MARTINEZ. Mr. President, I express my thanks to Chairman BOXER and Ranking Member INHOFE for bringing this important bill to the floor, which sets a high priority for my State, and for giving it such strong support. I also note how important it is that we have a strong bipartisan effort. At a time when our country could rightly wonder if the Congress can get anything done or if, in fact, it is possible for bipartisan cooperation to exist, here is a good example of where Republicans and Democrats are working together for something that is very important for our country and significantly important for the State of Florida. This bill is something Senator NELSON and I have worked on side by side trying to bring to fruition. It is long overdue. It is time.

My State of Florida is home to beautiful beaches, coastal estuaries, and 14 deepwater ports. No piece of legislation moving through Congress will have as much lasting improvement on Florida's fragile ecosystem as this bill. After a long delay, it is my hope my colleagues will support this bill and begin the Federal partnership for restoring the Everglades.

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 Army Corps of Engineers and even the elected congressional and State leadership of Florida were 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 what was then thought to be ''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 people, it could employ people, it was good for development, it was good for Florida.

There is also a popular story of a man who moved to south Florida to make his fortune farming the rich soils around Lake Okeechobee. He was quoted as saying:

> I have bought land by the acre, I have bought land by the foot, but I have never before bought land by the bucket.

There was still a large amount of what we called ''Old Florida'' back then with numerous hardwood hummocks and cypress domes that were prone to flooding.

The idea that places should be protected for their environmental value, their intrinsic beauty, as a water resource, and for public enjoyment was an alien concept. Fortunately for our Nation and more importantly for Florida, the idea of conservation and restoration has an entirely different and more sophisticated meaning today than in the past.

In the year 2000, Congress authorized the landmark Comprehensive Everglades Restoration Plan, otherwise known as CERP, to repair and restore the natural sheet flow of water across the park and 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 is currently released into the Atlantic Ocean and into the Gulf of Mexico. This water will be stored in aboveground and underground reservoirs. When needed, it will be directed to wetlands, lakes, rivers, and estuaries in south Florida, providing abundant, clean, fresh water while also ensuring future urban and agricultural water supplies.

Even though we get more rain than nearly anywhere else in the country, Florida is currently experiencing a severe drought. Evidence of that drought is the wildfires we are experiencing today as we speak, out-of-control wildfires because of drought, but also because what normally would be wetlands and marshes have been drained over years of development—careless development. So it is vital that we capture this fresh water so it can be used to meet our growing conservation and water use needs.

Restoring the Everglades, this incredible undertaking, is the largest environmental restoration project in the world. I am proud to say the State of Florida has made historic and prolific financial commitments of over $3 billion to honor their commitment to the Everglades. The State of Florida has done its part. When I meet with our former Governor, when he was Governor, or our current Governor, or members of our legislature, I am reminded by them: Where is the Federal partnership? We have done our part. The Federal Government, on the other hand, has contributed around $3 million of their commitment. WRDA will help to address this inequity by authorizing major CERP projects such as the Indian River Lagoon and the Picayune Strand, which is such an important restoration effort, so they can begin to take shape.

The Indian River Lagoon South Restoration Project in WRDA is critical to the success of the CERP and returning the St. 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. According to the South Florida Water Management District, it has the greatest species diversity of any estuary in North America.

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 acres, including 53,000 acres of restored wetlands. All of these areas provide additional water storage and management capabilities for approximately 44 billion gallons of runoff water storage. Also included is the removal of more than 7 million cubic yards of muck sediments from the St. Lucie River, with a corresponding restoration of 2,650 acres of habitat, 922 acres of sea grass, and 889 acres of oyster habitat. All of these project features will cooperatively achieve a targeted reduction of 41 percent of the phosphorus and 26 percent of the overall nitrogen loadings in the estuary from these basins in the long term, restoring the system to a more balanced and natural state.

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. It was called Golden Gate Estates. In the early 1960s, the Gulf American Corporation dredged 48 miles of canals, built 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 or regulating the development of wetlands. WRDA will help the State of Florida in restoring this degraded area back to the cypress wetland it was before by removing the harmful drainage canals that have made this area prone to wildfires and invasive species such as Old World climbing fern, maleluca, and Brazilian pepper. In addition, the project will restore and enhance habitat for fish and wildlife resources, including threatened or endangered species such as the Florida panther, the Florida black bear, red-cockaded woodpecker, and wood stork, as well as rare habitat such as tropical hummocks and plant species, including orchids and bromeliads.

The habitat and water recharge benefits will provide a boon for the Big Cypress National Preserve. Also, it will provide a boon to the 10,000 Islands National Wildlife Refuge and the Florida Panther Wildlife Refuge.

This bill also contains an important study approved by the EPW Committee to direct the Army Corps of Engineers to examine the structural integrity of the Hoover Dike. This is a critically important step in trying to ensure the structural integrity of this dike. The dike around Lake Okeechobee was constructed in response to the 1928 hurricane which struck and caused Lake Okeechobee to overflow, killing over 2,500 people in the Belle Glade area. A study was performed in 2006 by the

Florida Water Management District, and this study found the dike's protective capability had been severely eroded in several areas. This study will direct the Corps to examine the findings and make recommendations for the State of Florida.

The WRDA bill also means greater jobs and improved transportation for coastal communities and ports in Florida. It authorizes additional passing lanes, increased safety at Florida's largest port, the Port of Tampa, which is where half of the State's seaborne tonnage moves through. In addition, WRDA provides navigation improvements for the Miami Harbor, which is widely regarded as one of the world's major cruise and shipping destinations. It will also help with beach renourishment, which will also help restore some of the critically eroded beach areas from the devastating storms of 2004 and 2005.

In conclusion, I thank Chairman BOXER, Senator INHOFE, Senator BOND, and Senator ISAKSON for including these vital restoration and economic development projects in WRDA. This legislation is long overdue. I urge my colleagues to support it. I hope for the swift conclusion of this legislation so the people of Florida can begin to see the benefits that are going to come to our State as a result of this farsighted legislation that will have impacts on our State long after most of us have parted from these halls of Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

IRAQ STUDY GROUP RECOMMENDATIONS IMPLEMENTATION ACT OF 2007

Mr. SALAZAR. I come to the floor today with my distinguished colleague and friend, the Senator from Tennessee, to talk about a new way forward in Iraq. I ask unanimous consent that legislation which we have put together working with the Iraq Study Group entitled, The Iraq Study Group Recommendations Implementation Act of 2007, 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. ____

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 ''Iraq Study Group Recommendations Implementation Act of 2007''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) On March 15, 2006, the Iraq Study Group was created at the request of a bipartisan group of members of Congress.

(2) The United States Institute of Peace was designated as the facilitating organization for the Iraq Study Group with the support of the Center for the Study of the Presidency, the Center for Strategic and International Studies, and the James A. Baker III Institute for Public Policy at Rice University.

(3) The Iraq Study Group was composed of a bipartisan group of senior individuals who have had distinguished careers in public service. The Group was co-chaired by former Secretary of State James A. Baker, III and former chairman of the House Foreign Affairs Committee Lee H. Hamilton, and the other members were former Secretary of State Lawrence S. Eagleburger; Vernon E. Jordan, Jr, the Senior Managing Director of Lazard, Freres and Company; former Attorney General Edwin Meese III; former Supreme Court Associate Justice Sandra Day O'Connor; former White House Chief of Staff Leon E. Panetta; former Secretary of Defense William J. Perry; United States Senator Charles S. Robb; and United States Senator Alan K. Simpson.

(4) On June 15, 2006, President George W. Bush signed into law the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234), which provided $1,000,000 to the United States Institute of Peace for activities in support of the Iraq Study Group.

(5) The Iraq Study Group consulted nearly 200 leading officials and experts, including the senior members of the Government of Iraq, the United States Government, and key coalition partners and received advice from more than 50 distinguished scholars and experts from a variety of fields who conducted working groups in the areas of economy and reconstruction, military and security, political development, and the strategic environment in Iraq and the Middle East.

(6) While the Iraq Study Group recommended shifting the primary mission of United States military forces in Iraq from combat to training, and while the Iraq Study Group described actions and conditions that could allow for a redeployment of troops not necessary for force protection out of Iraq by the first quarter of 2008, the Iraq Study Group did not set a fixed timetable for withdrawal and said it could support a short-term redeployment of United States combat forces, complemented by comprehensive political, economic, and diplomatic efforts, to stabilize Baghdad or to speed up the mission of training and equipping Iraqis if the United States commander in Iraq determines that such steps would be effective.

(7) The report of the Iraq Study Group includes a letter from the co-chairs of the Iraq Study Group, James A. Baker, III and Lee H. Hamilton, which states, ''Our political leaders must build a bipartisan approach to bring a responsible conclusion to what is now a lengthy and costly war. Our country deserves a debate that prizes substance over rhetoric, and a policy that is adequately funded and sustainable. The President and Congress must work together. Our leaders must be candid and forthright with the American people in order to win their support.''

(8) The Republicans and Democrats who comprised the Iraq Study Group reached compromise and consensus and unanimously concluded that their recommendations offer a new way forward for the United States in Iraq and the region, and are comprehensive and need to be implemented in a coordinated fashion.

SEC. 3. SENSE OF CONGRESS ON IMPLEMENTATION OF IRAQ STUDY GROUP RECOMMENDATIONS.

It is the sense of Congress that the President and Congress should agree that the way forward in Iraq is to implement the comprehensive set of recommendations of the Iraq Study Group, particularly those specifically described in this Act, and the President should formulate a comprehensive plan to do so.

SEC. 4. SENSE OF CONGRESS ON DIPLOMATIC EFFORTS IN IRAQ.

It is the sense of Congress that, consistent with the recommendations of the Iraq Study Group, the United States Government should—

(1) establish a ''New Diplomatic Offensive'' to deal with the problems of Iraq and of the region;

(2) support the unity and territorial integrity of Iraq;

(3) encourage other countries in the region to stop the destabilizing interventions and actions of Iraq's neighbors;

(4) secure the borders of Iraq, including through the use of joint patrols with neighboring countries;

(5) prevent the expansion of the instability and conflict beyond the borders of Iraq;

(6) promote economic assistance, commerce, trade, political support, and, if possible, military assistance for the Government of Iraq from non-neighboring Muslim nations;

(7) energize the governments of other countries to support national political reconciliation in Iraq;

(8) encourage the governments of other countries to validate the legitimate sovereignty of Iraq by resuming diplomatic relations, where appropriate, and reestablishing embassies in Baghdad;

(9) assist the Government of Iraq in establishing active working embassies in key capitals in the region;

(10) help the Government of Iraq reach a mutually acceptable agreement on the future of Kirkuk;

(11) assist the Government of Iraq in achieving certain security, political, and economic milestones, including better performance on issues such as national reconciliation, equitable distribution of oil revenues, and the dismantling of militias;

(12) encourage the holding of a meeting or conference in Baghdad, supported by the United States and the Government of Iraq, of the Organization of the Islamic Conference or the Arab League, both to assist the Government of Iraq in promoting national reconciliation in Iraq and to reestablish their diplomatic presence in Iraq;

(13) seek the creation of the Iraq International Support Group to assist Iraq in ways the Government of Iraq would desire, attempting to strengthen Iraq's sovereignty;

(14) engage directly with the Governments of Iran and Syria in order to obtain their commitment to constructive policies toward Iraq and other regional issues;

(15) provide additional political, economic, and military support for Afghanistan including resources that might become available as United States combat forces are redeployed from Iraq;

(16) remain in contact with the Iraqi leadership, conveying the clear message that there must be action by the Government of Iraq to make substantial progress toward the achievement of the milestones described in section 11, and conveying in as much detail as possible the substance of these exchanges in order to keep the American people, the Iraqi people, and the people of countries in the region well informed of progress in these areas;

(17) make clear the willingness of the United States Government to continue training, assistance, and support for Iraq's security forces, and to continue political, military, and economic support for the Government of Iraq until Iraq becomes more capable of governing, defending, and sustaining itself;

(18) make clear that, should the Government of Iraq not make substantial progress toward the achievement of the milestones described in section 11, the United States shall reduce its political, military, or economic support for the Government of Iraq;

(19) make clear that the United States Government does not seek to establish permanent military bases in Iraq;

(20) restate that the United States Government does not seek to control the oil resources of Iraq;

(21) make active efforts to engage all parties in Iraq, with the exception of al Qaeda;

(22) encourage dialogue between sectarian communities and press religious leaders inside and outside of Iraq to speak out on behalf of peace and reconciliation;

(23) support the presence of neutral international experts as advisors to the Government of Iraq on the processes of disarmament, demobilization, and reintegration of militias and other armed groups not under the control of the Government of Iraq; and

(24) ensure that reconstruction efforts in Iraq consist of great involvement by and with international partners that actively participate in the design and construction of projects.

SEC. 5. STATEMENT OF POLICY ON SECURITY AND MILITARY FORCES.

It shall be the policy of the United States to formulate and implement with the Government of Iraq a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) gives the highest priority to the training, equipping, advising, and support for security and military forces in Iraq and to supporting counterterrorism operations in Iraq; and

(2) supports the providing of more and better equipment for the Iraqi Army by encouraging the Government of Iraq to accelerate its requests under the Foreign Military Sales program and, as United States combat brigades redeploy from Iraq, provides for the transfer of certain United States military equipment to Iraqi forces.

SEC. 6. STATEMENT OF POLICY ON STRENGTHENING THE UNITED STATES MILITARY.

It shall be the policy of the United States to formulate and implement a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) directs the Secretary of Defense to build healthy relations between the civilian and military sectors, by creating an environment where senior military leaders feel free to offer independent advice to the civilian leadership of the United States Government;

(2) emphasizes training and education programs for the forces that have returned to the United States in order to restore the United States Armed Forces to a high level of readiness for global contingencies;

(3) provides sufficient funds to restore military equipment to full functionality over the next 5 years; and

(4) assesses the full future budgetary impact of the war in Iraq and its potential impact on—

(A) the future readiness of United States military forces;

(B) the ability of the United States Armed Forces to recruit and retain high-quality personnel;

(C) needed investments in military procurement and in research and development; and

(D) the budgets of other Federal agencies involved in the stability and reconstruction effort in Iraq.

SEC. 7. STATEMENT OF POLICY ON POLICE AND CRIMINAL JUSTICE IN IRAQ.

It shall be the policy of the United States to formulate and implement with the Government of Iraq a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) transfers the Iraqi National Police to the Ministry of Defense, where the police commando units will become part of the new Iraqi Army;

(2) transfers the Iraqi Border Police to the Ministry of Defense, which would have total responsibility for border control and external security;

(3) establishes greater responsibility for the Iraqi Police Service to conduct criminal investigations and expands its cooperation with other elements in the judicial system in Iraq in order to better control crime and protect Iraqi civilians;

(4) establishes a process of organizational transformation, including efforts to expand the capability and reach of the current major crime unit, to exert more authority over local police forces, and to give sole authority to the Ministry of the Interior to pay police salaries and disburse financial support to local police;

(5) proceeds with efforts to identify, register, and control the Facilities Protection Service;

(6) directs the Department of Defense to continue its mission to train Iraqi National Police and the Iraqi Border Police, which shall be placed within the Iraqi Ministry of Defense;

(7) directs the Department of Justice to proceed with the mission of training the police forces remaining under the Ministry of the Interior;

(8) provides for funds from the Government of Iraq to expand and upgrade communications equipment and motor vehicles for the Iraqi Police Service;

(9) directs the Attorney General to lead the work of organizational transformation in the Ministry of the Interior and creates a strategic plan and standard administrative procedures, codes of conduct, and operational measures for Iraqis; and

(10) directs the Attorney General to establish courts, train judges, prosecutors, and investigators, and create strongly supported and funded institutions and practices in Iraq to fight corruption.

SEC. 8. STATEMENT OF POLICY ON OIL SECTOR IN IRAQ.

It shall be the policy of the United States to formulate and implement with the Government of Iraq a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) provides technical assistance in drafting legislation to implement the February 27, 2007, agreement by Iraq's Council of Ministers on principles for the equitable sharing of oil resources and revenues;

(2) encourages the Government of Iraq to accelerate contracting for the comprehensive oil well work-overs in the southern fields needed to increase oil production, while ensuring that the United States no longer funds such infrastructure projects;

(3) supports the Iraqi military and private security forces in their efforts to protect oil infrastructure and contractors;

(4) implements metering at both ends of the oil supply line to immediately improve accountability in the oil sector;

(5) in conjunction with the International Monetary Fund, encourages the Government of Iraq to reduce subsidies in the energy sector;

(6) encourages investment in Iraq's oil sector by the international community and by international energy companies;

(7) assists Iraqi leaders to reorganize the national oil industry as a commercial enterprise, in order to enhance efficiency, transparency, and accountability;

(8) encourages the Government of Iraq to post all oil contracts, volumes, and prices on the Internet so that Iraqis and outside observers can track exports and export revenues;

(9) supports the efforts of the World Bank to ensure that best practices are used in contracting; and

(10) provides technical assistance to the Ministry of Oil for enhancing maintenance, improving the payments process, managing cash flows, improving contracting and auditing, and updating professional training programs for management and technical personnel.

SEC. 9. STATEMENT OF POLICY ON IMPROVING ASSISTANCE PROGRAMS IN IRAQ.

It shall be the policy of the United States to formulate and implement a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) provides for the United States to take the lead in funding assistance requests from the United Nations High Commissioner for Refugees and other humanitarian agencies;

(2) creates a new Senior Advisor for Economic Reconstruction in Iraq reporting to the President, with the authority to bring interagency unity of effort to the policy, budget, and implementation of economic reconstruction programs in Iraq and the authority to serve as the principal point of contact with United States partners in the overall reconstruction effort;

(3) gives the chief of mission in Iraq the authority to spend significant funds through a program structured along the lines of the Commander's Emergency Response Program, with the authority to rescind funding from programs and projects—

(A) in which the Government of Iraq is not demonstrating effective partnership; or

(B) that do not demonstrate substantial progress toward achievement of the milestones described in section 11;

(4) authorizes and implements a more flexible security assistance program for Iraq, breaking down the barriers to effective interagency cooperation; and

(5) grants authority to merge United States assistance with assistance from international donors and Iraqi participants for the purpose of carrying out joint assistance projects.

SEC. 10. STATEMENT OF POLICY ON BUDGET PREPARATION, PRESENTATION, AND REVIEW.

It shall be the policy of the United States to formulate and implement a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) directs the President to include the costs for the war in Iraq in the annual budget request;

(2) directs the Secretary of State, the Secretary of Defense, and the Director of National Intelligence to provide United States military and civilian personnel in Iraq the highest possible priority in obtaining professional language proficiency and cultural training;

(3) directs the United States Government to provide for long-term training for Federal agencies that participate in complex stability operations like those in Iraq and Afghanistan;

(4) creates training for United States Government personnel to carry out civilian tasks associated with complex stability operations; and

(5) directs the Director of National Intelligence and the Secretary of Defense to devote greater analytic resources to understanding the threats and sources of violence in Iraq and institute immediate changes in the collection of data and violence and the sources of violence to provide a more accurate picture of events on the ground in Iraq.

SEC. 11. CONDITIONS FOR CONTINUED UNITED STATES SUPPORT IN IRAQ.

(a) IN GENERAL.—It shall be the policy of the United States to condition continued

United States political, military and economic support for Iraq upon the demonstration by the Government of Iraq of sufficient political will and the making of substantial progress toward achieving the milestones described in subsection (b), and to base the decision to transfer command and control over Iraqi security forces units from the United States to Iraq in part upon such factors.

(b) MILESTONES.—The milestones referred to in subsection (a) are the following:

(1) Promptly establishing a fair process for considering amendments to the constitution of Iraq that promote lasting national reconciliation in Iraq.

(2) Enacting legislation or establishing other mechanisms to revise the de-Baathification laws in Iraq to encourage the employment in the Government of Iraq of qualified professionals, irrespective of ethnic or political affiliation, including ex-Baathists who were not leading figures of the Saddam Hussein regime.

(3) Enacting legislation or establishing other binding mechanisms to ensure the sharing of all Iraqi oil revenues among all segments of Iraqi society in an equitable manner.

(4) Holding free and fair provincial elections in Iraq at the earliest date practicable.

(5) Enacting legislation or establishing other mechanisms to ensure the rights of women and the rights of all minority communities in Iraq are protected.

SEC. 12. SENSE OF CONGRESS ON REDEPLOYMENT OF UNITED STATES FORCES FROM IRAQ.

It is the sense of Congress that—

(1) with the implementation of the policies specified in sections 5 through 11 and the engagement in the increased diplomatic efforts specified in section 4, and as additional Iraqi brigades are being deployed, and subject to unexpected developments in the security situation on the ground, all United States combat brigades not necessary for force protection could be redeployed from Iraq by the first quarter of 2008, except for those that are essential for—

(A) protecting United States and coalition personnel and infrastructure;

(B) training, equipping, and advising Iraqi forces;

(C) conducting targeted counterterrorism operations;

(D) search and rescue; and

(E) rapid reaction and special operations; and

(2) the redeployment should be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.

SEC. 13. REPORT ON POLICY IMPLEMENTATION.

Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to Congress a report on the actions that have been taken to implement the policies specified in sections 4 through 11.

Mr. SALAZAR. Mr. President, back in December when the Iraq Study Group first came out with its recommendations, the recommendations were heralded by many people around the country as a new way forward—a new way forward for us to deal with this very difficult and impractical problem in which we find ourselves in Iraq. Those recommendations—some of which have been implemented and some of which have not—I believe still create the centerpiece for how we can find a bipartisan way forward for how we deal with the Iraq issue.

I have walked around with the report of the Iraq Study Group for the last 4 months. I am very much appreciative of the fact that the people who put together the report were some of the best statesmen and women we have in the United States of America: James A. Baker, Lee Hamilton, Lawrence Eagleburger, Vernon Jordan, Ed Meese, Sandra Day O'Connor, Leon Panetta, William Perry, Charles Robb, and Alan Simpson. Those are some of the best and brightest people we have in America and who are working on one of the most difficult issues that confronts our country today. So it is in the vein of their work that I come to the floor today with my colleague from Tennessee to suggest that their recommendations create the opportunity for us to provide the basis for some agreement among Democrats and Republicans on how we might move forward in dealing with the very difficult national security issue we face in Iraq.

As we debate this issue here in Washington, with veto pens and dueling press conferences, I come back to the reality of our brave American men and women and the dangers they face every day in the streets of Baghdad and al Anbar Province and in countless other places in that Nation which today we find in turmoil. It is for them, for our men and women in uniform, we must find common ground. It is for them we must bridge our differences here on the Senate floor to create a path to success in Iraq. It is for them we must develop a policy that is worthy of their sacrifices and the sacrifices of their families.

I come to the floor today with my colleague from Tennessee to offer my view on how we can reach our common goal and how we can work to heal the deep divisions this war has caused here at home.

Not since the Vietnam war has the American public been so divided. I am concerned that the bitterness and the harshness of this debate is a debate that clouds good judgment on one of the most fundamental issues we deal with in the Congress: the issue of war and peace. It is important for us to remember that no matter how contentious this debate may become, every Senator shares the same goal, and that goal is peace and stability in the Middle East and a safe return home of our troops. While we may disagree on the best path to that end, we must continue to work together for a constructive change in our policy.

It is important to remember what binds us together as a nation is something we must honor so we will not be torn so far apart that we cannot bring our Nation back together. The Iraq Study Group report, I believe, embodies the best wisdom we have seen as to how we ought to move forward with the issue of Iraq. I believe the work of the Iraq Study Group is a model for how we can come together in good faith. The group, as I have said before, is comprised of some of the finest and best public servants we have in America. They worked together for months and they did it in a nonpartisan, nonpolitical way. They are from both parties. That group and their work consulted over 250 officials and experts, including senior leaders of the Government of Iraq, the United States Government, and key coalition partners. They received advice from more than 50 distinguished scholars and experts in a variety of fields.

I am honored, therefore, to join Senator LAMAR ALEXANDER in appealing to our colleagues in the Senate to take a fresh look at the group's report and to consider how we can use it as our guide to create a successful policy for the war in Iraq.

The group proposed a new diplomatic offensive—a new diplomatic offensive—to deal with the problems of Iraq and the region.

I am pleased that recently the administration has moved forward in embracing some of the recommendations set forth in that ''new diplomatic offensive.''

The report provided a roadmap for transitioning our troops from a combat role to the training, equipping, advising and support of the Iraqi military.

The Iraq Study Group recommended how we can strengthen and restore our own military, which has been put under such strain by the wars in Iraq and Afghanistan.

In addition, the report details new policies for the Iraqi police and criminal justice system, the Iraqi oil sector, and for improving economic and security assistance programs in Iraq.

Finally, the Iraq Study Group recommended specific milestones for the Government of Iraq to meet. They include establishing a fair process for amending the constitution, revising de-Baathification laws, ensuring the equitable sharing of Iraqi oil revenues, holding free and fair provincial elections at the earliest possible date, and enacting legislation to ensure the rights of women and the rights of all minority communities in Iraq.

The Iraq Study Group concluded that with the implementation of these policies, all United States combat forces could be out of Iraq by the first quarter of 2008, except those necessary for protecting personnel and infrastructure, for training, equipping, and advising of Iraqi forces, for conducting targeted counterterrorism activities, and for engaging in rapid reaction and special operations.

Senator ALEXANDER and I intend to propose legislation that will effectively embody this comprehensive set of recommendations.

Our bill would state the sense of the Congress that the Iraq Study Group's recommendations should be implemented and that the President should formulate a comprehensive plan to do so. It would require the establishment of policies and plans that implement

the core recommendations of the group. And it states that the United States should condition political, military, and economic support on the Iraqi Government making substantial progress in meeting those milestones detailed in the report.

The Iraq Study Group did not set a deadline for the redeployment of our troops, and neither would our bill. But the group did, and our bill would, state the policies and actions that can and should lead to the successful and rapid conclusion to this war.

I believe we all share that goal. I believe the distinguished members of the Iraq Study Group have given us the means to achieve it.

I don't believe the report of the Iraq Study Group should simply become another study on the shelf that gathers dust.

I will conclude with two remarks. First, here in Washington, DC, it seems there is a lot of poison in the air, and most issues are decided on a partisan basis. It is my view, as a Senator from Colorado, that the issues of war and peace, when we have our men and women in uniform in harm's way, should not be decided on the basis of Republicans versus Democrats. No matter what has happened in Iraq up to this time, and no matter what kind of finger-pointing will take place in terms of the wisdom or lack of wisdom on how the war has been prosecuted, the fact is, we are there now. Also, we have 140,000 men and women in harm's way.

For us in the Senate, I believe it is our responsibility to come together, as Democrats and Republicans, to fashion a new way forward to success. I believe this new way forward to success has been laid out by the Iraq Study Group, which didn't just look at this for an hour or a day or two but spent a year, under the authorization of the Congress, and they came up with what they thought was the best way for the United States to move forward in Iraq.

I am hopeful both Democrats and Republicans will join Senator LAMAR ALEXANDER and myself as we move forward with the introduction of this legislation, which we hope to do after the Memorial Day recess.

Finally, I think the working relationship Senator ALEXANDER and I have on so many issues, including land and water conservation and other areas, is the kind of bipartisan spirit we can bring to so many issues that face us today. But of all the issues, the one that cries out the most for unity today is the 800-pound gorilla issue of the war in Iraq.

I am very pleased and honored that Senator ALEXANDER has joined us in this effort today.

I yield the floor.

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

Mr. ALEXANDER. Mr. President, I salute the Senator from Colorado for his leadership, initiative, and patriotism, and the way he is approaching the foremost issue facing our country: Where do we go from here in Iraq?

There is too much partisan game playing on the issue of Iraq. We owe it to our country and our troops to find a bipartisan consensus to support where we go from here. We need a political solution in Washington, DC, as much as we need one in Baghdad. We need to get out of the combat business in Iraq and into the support, training, and equipment business as soon as we honorably can.

That is why Senator SALAZAR and I have drafted legislation to implement the recommendations of the bipartisan Baker-Hamilton Iraq Study Group.

As the Senator said, we will introduce our legislation after Congress and the President have worked out the Iraq supplemental appropriations bill. We invite our colleagues—both Democrats and Republicans—to join us. We believe the recommendations of the Iraq Study Group offer the best opportunity for a bipartisan consensus on a new course in Iraq.

In fact, these recommendations seem to already be guiding the President's efforts and the efforts of those on the other side who were calling for change.

For example, the administration has begun to act on these recommendations by increasing the number of troops embedded with Iraqi forces, using milestones to help chart progress, and by meeting with Iraq's neighbors, including Iran and Syria. The President's national security adviser has pointed to the Baker-Hamilton report as authority for the surge of troops in Baghdad.

Just last week, the President himself told the Associated General Contractors of America at their convention that he liked what Baker and Hamilton had to say. ''It is something we should seriously consider. Their idea was that, at some point in time, it makes sense to have a U.S. presence configured this way,'' the President said. ''It is an interesting idea.''

At the same time, Democratic proposals in Congress have also been guided by the ISG report, for example, working on milestones for improvement in Iraq, limiting the role of the United States to one of training, equipping, and counterterrorism operations, and stating as a goal a drawdown of combat forces by March of next year.

In short, the seeds of bipartisan consensus about how the United States should go forward in Iraq are best found in the Iraq Study Group report.

Former Secretary of State Jim Baker and former Congressman Lee Hamilton prefaced their report by saying this:

> Success depends on the unity of the American people in a time of political polarization. Americans can and must enjoy the right of robust debate within a democracy. Yet, U.S. foreign policy is doomed to failure—as is any course of action in Iraq—if not supported by a broad, sustained consensus. The aim of our report is to move our country toward such a consensus.

Yesterday and today, I talked with Secretary Baker and Congressman Hamilton. Each said the Salazar-Alexander legislation accurately reflects the recommendations of their report.

I have learned that sometimes a Senator has to say something two or three or more times on the Senate floor before anybody pays much attention.

For example, on March 14, I said that it was time for the President to take the Iraq Study Group report down off the shelf and use it for something other than a bookend.

I ask unanimous consent to have my statement of that date printed in the RECORD at the end of my remarks.

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

(See Exhibit 1.)

Mr. ALEXANDER. Today, I am making that same suggestion again, and I am going one step further. The Senator from Colorado and I are offering to our colleagues on both sides of the aisle—and to our country—a way to go forward on a bipartisan basis.

I was surprised and disappointed that the President didn't take advantage of this opportunity during his State of the Union Address in January. He knew then that a majority of Americans didn't support his strategy. Fewer do today. He knew then his strategy cannot be long sustained without that support. That is still true today.

The President could have invited the distinguished members of the Iraq Study Group to sit in the gallery during his speech and, as Presidents often do, introduced them, 10 of America's most distinguished citizens from the Reagan, Carter, and George H.W. Bush administrations, and the U.S. Supreme Court. One of these is now the Secretary of Defense. They are ideologically and politically diverse. They spent nine months, met nine times, went to Baghdad, interviewed 171 individuals, and made 79 recommendations. They are all in this book. They didn't shy away from the unpleasant facts.

They told us 79 percent of Iraqis have a mostly negative view of U.S. involvement in their country. Then they said 2,900 American lives were lost, and another 21,000 wounded; $400 billion was spent, with estimates as high as $2 trillion for the final cost. They said this is not a perfect option, but it is the best option.

The President could have said in January: This isn't my recommendation, it is theirs, and I accept it for the good of our country, and I ask the American people to accept it.

That is not Presidential weakness, that is Presidential leadership. The President's job is not only to see urgent issues and lay out a strategy. It is the rest of his job—at least for a sustained military strategy—to persuade half of the people he is right. It is not too late.

The President has the option before him today, and we are trying to make it easier for him. What we are respectfully saying in our legislation is, if the President should choose to develop a

way forward based upon the Iraq Study Group's recommendations, we will support that plan and we will encourage our colleagues and our country to do so on a bipartisan basis, so that Iraq, the Middle East, our troops, and the world will know that in the United States we are unified in our purpose.

Such a plan will not satisfy everybody. It will not pull out our troops tomorrow. It will not get us out of the combat business immediately. It won't add 100,000 or 200,000, or 300,000 troops for ''victory'' in Iraq. It will get us out of the combat business in Iraq and into the support, training, and equipping business, in a prompt and honorable way. It will reduce the number of forces in Iraq. Because there will still be a significant but limited military presence in Iraq, it will signal to the rest of the Middle East to stay out of Iraq. It will give support to General Petraeus and his troops, who are in the midst of a surge. It will expand diplomatic efforts to build support for Iraq national reconciliation and sovereignty. It will recognize, as Prime Minister Blair said, it is time for the next chapter of Iraq's history to be written largely by the Iraqis themselves.

As a Republican Senator, my message with respect to the President is that I hope he and the White House seriously consider this.

We are not introducing this bill today. It will be introduced in 2 or 3 weeks. Then, we hope other Senators will support it. I hope the President will embrace it. There is plenty within this report that gives him the opportunity to continue our mission in Iraq. The difference is that this is not the President's report, and that is its advantage. It has a better chance of success, in terms of developing bipartisan support here and in our country.

Finally, there are some issues that are simply too big for one party to solve. Iraq is, as the Senator from Colorado has said, the foremost among these.

Here we are, the oldest democracy, lecturing Baghdad, an infant democracy, for not coming up with a political solution, when we ourselves cannot come up with one.

Until we do come up with one, we should spend less time lecturing Baghdad and more time working together to fashion a way forward on the foremost issue facing our country. Coming together in support of the plan based upon the recommendations of the Iraq Study Group offers that best opportunity. We invite our colleagues to join us.

EXHIBIT 1

PRESIDENT BUSH SHOULD TAKE THE IRAQ STUDY GROUP REPORT DOWN OFF THE SHELF

My purpose today is to say that it is time for President Bush to take the Iraq Study Group report down off the shelf and use it for something other than a bookend.

There is a reason why we don't have 535 commanders-in-chief or 100 commanding generals each saying charge down this street or over that hill.

The founders of our country made the President Commander-in-Chief and gave to Congress the power to declare war and to pay for it.

That is why I will vote against any of the resolutions that seek to micromanage this war. Once a war is authorized, as this one was by a bi-partisan vote of 77–23 in 2002, it is the president's job to manage the war.

As an example of why we don't need 535 Members of Congress micromanaging this war, consider this: since last January, the new Democratic majority has offered 17 different bills and resolutions outlining what to do in Iraq. Undoubtedly there will be more in the coming weeks.

And I am not about to cut off funds for General Petraeus' troops in the middle of the current military exercise, which congress clearly does have the power to do but should not do.

I do have the responsibility as a United States Senator, to say what I believe is the right way forward for our country in Iraq, and my belief is this: the President would be wise to take down off the shelf the recommendations of the bipartisan Baker-Hamilton Iraq Study Group, to develop a strategy based upon those recommendations, and to ask Americans to accept that strategy as the way forward in Iraq.

The President would have been wise to do this in January during his State of the Union address. The country was then looking for a new way forward in Iraq. The Iraq Study Group, after nine months of careful, bipartisan work, offered such a plan.

Instead, the day after the report was announced in December, some who wanted another 100,000 or 200,000 troops to ''win the war'' said the report was a ''recipe for defeat.''

On the other side, those who wanted the U.S. out of Iraq immediately dismissed the report as more of the same.

So the report was put on the shelf. Not much was heard about it.

That is, until lately.

Lately, the President's national security adviser has cited the Baker-Hamilton report as authority for the surge of troops in Baghdad which, in fact, on page 73, the report did say might be necessary.

Over the weekend, the United States participated in meetings with Syria and Iran, perhaps the most controversial recommendation in the report.

Now, the timetable and strategy for reducing U.S. combat strength in Iraq contained in the newest Democratic senate resolution sounds very much like the Iraq Study Group report, calling for combat troops to be largely withdrawn from Iraq by March of next year. But the Iraq Study Group specifically opposed setting timetables or deadlines for withdrawal, noting that its recommendation should be ''subject to unexpected developments on the ground.''

At the same time, like one of the Republican-sponsored resolutions, the Iraq Study Group recommended that the U.S. work closely with Iraq's leaders to support the achievement of specific ''milestones'' on national reconciliation, security, and governance.

In short, if there is any bipartisan consensus emerging about how the United States should go forward in Iraq, the best blueprint of that consensus can be found in the Iraq Study Group report.

The membership and process of the Iraq Study Group is as important as the substance of what it said. It included 10 of America's most distinguished citizens from the Reagan and Carter and George H.W. Bush administrations, from the Congress and from the Supreme Court. One of its former members is now the Secretary of Defense. On its face, it was ideologically as well as politically diverse. The group spent nine months, met nine times, including a trip to Baghdad, and interviewed 171 individuals in the U.S. and in Iraq. Its report is comprehensive, with 79 specific recommendations.

Its assessment of the ''dire'' current conditions in Iraq is honest and sobering. It did not shy away from reporting unpleasant facts—that 79 percent of Iraqis have a mostly negative view of the influence that the United States has in their country, that 2,900 (at that time) Americans had lost their lives and another 21,000 wounded, that we have spent roughly $400 billion on the Iraq war and that estimates run as high as $2 trillion for the final cost. The group acknowledged that its recommendations were not perfect options but seemed to be the best options.

As much as America needs a new strategy in Iraq, we also need a consensus in support of that strategy. To put it bluntly, a majority of the American people do not now have confidence in the President's course in Iraq. The Iraq Study Group offered the President an opportunity to say, ''Okay, here is a different approach suggested by a bipartisan group of distinguished Americans. It is not my strategy. It is theirs. I accept it and, for the good of our country and the armed forces fighting for us, I ask you to accept it.''

Such a statement would not exhibit presidential weakness. This would be presidential leadership—recognizing that the president's job is not only to choose the right strategy but to successfully persuade at least half the people he is right.

The president still has this option before him.

He would be wise to exercise it today—this week. Come back to Congress. Report on the last few weeks' progress in Iraq. Invite the Iraq Study Group members to sit in the gallery. Compliment their work. Accept their recommendations. Ask the Congress and the country also to accept their recommendations.

This course will not satisfy those who want 100,000 more troops for victory in Iraq.

Neither will it satisfy those who want all troops out on a specific timetable.

But it will get U.S. troops quickly out of the combat business in Iraq, and into the support business.

It will reduce the number of American forces in Iraq over the next year.

It will leave American special forces in Iraq to go after al Qaeda and troops to help guard the borders.

Because there will still be a limited U.S. military presence, it will send a signal to the rest of the Middle East to stay out of Iraq.

It will give support to General Petraeus and his troops who are in the midst of a surge to make Baghdad safer.

It will expand diplomatic efforts to build support for Iraqi national reconciliation and sovereignty, including with Iraq's neighbors.

And it will begin to recognize that America has done most of what it can do to help Iraq. As Prime Minister Blair has said, it is time for the next chapters in Iraq's history to be written by the Iraqis themselves.

Finally, this course will recognize that while the United States can and should be a shining example of democracy and does have the mightiest military force in the world, that a conservative view of human nature and our own national interest places limits on what we can do to make it possible for others to adopt our democracy and our way of life.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, as we all know, time has been reserved for Senator FEINGOLD for up to an hour. He

says he is going to take less time, but he has that time, at which time I will respond to him. What I wish to do is lock in some time for Senator PRYOR immediately following my remarks so he may speak on the issue of Iraq.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I ask unanimous consent to speak for less than 1 minute.

Mrs. BOXER. I have no objection to that request.

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

The Senator from Colorado.

Mr. SALAZAR. Mr. President, I thank the Senator from Tennessee for his eloquence in his statement and his plea for Americans to come together as we move forward on the biggest issue that faces our country today, Iraq.

I appreciate the hard work he has put in, together with my staff and working with the Iraq Study Group, to come up with language that is included in the legislation.

I also thank the chairperson of the Environment and Public Committee, Senator BOXER, for arranging for us to spend some time this morning discussing our bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, the Water Resources Development Act being considered today includes important language to reform the Corps of Engineers which I have long championed. I especially thank my colleague Senator BOXER in particular, but also Senator INHOFE, Senator BAUCUS, and Senator ISAKSON for reporting a Water Resources Development Act that includes many important Corps of Engineers reforms that were so hard fought in last year's Congress, both in negotiations and on the floor.

While we still have far to go in improving Corps planning, such as, for example, passing the Feingold-McCain prioritization amendment, reform provisions in the underlying bill are absolutely essential for improving the Nation's water resources planning, and they should be the baseline for reforms that come out of Congress.

These reform provisions include independent peer review of costly or controversial Corps projects, dramatic improvement to the Corps' mitigation process, modernizing the Corps' woefully out-of-date planning guidelines, establishing a new national policy that directs the Corps to avoid impacts to floodplains, requiring an interagency assessment of the Nation's vulnerability to flood and related storm damage, and recommendations to improve the Nation's various flood prevention programs.

These reforms are essential for improving the Corps' ability to properly plan and construct projects. Over the past decade, dozens of studies have highlighted stunning flaws in Corps project planning. Problems with the Corps project planning are so great that the GAO recently told Congress that Corps projects ''did not provide a reasonable basis for decisionmaking because they were fraught with errors, mistakes, and miscalculations, and used invalid assumptions and outdated data.''

We can no longer afford to build projects based on flawed engineering, flawed science, or flawed economics. These reforms are essential for preventing costly and potentially deadly mistakes, such as the levee failures that occurred in the aftermath of Hurricane Katrina.

The Corps, the American Society of Civil Engineers, and the National Academy of Sciences have all said faulty design and construction by the Corps resulted in the levee failures. So these reforms are essential for protecting the Nation's natural resources.

The Nation's rivers, streams, floodplains, and wetlands provide vital services for all Americans. They help attenuate floods, they improve water quality, they provide vital fish and wildlife habitat, and they provide exceptional recreational opportunities. They are vital to the health, safety, welfare, and economic well-being of all of us.

I am very pleased Senators BOXER and REID agreed to join me in a colloquy with respect to the provisions in sections 2006, 2007 and 2008(c) and (e) of the Water Resources Development Act of 2007. We have reached an understanding that these are fundamental elements of meaningful reform. Chairman BOXER has stated it is the committee's intent to retain these elements, and that she will strenuously support them in conference.

I understand the Senate is now debating the motion to proceed to H.R. 1495, the Water Resources Development Act. So at this point, while I cannot formally offer my prioritization amendment to that bill, I wish to take the time to speak in favor of it.

I will be offering this amendment to the Water Resources Development Act on behalf of myself and Senators MCCAIN, COBURN, CARPER, GREGG, and SUNUNU. Senator MCCAIN and I have worked together for years to modernize the U.S. Army Corps of Engineers, and I am pleased to be working with him again on this issue.

I also appreciate the strong support of Senators COBURN, CARPER, GREGG, and SUNUNU. This important amendment recognizes we must address our current flawed planning process and also respond to the tragedy of Hurricane Katrina by working to make sure that limited taxpayers' dollars go to the most worthy water resource projects.

That doesn't seem like a lot to ask. As we all know, our Nation is staring down deficits that only a few years ago were unimaginable. We also have a backlog of $58 billion in Corps projects that are authorized but not built, and that number will be closer to $70 billion when this bill passes.

Clearly, we have to get some kind of a 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 authorized projects, and we don't have any way of evaluating the relative priority of new projects. What we do have is individual Members arguing for projects in their States or district, but no information about which projects are most important to the country's economic development or transportation systems or to our ability to protect our citizens and property from natural disasters. Clearly, the status quo is not serving the public well.

This amendment would simply help Congress develop the tools to more wisely invest limited resources while also increasing public transparency in decisionmaking. This amendment would do that by creating a temporary bipartisan water resources commission to do two things: one, make recommendations on a process for prioritizing Corps projects and, two, analyze projects authorized in the last 10 years or that are under construction and put similar types of projects into tiers that reflect their importance. This would be done with a clear direction to seek balance, meeting the needs of all States.

My amendment would place Corps projects into three categories that correspond to the three main mission areas of the Corps: flood damage reduction, navigation, and ecosystem restoration. The commission 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 on whether they reduce the risk of loss of life. But the commission is free to consider other factors as long as it is clear which factors it is, in fact, considering. Projects in each of the three project types will be placed in tiers based on how great a priority they represent.

This information will then simply be provided to Congress and the public in a nonbinding report—a nonbinding report. That is it. The Congress and the public will get information to help them make decisions involving millions and even billions of dollars. Surely, that isn't too much to ask. Don't we want the benefit of objective, impartial advice when we decide how to allocate scarce taxpayers' dollars?

As my colleagues may recall, Senator MCCAIN and I offered a prioritization amendment last Congress. This year's amendment has been revised to address some of the concerns raised on the floor last year, in particular those raised by my friend and now-Chairman BOXER.

In response to criticism that the amendment gave too much authority to the administration, this year's new

amendment creates a temporary commission comprised of eight non-Federal individuals appointed by Senate and House leaders of both parties and the President.

Also, instead of requiring regular updating of a prioritization report, the bipartisan commission created by this year's new amendment would only issue one nonbinding report that would include recommendations for reevaluating priorities in the future and when new projects are authorized.

I am pleased to have the support of a number of outside groups, including Taxpayers for Common Sense Action, the National Taxpayers Union, the Citizens Against Government Waste, American Rivers, National Wildlife Federation, Earth Justice, Clean Water Action, Defenders of Wildlife, Environmental Defense, Friends of the Earth, the League of Conservation Voters, Republicans for Environmental Protection, the Sierra Club, and the Union of Concerned Scientists.

A number of editorial writers weighed in last year on behalf of prioritization. Here is what the New York Times had to say:

> The Army Corps of Engineers must learn, or be compelled, to place a higher priority on safety projects than on Congressional pork . . . it would shine more light on an often opaque process, a reform we support.

The New Orleans Times-Picayune said:

> 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.

The Philadelphia Inquirer opined that ''with 50 States demanding services, the Corps needs better direction than the whims of competing politicians.''

And the Washington Post said:

> Hurricane Katrina was a crisis that has created a real opportunity: to bring some rationality to the way we spend tens of billion of dollars on water projects in this country so we can protect millions of Americans—

Millions of Americans—

> whose lives are at risk.

Clearly, based on that mere series of endorsements and statements, this amendment has broad interest and impact. The public clearly believes the Congress should do a better job spending billions of dollars on water projects. The Feingold-McCain-Coburn-Carper-Gregg-Sununu prioritization amendment would help Congress in evaluating options for how to prioritize Corps projects.

I also wish to remind my colleagues that modernizing all aspects of water resources policy will help restore credibility to a Federal agency that is plagued by public skepticism in the wake of Hurricane Katrina. The Corps has admitted serious design flaws in the levees it built in New Orleans, and it is clear the Corps' mistakes contributed significantly to the devastation in that city.

I can tell my colleagues when I was down in New Orleans last summer, I heard even more complaints about the Corps than I did about FEMA. As we worked as a body to improve FEMA, we must also work to improve the Corps. Our constituents and the people of this country deserve no less.

Of course, the Corps does important work. The real problem this amendment seeks to address is us in Congress. Congress has too long used the Army Corps of Engineers to facilitate favored porkbarrel projects while periodically expressing a desire to change its ways. If we want to change our ways, we can start by passing the Feingold-McCain-Coburn-Carper-Gregg-Sununu prioritization amendment to help us make sure the Corps continues to contribute to our safety, environment, and economy without wasting taxpayers' dollars.

I will conclude my initial remarks and again thank Senator BOXER and also Senator INHOFE, Senator BAUCUS, and Senator ISAKSON for retaining the reform provisions we worked so hard to get included in last year's Senate bill. However, this bill authorizes an additional $15 billion worth of projects which, coupled with an additional backlog of $58 billion, would take 40 years to complete. I hope by adopting this amendment we can also move this bill in a direction that will truly benefit the American taxpayers. I urge my colleagues to support our amendment.

I retain the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I thank Senator FEINGOLD for his kind remarks. He and I are close colleagues. We have worked very closely together on so many issues. On Corps reform, we worked closely together, and working together we did get very important peer review into the bill. I am very proud of his work on this bill and praise him for it.

It is very rare we find ourselves on differing sides, but I am in strong opposition to his amendment, and I want to lay out the reasons.

I describe the Senator's amendment as ''we have met the enemy and it is us.'' I reject the fact that Members of the Senate have to give us their judgment and their views on what is important in our own States to some politically appointed panel, probably politicians, because they will be appointed by politicians. I have other objections to this amendment because I think it creates a bias toward large projects. It reduces the ability of the Corps to pursue small ecosystem restoration programs. It reduces their ability to pursue small but vital flood control projects. It could preclude navigation projects that serve small communities, recreational interests, and subsistence fishermen. Because, as it is drafted, it sets up a tier system of priority recommendations, but each tier is limited to 5 billion dollars' worth of projects, or 100 total projects. That means a worthy flood control project in my State, or any State, could end up stuck in a lower tier simply because it is more expensive, if equally more important projects in other States were ranked in a higher tier. I think it is an arbitrary system that can label a project second tier despite critical local public safety needs.

How does a project become second tier if it is the only way to protect a community? Such an arbitrary label will inappropriately undermine an important project's chances of receiving appropriations, and I believe people's lives could be in jeopardy because of it. I don't think that is the kind of prioritization we need when we have to fight tooth and nail every year to get critical funding for very important and needy flood control projects.

The Senator named a lot of groups I support and that support me, and I respect that fact. But to be candid, a lot of these groups don't like water projects in general, and I think sometimes they will just say: Fine. Anything to slow down these projects.

I believe Congress, not political appointees or a commissioner, should retain this responsibility. I understand the legislation has been changed to an advisory situation, but it only slows us down. It slows us down with political appointees, and I have a basic problem with that. It is adding layers of delay. We have already delayed this bill 7 long years. We need it, Mr. President. We need it.

We need it because the farmers say we need it and the corn growers say we need it and the labor unions say we need it and the chambers of commerce say we need it and we have colleagues supporting it—from Senator INHOFE to Senator BOXER. If my colleagues don't think that is something to point to, it is. It means things are working around here.

My colleague and friend, Senator FEINGOLD, is a strong supporter of fiscal responsibility. We took this bill down from $33 billion to a score of $13.9 billion. How did we do it? We were careful. We did scrutinize these projects. And, by the way, we have standards built into this bill. I want my colleague to understand—and it is very important because this is kind of a trash-the-Senate amendment, taking away, casting doubt on our judgment—that we worked hard by setting up these objective criteria by which I have had to, frankly, turn against my own Members and say: You know I can't take care of that for you because it doesn't fit the criteria.

So I think there is a sense of fiscal responsibility that is permeating this place. We took a bill from $33 billion down to $13 billion—$13.9 billion to be exact—and we did it without some appointed people telling us what to do.

We did it because we care about fiscal responsibility and we care about keeping this economy moving, and I just don't think we need this commission. We went through an exhaustive process to determine which projects and studies would be authorized. They have to have chief of engineers or other completed Corps reports for construction. They have to meet a benefit-cost test, or have environmental benefits. So I think we have a lot of built-in safety features as we go through this process.

We have a very broad committee that has different ideologies. We represent broad areas of the country. Frankly, I think we all want to protect Americans. We have seen what happens when we look at Katrina, so we want to do our best.

I laud my colleague for his absolute commitment and dedication to finding ways to make this process work better, but I say this bill proves, in my opinion, that we are listening.

We did incorporate the fine Corps language that my friend worked on so hard, and he knows how strongly I feel about this particular amendment. But he insists on it because, in his heart, he thinks it is important. I know he has some things he will say now about my comments, so I will yield to him with the understanding that I will be able to respond in due course.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the chair of the committee. Of course, I have enjoyed working with her on so many issues, and I again compliment her for retaining key reforms in the underlying bill. She has provided a great deal of leadership on Corps reform, and for that I am truly appreciative.

In the past, the chairman has offered to work together on the issue of prioritization in the future, and I hope that is still something in which she is interested. I don't think we should wait to enact commonsense reform. This is not a new idea I just thought of; rather, it is a critical reform that many of my colleagues and I have been calling for since 2002. In fact, it was the former Senator from New Hampshire, Mr. Smith, who first called for prioritizing Corps projects. I cosponsored Senator Smith's Corps bill in the 107th Congress, along with Senators MCCAIN, ENSIGN, and Daschle.

I certainly commend Senators BOXER, INHOFE, BAUCUS, and ISAKSON for limiting the number of additional projects added to this bill. I recognize some of the efforts they have made with regard to fiscal responsibility in the committee process, and I commend them for that. I also commend them for their effort to move this bill quickly. However, the desire to move a bill quickly should not override the need to ensure that Congress enacts the full suite of reforms necessary to respond to over a decade of evidence calling for reforms.

I strongly believe prioritization is one of these key pieces, which is why I am offering an amendment during consideration of WRDA on behalf of this group of Senators. We need to get these ideas on the table, and I think my colleagues agree a report, with recommendations to Congress, is a good, commonsense approach.

I was interested in the Senator's remark that we have met the enemy and it is us. I think that is not the case unless we are foolish enough not to back up our decisions and our judgment with the benefit of people who know what they are taking about. The Senator from California says these are political appointees, but, in fact, these folks have to be water resource experts. That is who we will put together on this group to take a look at these 70 billion dollars' worth of projects.

Of course, despite the way in which the Senator described the impact of this report, all this does is set priorities. This is not mandatory in any way. It is nonbinding. It is simply a report that gives us information. Yes, it ranks things in different tiers, but we still have the power—and, of course, we fully retain the power—to change those priorities if, in our judgment, we believe it is the right thing to do.

We do that all the time. There are all kinds of government reports that tell us to do X or Y and, in our judgment and our responsibility as Members of Congress, we exercise our own independent judgment. Not to have the benefit of these experts saying these projects are more important than others—I can't understand the downside of that. In fact, when the Senator says this somehow casts doubt on the Senate, or trashes the Senate, I think it is just the opposite. It will make us look good if, for once, it looks as if we are basing our priorities on something other than pure political pull.

When we were out here together, the Senator from California and I were arm in arm, literally, on ethics reform and lobbying reform, and some said that was trashing the Senate. Some said that was somehow saying we weren't capable of regulating ourselves; that somehow we didn't need these laws and we should be trusted. Well, this is an area just like the ethnics and lobbying reform, where people have concerns. Anything we can do to enhance our credibility, anything we can do to say, hey, look, we didn't agree with every part of this report, but in large part we agree with these priorities, I think strengthens our hand. I think it enhances the reputation of the Senate, particularly in the eyes of the taxpayer who now see that, after this bill, we are talking about $70 billion in projects.

I think this is a win-win proposition. Of course, I respect the chair's disagreement on this particular point. I know she agrees with reform in almost every single context. She just doesn't see this particular reform. But I urge her, once again, to consider the fact this is nonbinding, informational. I don't think it is binding in any way that would cause a problem for the Congress.

Mr. President, I yield the floor.

Mrs. BOXER. Mr. President, I want the Senator to know he can have as much time as he wants. As he knows, I am not rushing the bill in terms of hearing from people. As a matter of fact, I thank him for coming today because we don't see anybody else talking about their amendments, and we do want to get this bill done.

I will use this as another opportunity to call on my colleagues, who may well support the Senator's amendment or oppose it or have other amendments, to please join us on the Senate floor. It is very pleasant here. It gets you away from other debates that are a little harder in many ways. So I urge my colleagues to come down, show us your amendments, please. We want to get this moving. We are going to be here today, we could be here tomorrow, we could be here Monday debating amendments and, hopefully, disposing of this bill on Tuesday.

Did my colleague want to respond?

Mr. FEINGOLD. Mr. President, I just wanted to ask that the time be reserved on my side so that, should other Senators want to talk on this, they could. But I am prepared, if the Senator is, to move on at this point.

Mrs. BOXER. Absolutely. I would like to say to anybody wishing to speak on the Feingold amendment, please, I will make sure you get adequate time.

I also want to say to my friend, as he leaves, because he has asked me to think about it, that I am going to ask him to think about it also. I want him to think about this: there are so many checks and balances on this WRDA bill. I want to go through a couple for him, just so that maybe he doesn't believe we are without checks and balances.

First of all, we have the local people who decide what it is they need and want to protect their communities. We have the State people, who come in and have to issue a water quality certificate. So they are involved in it. We have the Corps that has to do the study based on a cost-benefit analysis and other issues. There are matching funds in every case—almost every case. So we have a big check there, if a local community is willing to put up the money. So that is matching funds.

There is the executive branch that comes in. The executive branch comes in and they decide what they want to fund. We have the Appropriations Committee, after the authorizers get done with it, deciding what they want to fund. And we have every one of us Senators standing for reelection at some point who have to face up and say, we fought for this particular project.

Also, I thank my colleague for something right now on ethics reform, and I want him to know something which he may not know. As a result of all his work on ethics reform, and so many other colleagues here and our leader and the rest, even though the ethics reform isn't law yet—we hope it will soon be—the committee decided to act as if

it were law. We asked every Senator to put in writing the fact that they did or did not have any real or perceived conflict of interest that went along with their requests for these particular projects. Those letters are available for everyone to see in the office. We have also printed in the RECORD, in large type—because at first it came out in small type—what each of us has asked for. So I want to thank my colleague for that. I want my colleague to understand that this bill is not only half the size that it was last year, not only is it a couple of billion less than the House, not only did we follow the ethics proposal, which isn't law yet because we want people to feel good about this, but we have done all these things. And, of course, I have included my friend's ethics Corps reform from last year.

So even though we do have strong disagreement, and I don't want to sugarcoat it because it is pretty strong—we disagree on this—there is so much progress that has been made, and my friend is responsible for a lot of that, and I feel really good about that. I hope he doesn't take my opposition to this particular amendment, my strong opposition to it, in any way as diminishing the amazing work he has done so that this bill comes to us in a form that, really, I think we can all be proud of.

I thank my colleague very much for coming. And, of course, the record is open and the floor is open to all colleagues who want to speak, pro or con, on this particular amendment or any other amendment that people would like to offer.

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

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

The bill clerk proceeded to call the roll.

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

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

Mr. CARDIN. Mr. President, I rise to support the Senate substitute for H.R. 1495, which I hope we will be getting to, the Water Resources Development Act. This legislation has been delayed for many years. I thank Senator BOXER and Senator INHOFE for bringing together a bill that is critically important to our future in regard to water infrastructure improvement and the ecosystem's restoration. I think this legislation is carefully balanced, it is responsible as far as its budget, but it is very important for us to move forward and consider this legislation and move it to, I hope, enactment and signature by the President.

The bill contains a number of provisions that are vital to Maryland, which relies heavily upon the Army Corps of Engineers for water resource programs. The bill contains an important project that protects Cumberland, MD, and Ridgeley, WV, against flooding. Like so many other projects contained in this bill, the Cumberland effort will have multiple benefits. In addition to the increased public safety that comes from flood control, this project will serve as an essential component of the restoration efforts underway in Cumberland, including the rewatering of the Chesapeake and Ohio Canal and the reconstruction of the turning basin there.

For the first time, the Army Corps will supplement the Environmental Protection Agency's efforts to repair and improve the wastewater treatment facility plants that benefit the Chesapeake Bay. The Corps will be able to support sewage treatment upgrades, such as the one at Blue Plains. That plant is the largest advanced treatment facility in America, serving customers in the District of Columbia, northern Virginia, and the Maryland jurisdictions of Prince George's County and Montgomery County.

The new EPA permit for Blue Plains requires that the nitrogen load from the plant be reduced by more than 4 million pounds annually. This bill will be the largest single nutrient-reduction project in the bay watershed in a decade. Slashing the nitrogen load to the bay is a key step in the Chesapeake restoration efforts, and this bill will help get it done. It takes the participation of the Federal Government in the Chesapeake Bay restoration to a new level. By allowing the Corps of Engineers to help us with the tremendous backlog of sewage treatment plant repairs and improvements, this bill takes us to a much stronger partnership in the Chesapeake Bay restoration efforts.

We have a geography and topography which make the Chesapeake Bay particularly susceptible to erosion. The bay shoreline and many of its historic islands are literally being washed away. The erosion contributes millions of cubic yards of sediment annually to the bay, adversely affecting water quality and clogging navigational channels.

The bill extends the authorization of the 50-foot dredging of the Baltimore harbor and its channels. This project has been vital to the economic strength of the Port of Baltimore.

The bill contains authorization for two important island environmental restoration efforts. Tiny Smith Island in Somerset County has lost over 3,300 acres of wetlands over the past 150 years, threatening the population that lives there and degrading the Chesapeake Bay in the process. The project authorized in this bill consists of constructing 2 miles of offshore sediment breakwaters to provide protection to over 2,100 acres of wetlands and underwater grass beds.

I am particularly pleased the bill we are considering now contains funding for the Poplar Island project. This is a model project. We have been able to restore an island that had been almost washed away. There used to be a hunting lodge there. People would use the island. It had eroded almost to being nonexistent. What we have been able to do at Poplar Island is have a site where we could take the dredge materials from the dredging of the harbor, put it on the island, restore the island from an environmental point of view, and it has been a win-win process.

The Port of Baltimore is one of the largest ports on the east coast and a vital engine of economic activity, contributing $2 billion to the State economy and employing 18,000 Marylanders directly and tens of thousands more indirectly. There are approximately 15 miles of channel leading to the Port of Baltimore. Each year, approximately 4 to 5 million cubic yards of material must be removed from the channels to keep them at the existing depth and width. Poplar Island allows us to comply with that dredging need.

We have been able to take the dredged materials and put them onto Poplar Island. It was once a home to residents and hunting lodges. Since the project's authorization in 1996, the Corps has restored over 1,100 acres of remote island habitat. Popular Island has risen again, Phoenix-like, from the waters of the Chesapeake Bay. Eight miles of dikes protect the island from severe wave action. There are over 570 acres of upland habitat at an elevation that sometimes exceeds 20 feet. An additional 570 acres of wetland habitat has been created.

Today, even as the project continues, the island is once again home to migratory shorebirds, mammals, reptiles, and even serves as a nesting area for Maryland's famous terrapins. The expansion of the project authorized in this bill will build upon this success. It will add an additional 575 acres, half uplands and half wetlands, to the restored island.

The Nation has become increasingly aware of the important role wetlands and barrier islands play. We all witnessed the increased devastation that struck the coast of Louisiana, due in part to loss of what I like to refer to as nature's speed bumps, the wetlands and coastal islands that help absorb the shock from these horrific storms.

The Poplar Island expansion project authorized in this bill is important to the Port of Baltimore and to the ecology of the Chesapeake Bay. It is also a model for the Nation, showing us how the Army Corps projects can be engines of economic success, while at the same time serving beneficial ecological functions.

This vital project points the way to the future of the Army Corps of Engineers. It is one of the main reasons I support this legislation. This is a well-balanced bill. It is a bill that, yes, will help Maryland, but also help Maryland with projects which I think are important to show the Nation what you can do in moving forward on the economic needs of our communities, such as the dredging of our ports, but also moving forward on the environmental issues such as restoring vital wetlands and islands that would have disappeared.

It is important as far as dealing with storm damage. It is important to the restoration of our wildlife. It is important in so many different areas. I urge us to move forward with this legislation. Let's move it forward to consider the amendments, let's get it done, let's take it to the other body, and let's get it to the President as soon as possible. It has been delayed for years, we all know that. Thanks to the hard work of our leadership on the Environment and Public Works Committee, we have been able now to come forward with a bill that I think has the best chance for enactment. I urge my colleagues to carefully consider this legislation, support this legislation, but, more importantly, let's get it moving.

It is well past time that we enact the WRDA bill.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL.) The Senator from Florida is recognized.

Mr. NELSON of Florida. Madam President, I want to speak on the bill, and I wanted to congratulate Senator BOXER and Senator INHOFE for their combined leadership, their working together to bring this legislation to the floor. It has been a long time coming. We passed it here last year thanks to the leadership of both of them. Senator INHOFE was chairman. Now Senator BOXER is the Chair.

It is now time for us to pass it again. It has only been 7 years since we have had a Water Resources and Development Act. We desperately need it for all of these water projects across the country that need to be authorized.

Of course, one of the ones I want to speak to not only affects our State of Florida, the Everglades restoration, but it clearly affects a lot of the ecosystems of planet Earth. We violated Mother Nature over the course of the last half century. As a result of massive hurricanes in the early part of the last century, particularly the hurricane of 1928 that killed over 2,000 people in the Lake Okeechobee region—many of them drowned—the emphasis back then was, when the floods came: Get the water off.

So over the course of the years, through then, up through the mid-1900s, you had all of this diking and draining that went on, to the point at which the mindset was: Get the water away when the floods come.

But, of course, what everybody was ignoring was Mother Nature and what she had created in this incredible system that starts south of Orlando in the center part of the State, and starts meandering water south into the Kissimmee River, meandering through its oxbows where all of the marsh grasses were cleansing the water, and then it reaches the big lake, Lake Okeechobee, which then Mother Nature had the water absolutely proceed south through very rich muck lands, in a slow sheet flow that flowed into what we now know as the Everglades.

Ultimately that water then flowed on out, in through the southwest part of Florida, and in the south part of Florida, into what is known as Florida Bay, which is that area south of the tip of the peninsula of Florida and inside the bow created by the Florida Keys.

What mankind did was disrupt that natural flow of the water. As a result, when the floods came: Get the water off. So we were now sending fresh water into tidewater in these very delicate brackish water situations that were so important to wildlife and marine life, and making it much too much fresh water, not brackish water, as a result, also dumping water that contained excessive nutrients, so that as this water flowed out, the tidewater in places like the Loxahatchee River and to the east the St. Lucie River, you suddenly have these rivers that had way too much fresh water and way too many nutrients.

What you got was the growing of algae, the sucking out of the oxygen, and creating nearly dead rivers. Everybody got concerned about this along about the 1980s and into the 1990s. The legislature and the Federal Government started realizing we have to go back and redo things. The problem was, it was a lot different then in Florida than what Mother Nature first had created, because now there was a huge agricultural industry just to the south of Lake Okeechobee on all of that rich muck land, and now there were 6 million people living in South Florida who had to have a source of water.

So that is what was developed, the Comprehensive Everglades Restoration Project. It is a project that will span over 20 years, and it is a project that needs funding, half from the Federal Government and half from the State Government and its entities, including the water management district, the local governments, and so forth. That half and half is how we are ultimately going to be able to restore the Everglades and still provide water for the agriculture industry as well as the 6 million people who live there.

Now, I must say, it is pretty tough right now because we have a drought. It simply has not rained. Back in 2005, with Florida smarting from the four hurricanes in 2004, hurricanes that filled up the lake to the point of being concerned about breaching the dike and killing a lot of people from flooding, in anticipation of a 2005 very active hurricane season, they lowered the lake. Well, 2005 ended up not being, for Florida, an active hurricane year. Therefore, the rains were not there, and that started reducing the lake more to the point at which Lake Okeechobee is 5 feet down from what is its normal average.

When you combine that with the drought that is occurring now, then you have a real problem. That is why all of the local governments in south Florida have gone to a restriction on water use, which includes now once-a-week watering of lawns. You see the problem.

There is a problem in some of the well fields in south Florida. If they do not replenish them with fresh water, you are going to have saltwater intrusion from the Atlantic Ocean. Of course, the Corps of Army Engineers is working on that right now.

That is all the background, which is why this WRDA bill is all the more important for us, because there are several projects that will address this issue of Everglades restoration we have been trying to get authorized since the last authorization bill 7 years ago.

One of them is what is called the Indian River Lagoon, and it is that part on the east coast of Florida, the St. Lucie River estuary, where instead of dumping all of that fresh water, all of that nutrient-laden water, you are going to be able to cleanse that water through various Corps projects back closer over to Lake Okeechobee in the center of the State.

Another project in here is called the Picayune Strand. It is a project over on the southwest coast, which is going to help restore the flow of water going into the Ten Thousand Islands. It is going to restore 72,000 acres of habitat and ecological connections that will directly affect the Florida Panthers National Wildlife Refuge, the Belle Meade State Conservation and Recreation Lands Project Area, and the Fakahatchee Strand State Preserve.

With all of this, it is so important that we pass this bill and we get a conference agreement with the House of Representatives so we can get this bill to the President for signature.

Now, I have spoken of a couple affecting Florida. There are several more projects in here, but I have picked the two biggest ones that are critical for the environmental sensitivities, and a major ecological asset for planet Earth. And it is that. It does not just affect Florida, it affects the entire planet. It is like the Amazon River. That certainly just does not affect Brazil; that has global climate effects.

I want to thank again the leadership for having brought out this bill. It cannot be soon enough for us to get it passed and to get a conference agreement with the House and to get it signed into law. Then we can start fleshing this out with the appropriations bills to fund these specific water projects.

Madam President, I yield the floor, and 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. NELSON of Florida. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. NELSON of Florida. Madam President, I ask unanimous consent that the remainder of the hour allocated to me in debate postcloture and which I have not used be allocated to Senator BOXER, the manager of the bill.

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

Mr. NELSON of Florida. 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. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LIEBERMAN. Mr. President, I ask unanimous consent to speak as in morning business.

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

IRAQ

Mr. LIEBERMAN. Mr. President, in the days ahead, this Congress and the President of the United States face a choice on the critical question of funding our operations in Iraq and Afghanistan. It is a choice between brinksmanship and statesmanship, a choice between continuing to stalemate, largely along partisan lines, or uniting across partisan lines in support of our troops.

We all know what our most important responsibility is. Our forces in Iraq and Afghanistan are looking to us. They need the funding that only we in Congress can provide them. The money is running out.

I understand that many in this Chamber saw the supplemental appropriations bill as an opportunity to force a withdrawal of our troops from Iraq and that many of us argued vigorously against the amendments that attempted to do that. Each side has now had an opportunity to make its case. The result is clear: There are not enough votes in Congress to enact a mandatory date for withdrawal of American forces from Iraq. The time for having debates, therefore, and sending messages on this troop funding bill should be over. It is now time to get our troops the equipment, the training, the supplies they need—and without delay. We in this Chamber have a responsibility to make certain that no matter what disagreements and differences we have here in Washington, our men and women in uniform in Iraq and Afghanistan are not caught in the political crossfire.

Only a couple months ago, this Senate confirmed the new commander to implement a new strategy in Iraq, GEN David Petraeus. That new strategy is now being implemented, and it is achieving some encouraging, if early, signs of success. Indeed, progress has been won, even though the full complement of troops has not yet arrived in Iraq. Yet now many in Congress would pull the plug on this new strategy and thwart the work of our troops before they are given a fair chance to succeed.

I am aware public opinion has turned against the war in Iraq. The American people are deeply frustrated by the multiplicity of mistakes and errors that have been made. Progress has been too slow. The savagery of our enemy, which the American people witness on television every night, has been demoralizing. Many simply want to leave and wash our hands of what they perceive as a mess—a deadly mess. But leadership requires sometimes that we defy public opinion if that is what is necessary to do what is right for our country. In fact, at a time such as this, we are required to do what each of us believes is right, and that might not be what is popular.

What is right, I firmly believe, is that we cannot allow our Nation to be defeated in Iraq by the same terrorist enemy with which we are now engaged in worldwide conflict. The global war on terrorism which we are waging is a worldwide struggle against a barbaric totalitarian foe that is al-Qaida. And today, it is al-Qaida that we are fighting in Iraq. Al-Qaida itself has declared Iraq to be the central front of their larger war against our way of life.

So all of us who are privileged to serve this great country in positions of leadership have a very serious choice to make. Our judgment can be guided by the public opinion polls, and we can withdraw in defeat. We can rationalize our action with reassuring but, I believe, falsely hopeful words such as ''redeployment.'' No matter what we say, our enemy will know that America's will has been broken by the barbarity of their blood lust, the very barbarity we declare we are fighting but from which we would actually be running.

My main point is this: Now is not the time for delay, for prolonged legislative posturing and bargaining over this supplemental appropriations bill. It is the time to do our duty, to fund our troops, stand by our allies, and do everything we can to help them win the war against al-Qaida in Iraq, rather than inventing new ways to vent our frustration with the war in Iraq or with the President of the United States, by handcuffing General Petraeus and undermining his strategy. Let us give him and his troops our support as they and their Iraqi allies fight to win for us.

Thank you. I yield the floor, and 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. BAUCUS. 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. BAUCUS. Mr. President, I rise today to speak in support of the Water Resources Development Act of 2007. I first congratulate the new chairman of the committee, Senator BOXER, for taking her first bill to the floor. She is doing a great job. It is out of committee virtually unanimously. She brought out a bill that was worked out in advance and she is doing a terrific job. I highly commend her.

Benjamin Franklin once wrote:

When the well is dry, we know the worth of water.

Westerners, including the current occupant of the chair, have learned this painful lesson many times. Recently, several years of drought have plagued farmers and ranchers across my State of Montana and many other parts of the country. Weatherworn switch grass and crops bring a terrible cost to producers in the West.

The West's battle with drought highlights the pressing need to ensure our water resources are used efficiently. I remind my colleagues, it doesn't rain a lot in the West. The annual rainfall west of the 100th meridian, down from Minnesota and across the country, is much less than in the eastern part of the country. In Montana, the average precipitation—rain, snow, all of it—in our towns is roughly about 13 inches a year. In Washington, DC, it is about 44 inches a year. That is a big difference, and that is in ordinary years. We have had a lot of drought in the West in the last several years.

Therefore, this Water Resources Development Act is long overdue. Although the Senate passed this legislation last year, the conference with the House fell short of resolution, so we are here today to get this bill over the goal line. I think we will finally get there. The bill provides authority for the Corps of Engineers to move forward on many long overdue water resources projects.

In 1986, Congress enacted the Water Resources Development Act, or WRDA. Every 2 years since then, Congress received proposals from the administration seeking authorization for water resources projects—every 2 years, since 1986. Why? It is clearly because there are new needs every 2 years. This pattern of requests provided the Corps and local sponsors with a regular planning schedule, helped them know what was on the drawing boards, which projects would be developed first and second, with some regularity, the planning for the development of needed resource projects in our country.

This administration, however, has yet to request one update of this legislation. Why is that? Well, I ask the question: Have all the water resources needs of the country been met? Clearly, the answer is no. Scores of water resources projects are awaiting authorization.

Second, does this administration think this legislation costs too much? Perhaps, but remember, investing in our water resources infrastructure is a cost we cannot put off. This is not an annual recurring operating expense; it is an investment that pays huge dividends.

Levees are crumbling. People are living in harm's way, waiting for this legislation to help provide them with protection. This bill authorizes projects that will provide needed flood and storm damage protection, navigation improvements and environmental restoration. All three are very important.

There is authority for rebuilding and restoring the coast of Louisiana generally, but this legislation provides specific authority for that rebuilding and restoration, devastated by Hurricanes Katrina and Rita.

Authority for modernizing the lock and dam system on the Mississippi River is contained in here, and authority for ecosystem restoration projects, all the way from New Jersey, to Florida, to Colorado. There is a lot in this legislation.

The Corps of Engineers is charged with the management of America's water resources. The Corps of Engineers built levees and floats barges. In my State of Montana, we see the Corps as restorers of the ecosystem. We see the Corps as guardians of America's recreational assets, such as the Missouri River, Yellowstone River, and the Fort Peck Reservoir.

We in Montana have 11,000 miles of blue ribbon trout streams. Montana is home to the mighty Missouri River and the beautiful Yellowstone River. The Yellowstone is the longest remaining free-flowing river in our country. Montana's Fort Peck Reservoir provides outstanding recreation for the eastern part of my State. There is a huge fishing tournament in the Fort Peck Reservoir. The Corps helps make that happen.

We value the Corps' expertise and their partnership in many of our water resources projects. I might name several projects that are important and will continue that tradition in Montana: the Yellowstone River and Tributaries Recovery project; the lower Yellowstone project at Intake, MT; the Missouri River and Tributaries Recovery project; the upper basin of the Missouri River project. These projects will all provide improvements and provide valuable protection for the valuable resources in our State and, with all the tourism coming to our States, for a lot of Americans as well.

There is also an important authorization for the rehabilitation and improvement of a very important large aging water project on the Blackfeet Reservation in Glacier County called St. Mary Diversion. This system is rusting, cracking, and crumbling before our eyes. It is deteriorating, and 17,000 Montanans on the highline—the northern part of the State—depend on this system. It is a Federal system, but it is falling apart.

Without St. Mary, the lower Milk River would go dry 6 out of every 10 years, imperiling the water source for thousands of Montana families. This is irrigation and also drinking water. I cannot believe that in the United States we don't have good drinking water in large parts of my State. That is an outrage.

These important water projects, and their importance to the communities the projects serve, underline the need to move this legislation forward. Our first priority, therefore, is to authorize the long overdue projects in the WRDA bill this year. I hope we can get the administration's support to do that this year. We passed a bill last year. Let's get it enacted this year. Let's do our part to ensure that our water resources needs are met and let's get back to the biennial practice of enacting a water development resources bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I am very pleased to rise following my good friend from Montana, with whom I served last year as the subcommittee leaders of the Environment and Public Works Committee. We worked in a bipartisan way, and I appreciate that working relationship this year again. The EPW has worked on a bipartisan basis on this very important bill, and we have shown it by the number of people who signed letters asking that they move the bill. We have seen it in the vote on cloture. I thank the leadership in this body, particularly Chairman BOXER and Ranking Member INHOFE.

This bill before us today and next week, the Water Resources Development Act, or WRDA, is long overdue and badly needed. As has already been said, it authorizes projects under the jurisdiction——

Mr. BAUCUS. Will the Senator yield briefly?

Mr. BOND. Yes, I am happy to.

Mr. BAUCUS. Mr. President, I confirm a point made by our good friend from Missouri that there has been close cooperation in putting the bill together. I commend the Senator from Missouri. He has done a super job and so has Chairman BOXER, who is our leader. She sets the tone and gets us working together, and Senator INHOFE is right there with her. I thank the Senator for being helpful.

Mr. BOND. Mr. President, I appreciate the kind comments of my friend from Montana. I wish there were more issues on which we could work so closely, but this one I view as a vital investment in our Nation's future. This is something we ought to be able to come together on as Republicans and Democrats, conservatives and liberals, and say we need to build for the future.

As my colleague from Montana has said, the programs administered by the Corps are of tremendous value to the entire Nation. They provide drinking water, electric power production, river transportation, recreation, flood protection, environmental protection and restoration, and emergency response.

Few agencies in the Federal Government touch as many citizens as the Corps does. The Corps provides one-quarter of our Nation's total hydropower output. If you are looking for pollution-free power, it is hydropower. The Corps operates 463 lake recreation areas; moves 630 million tons of cargo, valued at over $73 billion annually through our inland system; manages over 12 million acres of land and water; provides 3 trillion gallons of water for use by local communities and businesses; and has prevented an estimated $706 billion in flood damage within the past 25 years with an investment one-seventh of that value. During the 1993 flood alone, an estimated $19.1 billion in flood damage was prevented by flood control facilities in place at that time.

Regrettably, I must tell my colleagues that as we debate this bill on the floor, a flood is currently striking Missouri. I talked with a top Corps official from Missouri yesterday, who said the flood and its impact now may be as great as the disaster of the 1993 floods. I will be going there tomorrow to survey the damage. Floods are a fact of nature, and a good levee system can reduce the damage.

The WRDA bill is a bipartisan bill traditionally produced by Congress every 2 years. As a matter of fact, you could say this is the 2002 WRDA bill about 5 years late. Better late than never.

The bill makes possible all of America's major flood control projects, coastal protection, environmental protection and restoration, transportation and recreation on our major waterways.

Despite its importance, however, we have not passed a WRDA bill since 2000. The longer we wait, the more unmet needs pile up and the more complicated the demands upon the bill become. I think the public voice is loud, clear, and spoken often regarding how they feel about our long overdue and much-needed WRDA legislation.

We believe the bill before the Senate is a good one, balancing the needs of our States for environmental restoration of key waterways and for navigation projects that create economic growth and keep our economy going.

The bill before us will create jobs, spur economic development and trade competitiveness, and improve the environment. It is financially responsible. To say it is widely supported is an understatement. It passed the Senate Environment and Public Works Committee last year by a voice vote and, in the 109th Congress, 80 colleagues signed a letter urging floor action.

A few weeks ago, the House cleared a companion bill with a vote of 394 to 25, and in the 109th Congress, they passed it with 406 votes. Last year, we merely ran out of time in conference. That is why I am glad the bill was passed out of committee and brought to the floor in a timely manner. We cannot afford to let the time run out on the bill in this Congress.

In the last 20 years, environmental protection has become a primary Corps mission. Our water resources perform a variety of functions simultaneously. They can provide transportation and protection from floods and protect habitat for many species.

Similarly, when it comes to Corps projects, navigational and flood control projects can and should be environmentally sound. Environmental restoration can help prevent or minimize flooding during the next major storm.

The Corps is leading some of the world's largest ecosystem restoration projects. The commanding feature of this bill is its landmark environmental and ecosystem restoration authorities. More than half the bill consists of authorization for environmental restoration projects.

Think of all the major waterways that are important to America, to our environmental heritage, to recreation, and to commerce. This bill affects all of them.

Among the projects, this bill restores wetlands in the upper Connecticut River basin in Vermont and New Hampshire, restores oyster habitats in the Chesapeake Bay, restores fisheries in the Great Lakes, implements an environmental management program for the Rio Grande River, continues restoration of the Florida Everglades, restores areas of coastal Louisiana damaged by Hurricanes Katrina and Rita, restores habitat on the upper Mississippi and Illinois water systems, and restores oyster habitats on the Long Island Sound.

Flood control obviously is important. If we learned anything about Mother Nature in the last 15 years, it is that we very often need protection from her storms. Hurricanes Katrina and Rita obviously are devastating examples.

The good news is that Corps projects have prevented an estimated $706 billion in flood damage within the last 25 years with an investment of one-seventh that amount.

During the 1993 flood alone, an estimated $19.1 billion in flood damage was prevented by flood control facilities in place at the time.

This legislation authorizes flood control projects in California, Louisiana, New Jersey, New York, Pennsylvania, Maryland, West Virginia, Minnesota, Kentucky, South Carolina, Idaho, Washington, Missouri, Iowa, New Mexico, and Arkansas, to name a few.

Transportation efficiency is another benefit. While the majority of this legislation is for environmental protection and restoration, a key bipartisan economic commission we include provides transportation efficiency and environmental sustainability on the Mississippi and Illinois Rivers.

As the world becomes more competitive, America must also. From 1970 to 2003, the value of U.S. trade increased twenty-fourfold and 70 percent since 1994, an average annual growth rate of over 10 percent. We can expect demand for U.S. exports to dramatically increase over 34 years. We must ask ourself, or that part of our exports that are commodities: Will there be growth in transportation in the next 20 to 50 years to accommodate the growth in demand for commercial transportation?

If we listen to the Department of Transportation, they are already predicting the congestion on our roads will double in the next quarter of a century.

From where I sit, capacity on the rails is at a maximum. It is a lot tougher to build a new railroad than it is to maintain the locks on an existing waterway system. If we think our roads are congested now, think of what will happen if we cannot relieve the pressure on our highways. Water transportation is an inadequately tapped capacity, and it is good news because water transportation is efficient, it is safe, it conserves fuel, and it protects the air and the environment. One medium-size barge tow can carry the same amount of freight as 870 trucks. That fact alone speaks volumes to the benefits of water transport. With oil prices at a record $72 per barrel, consider the advantage of a twin engine barge that can carry the equivalent of 870 trucks.

Over the past 35 years, waterborne commerce on the upper Mississippi River has more than tripled. It currently carries 60 percent of our Nation's corn exports and 45 percent of our Nation's soybean exports. It does so at two-thirds the cost of rail when and if rail is available.

In Missouri alone, we ship 34.7 million tons of commodities, with a combined value of more than $4 billion, and it isn't just agricultural products. It includes coal, petroleum, aggregates, grain, chemicals, iron, steel, minerals, fertilizers, and other commodities.

The sad fact is our navigable waterways are in environmental and economic decline. Jobs, markets, and the availability of habitat for fish and wildlife are at stake. The American Society of Civil Engineers grades navigable waterways infrastructure with a D-minus, with over 50 percent of the locks functionally obsolete despite increased demand. These locks were built 75 years ago with a life expectancy of 50 years. If you look at the locks when they are locking through a tow, they don't just leak, they shed tons of water. They are past the stage where continued application of chewing gum and duct tape are going to protect the water transportation infrastructure we need.

This bill is a plan that gets the Corps back in the business of building for the future rather than haggling about predicting it. The legislation contains authorization for funding to improve navigation on a number of our waterways in several States—Louisiana, Texas, Alaska, Virginia, Delaware, Maine, Oklahoma, and South Carolina. My interest is a key piece of the bill that modernizes locks and dams on the upper Mississippi and Illinois Rivers.

We authorize capacity on locks 20 to 25 on the Missouri River in Peoria and LaGrange on the Illinois. New 1,200-foot locks on the Mississippi will provide equal capacity in the bottleneck region downstream of the 1,200-foot lock 19 at Keokuk and upstream locks 26 and 27 near St. Louis.

What happens with the 600-foot lock as now exists today? All the modern tows are 1,200 feet long, so we have to double lock through them, push half the barges in, lock them down, bring the water down, push the other half of the barge in, lock it down. That is a tremendous bottleneck, and even though 600-foot locks are in very degraded condition, half the cost of the new locks will be paid by private users who pay into the inland waterways trust fund. Additional funds would be provided for mitigation and small-scale and nonstructural measures to improve efficiency.

There is lots of talk around here about wanting to increase trade. All the productive farmers, commercial family farms in Missouri know that trade is essential, not only for their well-being, but for the strength of the economy to bring revenue to rural communities and the rest of the world. But we can't have those without the basic transportation infrastructure necessary to move goods from buyers to sellers. New efficiency helps give our producers an edge that can make or break opportunities in the international marketplace.

As we look 50 years into the future, we have to ask ourselves a fundamental question: Should we have a system that promotes growth or should we be confined to a transportation straitjacket designed not for 2050 but for 1950 or earlier with paddle wheel boats?

Further, we can ask ourselves if dramatic investments should be made to address environmental problems and opportunities that exist on these great waterways. In both cases, the answer to me, and I hope a majority of this body, must be, of course, we must modernize and improve.

Seventy years ago, some argued that a transportation system on the Mississippi River was not justified. But Congress bravely stepped forward and decided it would not try to predict the future but to shape the future and decide to invest in a system despite the naysayers. Over 84 million tons per year later, clearly the decision was wise.

A couple years ago, a veteran chief economist at the USDA, talking about transportation efficiency and the ability of farmers to win markets and higher prices, said that transportation is fundamentally related. He predicted that corn exports should rise over the next 10 years by 45 percent, and 70 percent of that will travel down the Mississippi River.

This decision to improve the waterways has not been taken lightly. All decisions have been documented and coordinated with an interagency Federal principles group, independent technical reviews and stakeholders and have been made available for public review and comment.

The Corps of Engineers spent $70 million completing an anticipated 6-year study that actually took 14 years to complete. That was only three times over budget. During that period, there have been no less than 35 meetings of Governors' committees, 28 meetings of economic coordinating committees among the States, and a minimum of 44 meetings of the Navigation and Environmental Coordination Committee;

additionally, 130 briefings for special interest groups, 25 newsletters, at least 6 sets of public meetings in 46 locations with over 4,000 people in attendance. There are some who say we ought to study it some more. Give me a break. To say the least, this has been a very long transparent and representative process, and while we have been studying, our competitors have been building.

One of the saddest sights I have seen recently is a picture of exports from New Orleans. Rather than exporting American commodities, do you know what they are exporting? Barges. They are exporting barges and tow boats that couldn't operate efficiently on the existing lock system to Brazil and other areas so they can have modern transportation means that will eat our lunch both literally and figuratively.

Given the extraordinary delay so far and given the reality that large-scale construction takes not weeks, not months but decades, further delay is no longer an option. That is why I am very pleased to join a bipartisan group of Senators who agree we must improve the efficiency and the environmental sustainability of our great resources.

The transportation efficiency provisions are supported by a broad-based group of States, farm groups, shippers, labor, and those who pay taxes into the trust fund.

Of particular note, I appreciate the strong support from the carpenters, corn growers, farm bureau, soybean growers, energy and construction materials industry.

Additionally, I thank Senators MCCASKILL, DURBIN, OBAMA, GRASSLEY, and HARKIN for their strong bipartisan support as well.

As for the budget, for some, this bill is too small; for others, it is too big. It is important to understand the budget implications of this legislation in the real world. We are contending with difficult budget realities. It is critical that we be mindful of those realities as we make investments in the infrastructure that supports those who manufacture, grow, buy, and sell products so we can expand our economy, create jobs, secure our future, and pay the taxes our Government needs to continue providing support for the infrastructure.

This is an authorization bill. It does not spend $1—not $1. It makes projects eligible within budget constraints. With the allocation provided the Appropriations Committee, the Congress and the President will fund projects deemed to be of the highest priority. The remaining will not be funded because of budget issues. This WRDA process simply allows for projects to be considered during the process of appropriations. Some will measure up, some will not, although the ones in this bill have gone through rigorous examination to get this far.

I believe we strike a balance that disciplines the new projects to criteria fairly applied while addressing a great number of water resource priorities.

This legislation is supported by the National Waterways Alliance, the American Shore and Beach Preservation Association, the California Coastal Coalition, AASHTO, and 250 other organizations.

My thanks to the Environment and Public Works Committee, its leadership, its staff, the staff of the Subcommittee on Transportation and Infrastructure for their hard work and the commitment to bring WRDA to the floor in a timely manner.

Again, I particularly thank Chairman BOXER and Ranking Member INHOFE for their forbearance. I look forward to debate and final passage.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

Mrs. BOXER. Mr. President, we have made some good progress on the bill today. A number of our colleagues have come forward. I particularly wanted to thank Senator FEINGOLD for coming and debating his amendment on prioritization with me. We are going to have a vote on that, if all goes well, on Tuesday. That has not been finalized, but it looks as if that is what is going to happen.

I would say to colleagues that we did have a good, fair debate so far today, and we are going to continue this tomorrow and on Monday. I hope that those who have not come forward with their amendments would be so kind as to do that. We don't have very many because we did take care of many issues between both sides of the committee, but if there are amendments, we urge our colleagues to please come forward and talk about those amendments. This way, they can have as much time as they want and we can hopefully get this bill done.

We keep adding to the letters of support. I was just handed a letter from the National Association of Manufacturers in favor of this bill, so it is one of these rare moments in history where we have the manufacturers association, the labor unions, we have the farmers, we have the corn growers, and we have the water people. We just have a huge amount of support for this bill. It is one of those times that everybody is coming together, setting aside other matters, other issues that are so terribly contentious, such as Iraq, which tears at our heartstrings whenever we are on it, and other tough matters we deal with every day. This is one which does bring us together, I am happy to say.

Mr. President, I ask unanimous consent to have the letter I just referred to printed in the RECORD.

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

NATIONAL ASSOCIATION OF MANUFACTURERS,
May 10, 2007.

Hon. BARBARA BOXER,
Chairwoman, Senate Environment and Public Works Committee, U.S. Senate, Washington, DC.

DEAR MADAM CHAIRWOMAN: On behalf of more than 14 million manufacturing employees in the U.S., we would like to thank you for your leadership in moving forward with the Water Resources Development Act of 2007, WRDA. It is vitally important that America's water resources infrastructure be reliable and productive. Therefore we applaud your efforts to end the stalemate over water resources project authorization by bringing H.R. 1495, WRDA, to the Senate floor. We firmly believe that it is time to end the impasse over passage of WRDA.

A Water Resources Development Act is vitally needed to accommodate the many important projects awaiting authorization, including the modernization of the locks, harbors, canals and other key infrastructure that are vital to the competitiveness of the U.S. economy. A sound national transportation system for the 21st century needs modem water projects, and WRDA will authorize many of those needs.

We look forward to working with you and your staff and issues of importance to the nation's economy and environment. Again, thank you for your leadership.

Sincerely,
THE NATIONAL ASSOCIATION OF MANUFACTURERS.

Mrs. BOXER. Mr. President, without the physical infrastructure in this country in good shape, we can't move goods, we can't move people, and we can't move services. So we need all this. And this bill is 7 years old. So we are very pleased.

We are also very pleased that this bill complies with the spirit of the ethics reform we passed here in the very early days of the session. Although that ethics bill hasn't yet become law—we expect it will—this committee, on both sides, decided we wanted to comply with it. So we got letters from colleagues stating whether they had any type of perceived conflict of interest or a conflict of interest in relation to the projects that are in the bill.

At this point, I do not see any colleagues coming here to speak, but we will keep the floor open for a period of time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mrs. BOXER. Mr. President, I now ask unanimous consent there 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.

Mrs. BOXER. Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

SUDAN

Mr. DURBIN. Madam President, I try to come to the floor each week to address the issue of the ongoing genocide in Darfur. I am troubled that so much time has passed and so little has been done. When a great nation such as the United States declares a genocide in some part of the world, I think we have a moral responsibility to do something.

Imagine, transport yourself back in time to the genocides that have occurred in the past. Imagine a declaration by the United States of a genocide involving Jewish people and others during the Holocaust of World War II. Imagine that we had recognized that was going on and announced that our Government knew it was going on and ask yourself, if we had done nothing at that point, having made the announcement, what it says about the United States.

President Bush and his administration have done the right thing in declaring a genocide in Darfur. The President, a few weeks ago, gave a speech in which he said we have to go beyond this declaration to do something. Yet it has not happened.

I want to give the President and the Secretary General of the United Nations adequate time to respond in a way that will save lives, but as we wait and negotiate and think about it, people suffer. Millions remain displaced, unable to return home. Humanitarian assistance coming into Darfur continues to hang by a thread. It could be snapped at any moment by escalating violence or chaos in the region.

There were several developments this past week that reflect the turmoil and complexity of the Darfur situation.

The shareholders at Berkshire Hathaway, in Omaha, NE, at their annual meeting, rejected a proposal that would have required this giant investment firm to sell its investment in PetroChina, the large oil company in the Sudan owned by the Chinese. PetroChina is a subsidiary of a Chinese Government firm known as the China National Petroleum Corporation. It is the largest company operating in the Sudan, drilling and exporting much of China's oil. Berkshire Hathaway is the largest independent shareholder in PetroChina in America.

The second development was the release of a new report by Amnesty International detailing the transfer of arms to the Sudanese Government. Many of these arms have been supplied by Russia and China.

Another thing happened this week: China announced that it was sending a unit of military engineers to assist the African Union peacekeeping mission in Darfur.

I would like to speak for a moment about these three developments.

First, the vote at Berkshire Hathaway was a disappointment. Warren Buffett is my friend. I respect him very much. I think he is one of the nicest people I have ever met and is certainly one of America's great business leaders. I used to look forward, when I owned one share of his class B stock, to his annual report. I thought it was probably the most honest analysis of business and business decisions that one could read in the course of a year in America. I had hoped, when the shareholders came together in Omaha, they would decide to make an issue of this ownership of PetroChina.

The Los Angeles Times, last Friday, detailed how Berkshire's investments in PetroChina are particularly challenging for the Gates Foundation. Berkshire chairman, Warren Buffett, has pledged $31 billion—that is $31 billion—worth of Berkshire stock as a donation to the Gates Foundation. That is an amazingly generous donation to an organization that is doing life-changing work for the world's poor and suffering.

According to the L.A. Times, in its own investments, the Gates Foundation also currently holds about $22 million in firms operating in Sudan that benefit the Sudanese Government.

A Gates Foundation spokesperson stated that:

> Bill and Melinda [Gates] have initiated a process to assess the asset trust investments in Sudan.

These numbers really illustrate the complexities of this situation, when even mammoth foundations that do enormous good work across the world have to take an honest look at their own investments. I believe each of us should do the same. It is not an easy process. Subsidiaries may be hidden from open view, and it is difficult to know what exactly lies beneath the mutual fund statements we might receive.

My mutual fund statements certainly have far fewer pages than Mr. Buffett's or Mr. Gates'. I have still wrestled with how to ensure that my investments do not include funds related in some way to companies operating in Sudan. I am trying to make this process honest but easier for all Americans.

The second development I mentioned that took place this week was the release of a new report by Amnesty International. The report states:

> [In 2005, the most recent year for which data is available] Sudan imported $24 million worth of arms and ammunition from the People's Republic of China, as well as nearly $57 million worth of parts and aircraft equipment and $2 million worth of parts of helicopters and airplanes from China. . . . During a meeting in Beijing, the Defense Minister of China reportedly told Sudan's joint chief of staff that military relations had been ''developing smoothly'' and said: ''[We] are willing to further develop military co-operation between our two countries in all areas.'' . . . [A Chinese company] recently delivered six K–8 military training/attack aircraft to the Sudanese Air Force and a further six will follow soon, according to a military magazine. . . . Amnesty International is concerned that the Sudan Air Force . . . is highly likely to use these newly acquired jets, as it has other aircraft . . . for indiscriminate attacks in Darfur in violation of the UN arms embargo and international humanitarian law.

This report from Amnesty International details the ways in which the Sudanese Government violates the United Nations' arms embargo and disguises some of its military operations in Darfur. It offers a number of recommendations to close loopholes in the arms embargo and to better monitor the flow of goods into Sudan. The report also calls on all states to immediately suspend the transfer of all weapons, ammunition, and military equipment and ''dual use'' equipment likely to be used in the commission of human rights violations in Darfur. The report concludes that a global arms trade treaty is needed to prevent the flow of arms from fueling such catastrophic conflicts in the future.

We must see what we can do to prevent future disasters like the one playing out in Darfur.

Finally, I would like to mention the third development of the week. The Chinese Foreign Ministry announced to the press and in a letter to Members of Congress that it was sending a unit of military engineers to participate in the peacekeeping operation in Darfur and assist the African Union. This unit is expected to number perhaps 300 engineers. It is a welcome gesture.

China has taken other positive steps as well, such as helping to convince Khartoum to agree to the deployment of 3,000 U.S. peacekeepers.

Those steps must be juxtaposed, however, against some realities: China helping Sudanese President Bashir build a new Presidential palace; against China investing billions of dollars in the Sudanese oil industry; against China reportedly transferring arms to Sudan and seeking expanded military cooperation; and against China's opposition to sanctions against Sudan.

The international community has to do more to stop the killing in Darfur. China has to do more, and so do we as American individuals and as a nation.

On April 18, President Bush stated in his speech at the Holocaust Museum that Sudan had a short time to end its obstructions and accept a full-scale peacekeeping mission or face serious consequences. I applauded that statement.

I have spoken to the President personally about this statement, and I told him I believe those words were important for the world to hear. I understand President Bush did not impose a new sanction on that day because he wanted to give the Secretary General

of the United Nations several weeks to seek a diplomatic solution.

A short period of time is coming to a close. I am ready to work with the President and my colleagues in Congress to find new tools to bring to bear in order to stop the violence in Darfur.

Along with several colleagues, I am preparing to introduce legislation to provide some of those additional tools in this effort.

The most effective policy instruments will be multilateral, meaning many nations involved in achieving this goal. But in the meantime, the United States must act. We cannot let more months pass while people continue to suffer.

I hope by next week the President of the United States will have reached a conclusion that the Secretary General has had his opportunity, that the United Nations may not be able to broker some diplomatic resolution. I hope at that time the President of the United States—and I will urge him to—will make a decision that we should step out in terms of sanctions against the Sudanese Government.

What is at stake? Two hundred thousand to four hundred thousand innocent people who were killed—men, women, and children whose villages were destroyed, whose homes were destroyed, children were killed, terrible atrocities against humanity. Over 2 million people were displaced, forced to trudge across the desert to try to stay alive to make it to a refugee camp. Why? Because the Government of their country in Sudan has, frankly, ignored the obvious, that the jingaweit militia and other forces are killing their own people. That is clearly genocide, and it is a situation we can no longer tolerate.

I hope we can find bipartisan support for decisive action. I hope we can say to the Chinese: Yes, we applaud your sending 300 engineers into this region that is as large as the State of Texas. Yes, we applaud the public statements you have made encouraging the Sudanese to accept the U.N. peacekeeping force. But the Chinese can and must do more.

China is the biggest customer in the world for Sudanese oil. If the Chinese make it clear they are not going to continue their relationship with Sudan unless something is done to end this genocide, it can make a big difference. I think it is important they do these things. Certainly, to condemn violence on one hand and then sell the arms and ammunition to the Sudanese that is being used against their own people is duplicitous. It is not consistent. The Chinese should think long and hard about whether they can serve both roles and try to convince the world they are doing something meaningful.

In the meantime, I think we need a divestment strategy. I think it is time for the United States, first, to change the law so State and local governments can make decisions to divest in mutual funds, in investment funds that relate to companies doing business in Sudan. Right now the courts have stopped that kind of divestment. We can change that law, and I have pending legislation to do that. We need to have our own policy in this country to put pressure on the Sudanese to accept the U.N. peacekeepers—not American soldiers but U.N. peacekeepers—who will come to the rescue of these poor people who are suffering in Darfur. This is a situation which calls on the United States to keep its word. When the President announced the genocide in Darfur, he reminded us of what happened in Rwanda. Under the previous administration in Rwanda, the genocide occurred which claimed as many as 800,000 innocent lives. The administration at that time, under President Clinton, was warned and took no action, would not declare a genocide. As a consequence, the massacre occurred. We know it could have been averted with very few soldiers, maybe even as few as 5,000 soldiers. Supplementing the U.N. peacekeeping force could have saved 800,000 lives. It is unimaginable that we did not respond, or at least help others to respond.

President Clinton, reflecting on this, has said it is one of the real disappointments and failures in foreign policy during the terms he served as President. Let's not repeat that mistake.

I have urged President Bush, with a year and a half left of his term, and so many other things that he has to consider, to remember a promise he made when he announced the genocide in Darfur. He said: Not on my watch.

Well, Mr. President, your watch is drawing to a close, and you have a chance, you have the power, unlike any other person in the world, to make a difference in Darfur. If the Secretary General of the United Nations will not respond in a timely way, we must respond. Some may argue it might fail. Maybe we won't succeed, but at least we will have tried.

I always think, when we come to these discussions about this kind of challenge, about one of my favorite movies: ''Schindler's List.'' At the end of ''Schindler's List,'' Oskar Schindler, if you will remember, was a businessman who started off with the goal of making money and then decided that he had a bigger goal in life, and that was to save as many Jewish people as he could by declaring that they were workers and employees in his plant. He managed to save so many lives.

At the end of the movie there was this graphic scene where the workers—the war was over and the workers were finally free, and they wanted to show their gratitude to Mr. Schindler. So they asked the workers to give up the gold fillings in their teeth, and they knocked out the gold fillings in their teeth and melted it into a ring that they gave him as a gift for saving their lives.

There was this touching scene at the end of the movie where Liam Neeson, who was playing the role of Oskar Schindler, was standing by this car about to leave the factory, and they presented him with this ring. He broke down, and his words are unforgettable. He said: I should have done more. I should have done more.

I think about that in the context of Darfur. When it is all over, and history is written, I don't want to have to stand here and ask any Senator to say: I should have done more. We need to do something, and we need to do it now. If it is not successful in ending the genocide in Darfur, at least we can say we have given it our best effort. But today we can't say that. We haven't done nearly as much as we should or could do to help these suffering people.

When history is written, it will perhaps applaud our declaration of genocide, but there won't be much applause for the little action that has followed. It is not too late.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ASSISTING THE ARMED FORCES

Mr. FEINGOLD. Madam President, this week I introduced two bills to assist members of the armed services and veterans. S. 1314, the Veterans Outreach Improvement Act, will help to ensure that all of our veterans know about Federal benefits to which they may be entitled by improving outreach programs conducted by the Department of Veterans Affairs. S. 1313, the Servicemembers' Cellular Phone Contract Fairness Act, will ensure that deployed servicemembers are not subjected to unfair penalties for cancelling their cell phone contracts.

I would also like to thank my good friend, the junior Senator from Hawaii, for holding a hearing yesterday that considered both of these bills along with many other important pieces of legislation to improve the treatment of veterans, servicemembers and their families. Senator AKAKA is a strong leader on these vitally important issues as chairman of the Veterans Affairs Committee and I commend him on his efforts and look forward to working with him to enact veterans' benefits legislation that includes my two proposals.

I am pleased to be joined in the effort to improve outreach by the Department of Veterans Affairs by the Senator from North Carolina, Mr. BURR. I introduced identical legislation in the 108th and 109th Congresses. I am also pleased to note that there is a companion bill in the House, H.R. 67, sponsored by Representative MCINTYRE. On Tuesday, the House Veterans' Affairs Subcommittee on Disability Assistance

and Memorial Affairs approved the bill by a voice vote.

I was extremely troubled by revelations of gaps in care as servicemembers transition to the VA that emerged as a result of investigations of the Walter Reed Army Medical Center. I appreciate the Department of Defense and Department of Veterans Affairs' attempts to remedy these gaps, but more work remains to be done. It can be extremely difficult for veterans to navigate the VA's health care and benefits systems. This bill will increase congressional oversight of the VA's outreach activities and authorize the Secretary of Veterans Affairs to work with States to perform outreach.

Several years ago, the Wisconsin Department of Veterans Affairs, WDVA, launched a statewide program called ''I Owe You.'' Under the direction of Secretary Ray Boland, the program encourages veterans to apply, or to reapply, for benefits that they earned from their service in the U.S. military.

As part of this program, WDVA has sponsored several events around Wisconsin called ''Supermarkets of Veterans Benefits'' at which veterans can begin the process of learning whether they qualify for Federal benefits from the Department of Veterans Affairs, VA. These events, which are based on a similar program in Georgia, supplement the work of Wisconsin's County Veterans Service Officers and veterans service organizations by helping our veterans to reconnect with the VA and to learn more about services and benefits for which they may be eligible. More than 11,000 veterans and their families have attended the supermarkets, which include information booths with representatives from WDVA, VA, and veterans service organizations, as well as a variety of Federal, State, and local agencies. I was proud to have members of my staff speak with veterans and their families at a number of these events. These events have helped veterans and their families to learn about numerous topics, including health care, how to file a disability claim, and preregistration for internment in veterans cemeteries.

The Institute for Government Innovation at Harvard University's Kennedy School of Government recognized the ''I Owe You'' program by naming it a semi-finalist for the 2002 Innovations in American Government Award. The program was also featured in the March/April 2003 issue of Disabled American Veterans Magazine.

The State of Wisconsin is performing a service that is clearly the obligation of the VA. These are Federal benefits that we owe to our veterans and it is the Federal Government's responsibility to make sure that they receive them. The VA has a statutory obligation to perform outreach, and current budget pressures should not be used as an excuse to halt or reduce these efforts.

The legislation that I introduced was spurred by the overwhelming response to the WDVA's ''I Owe You'' program and the supermarkets of veterans benefits. If more than 11,000 Wisconsin veterans are unaware of benefits that may be owed to them, it is troubling to think how many veterans around our country are also unaware of them. We can and should do better for our veterans, who selflessly served our country and protected the freedoms that we all cherish. And it is important to address gaps in the VA's outreach program as we welcome home and prepare to enroll into the VA system the tens of thousands of dedicated military personnel who are serving in Afghanistan, Iraq, and other places around the globe.

In order to help to facilitate consistent implementation of VA's outreach responsibilities around the country, my bill would create a statutory definition of the term ''outreach.''

My bill also would help to improve outreach activities performed by the VA in three ways. First, it would create separate funding line items for outreach activities within the budgets of the VA and its agencies, the Veterans Health Administration, the Veterans Benefits Administration, and the National Cemetery Administration. Currently funding for outreach is taken from the general operating expenses for these agencies. These important programs should have a dedicated funding source instead of being forced to compete for scarce funding with other crucial VA programs.

I have long supported efforts to adequately fund VA programs. We can and should do more to provide the funding necessary to ensure that our brave veterans are getting the health care and other benefits that they have earned in a timely manner and without having to travel long distances or wait more than a year to see a doctor or to have a claim processed.

Secondly, the bill would create an intra-agency structure to require the Office of the Secretary, the Office of Public Affairs, the VBA, the VHA, and the NCA to coordinate outreach activities. By working more closely together, the VA components would be able to consolidate their efforts, share proven outreach mechanisms, and avoid duplication of effort that could waste scarce funding.

Finally, the bill would ensure that the VA can enter into cooperative agreements with State Departments of Veterans Affairs regarding outreach activities and would give the VA grantmaking authority to award funds to State Departments of Veterans Affairs for outreach activities such as the WDVA's ''I Owe You Program.'' Grants that are awarded to State departments under this program could be used to enhance outreach activities and to improve activities relating to veterans claims processing, which is a key component of the VA benefits process. State departments that receive grants under this program may choose to award portions of their grants to local governments, other public entities, or private or nonprofit organizations that engage in veterans outreach activities.

I am pleased that this bill has the support of a number of organizations that are committed to improving the lives of our Nation's veterans, including the American Legion; Veterans of Foreign Wars; Paralyzed Veterans of America; Vietnam Veterans of America; Wounded Warrior Project; and National Association of State Directors of Veterans Affairs.

The second bill that I introduced seeks to make life a little easier for our servicemembers and their families when they are called up to duty or transferred. We all recognize the heroic service the men and women in our armed services provide the Nation each day. So when I heard stories about servicemembers and their families in Wisconsin having trouble canceling their cell phone contracts after being called up, I looked for a way to help. With the prospect of a combat assignment, the last thing our men and women in uniform should have to worry about are early termination fees or being forced to pay for a service they cannot use. I tried to have this provision adopted as an amendment to the Defense authorization bill last June and, while I was unsuccessful, I will continue to push for the adoption of this commonsense measure.

These problems with canceling cellular phone service have not been just isolated incidents. In fact, the issue has been raised by the Wisconsin National Guard. I will ask that the full testimony of 1LT Melissa Inlow of the Wisconsin Army National Guard at a hearing on a Wisconsin State Assembly bill in April be made part of the RECORD.

I just want to highlight one part of that testimony that makes the point that this is a real issue facing our servicemembers. She testified: ''It's becoming increasingly difficult to get cell phone service providers to suspend the contract. Even with suspension the soldiers are still paying up to $25 a month for a service they cannot reap the benefits of. These fees can accumulate to more than the termination fee which on average is $200.'' First Lieutenant Inlow went on to specifically recommend that the Servicemembers' Civil Relief Act be amended to include a section on cellular phones.

First Lieutenant Inlow and the Wisconsin National Guard are not alone in this opinion either. The National Guard Association of the United States, the Enlisted Association of the National Guard of the United States, and the Military Officers Association of America have supported my proposal since the original amendment was offered last June. I was glad to add the support of the Paralyzed Veterans of America, the Disabled Veterans of America, the American Legion, and the Veterans of Foreign Wars to this list when they expressed support at a recent Veterans Affairs hearing. This

practically universal support among the current armed services and the veterans communities clearly show that this commonsense provision should be enacted.

It is common now for cellular phone contracts to require a contract term of up to 2 years. Along with these long contracts, there are often early termination fees of several hundred dollars. When National Guard members are called up to active duty or soldiers are transferred overseas or to a base that isn't covered by their current provider, they often face the prospect of either paying these significant fees or paying monthly fees for the remainder of the contract for a service they cannot use. While many servicemembers and their families have been able to work with telecommunications companies to eventually get the early termination fee canceled, the account suspended, or the fees reduced, they have enough to deal with after being called up that they should not have this added burden as well.

My legislation proposes that we bring these cellular phone contracts in line with what we have already done for residential and automotive leases in the Servicemembers' Civil Relief Act—let the servicemembers cancel the contract. Under my proposal, if servicemembers are called up for more than 90 days, transferred overseas, or transferred to a U.S. duty station where they could not continue their service at the same rate, they could cancel their contract without a termination fee.

While my legislation helps to prevent servicemembers from being financially punished for volunteering to protect this country, I have also tried to make sure that the telecommunications providers are treated fairly as well. That is why I have included a provision that would allow the providers to request the return of cell phones provided as part of the contract. If the company requests the return under this provision, it would also have to give the servicemember the option of paying a prorated amount for the cell phone should he or she wish to keep it. Moreover, if the provider and servicemember mutually agree to suspend instead of terminate the contract, the bill makes sure that the reactivation fee is waived.

Several States, including Wisconsin, have already given servicemembers this protection. While these State laws are positive steps, a national law will make sure all servicemembers are afforded this protection and give the industry a baseline standard.

While this is a modest addition to the rights of servicemembers, it is important that we remove as many unfair burdens facing this country's men and women in uniform as we can. I hope my colleagues will share this view and quickly adopt this nonpartisan proposal.

Both of these two bills I introduced earlier in the week and that were considered in yesterday's Veteran's Affairs Committee hearing have widespread support. I hope this support will translate into the Veterans Affairs Committee including them as part of its package of veterans' benefits legislation later this year. I again, want to thank Chairman AKAKA and the Veterans Affairs Committee for considering my bills to improve outreach activities and allow servicemembers to cancel cellular phone contracts in yesterday's hearing.

Madam President, I ask unanimous consent that the aforementioned testimony of 1LT Melissa Inlow be printed in the RECORD.

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

TESTIMONY FOR THE RECORD OF FIRST LIEUTENANT MELISSA INLOW AT A HEARING ON WISCONSIN ASSEMBLY BILL 1174 ON APRIL 17, 2006

Thank you, chairman and members of the committee, for the opportunity to speak. The Department of Military Affairs and the Wisconsin National Guard is in support of Senate bill 1174. I am First Lieutenant Melissa Inlow, a Judge Advocate General Officer with the Wisconsin Army National Guard. By granting servicemembers the right to terminate their cell phone contracts upon mobilization, you are ensuring further protections and peace of mind for our servicemembers. In August of 2005, I was brought on to provide legal assistance to our deployed servicemembers and their families. Since that time, about 3–5 percent of my time has been dedicated to assisting servicemembers in resolving issues with their cell phone service contracts. It's becoming increasingly difficult to get cell phone service providers to suspend the contract. Even with suspension the soldiers are still paying up to $25 a month for a service they cannot reap the benefits of. These fees can accumulate to more than the termination fee which on average is $200. I've found it very difficult and sometimes impossible to reach a live person and very difficult to reach a person with decision making authority. Each time I have had to call a cellular phone service provider, I have talked to a different customer service representative, and each has given me a different resolution to the cell phone issue. The companies are lacking significantly in internal consistency when it comes to resolving cell phone contract issues. It has been my experience that the customer service representatives of cell phone companies experience high turnover rate and are not aware of the wireless provider's policy on military suspension. It is extremely frustrating for me; I can only imagine the undue stress and strain it causes our deploying servicemembers and their families that are left behind to deal with these issues. This change will likely help ease the stress deployment places on our servicemembers allowing them to focus on their mission. I hope that the Federal Government will follow suit and amend the Servicemember's Civil Relief Act to incorporate a section on cell phone contracts.

OXFORD COUNTY VIETNAM WAR MEMORIAL

Ms. SNOWE. Madam President, it is truly a solemn honor to join in recognizing these exceptional soldiers extraordinary enough to have worn our Nation's uniform as you gather for the unveiling of the Oxford County Vietnam War Memorial

It is fitting and just that on this Armed Services Day, as we express our gratefulness to soldiers in service to our Nation, we commemorate those who saw service in Vietnam—especially the 37 Mainers who perished or are considered missing in action, whose revered names are remembered for all time on this Vietnam War Memorial. This tribute to their valor and their enduring dedication to duty reminds us that all the blessings of liberty we cherish today, the protection of our families, and the strength of our democracy represent our inheritance from generations past that we are obligated to safeguard and carry forth into the future.

This shining example of their contribution will serve not only to inspire—but also to heal. It will ensure that we always regard with the highest respect the inexpressible debt of gratitude we owe all soldiers and their families which we can never repay, but must never forget. And to faithfully and appropriately honor those who have fallen, we must nurture and protect the founding democratic principles we treasure, for which they so bravely made the ultimate sacrifice.

Every name etched on this wall corresponds to a unique story, but all are bound together, each to each, comrade to comrade, and soldier to soldier, by a universal, selfless devotion a commitment eloquently memorialized by President John Adams when he wrote, ''if we do not lay out ourselves in the service of mankind whom should we serve?

Two servicemen, SGT James B. Bartlett, U.S. Army, 1st Infantry Division, Bethel and SSG John H. R. Brooks, U.S. Army, 129th Assault Helicopter, Peru, are both missing in action, and so this monument must also stand as a testament that we will honorably keep the faith with those who so valiantly kept their faith with us.

Each person we celebrate on this wall dignifies this memorial and makes it the sacred destination that it is intended to be, and that dignity is passed on to each of us when we pay rightful homage to the nobility of their deeds and the legacy of their love for this country.

May God bless you all, and may God bless the United States of America.

CAR AND CHILD SAFETY

Mrs. CLINTON. Madam President, it is with deep regret that I share the following story of a constituent of mine. On April 24, Kristen McCrea, a woman from Amherst, NY, lost her daughter in a nontraffic, noncrash incident. Collett McCrea was only 22 months old. The incident occurred when Kristen left her daughter in their home briefly while backing her car out of the garage. Little did Kristen know that Collett had gotten out of the house and was behind

the vehicle. Kristen did not realize she had backed over Collett until her child came into view in front of the car.

Sadly, Collett's tragedy is not an isolated incident. In April 2007, the child safety advocacy group, Kids and Cars, has documented 17 fatal backover incidents across the country—from Rochester, NY, and South Bend, IN, to San Francisco and Dallas. Six more incidents of fatal frontovers were reported in April, as well as a brake-shift interlock fatality.

While all these tragedies occurred in the last month, the danger of nontraffic, noncrash incidents is not a new trend. On average, a child dies in the United States nearly every other day from a completely preventable accident—backed over by a driver who couldn't see behind his or her vehicle, strangled in a power window, or killed when an automobile inadvertently shifts into gear.

Since 2000, over 1,150 children have died in nontraffic, noncrash incidents, and this number has been steadily rising. The average age of victims is between 12 and 23 months. This year alone, according to the research by the child safety group, Kids and Cars, 261 children have been involved in 235 of these incidents, resulting in 17 fatalities. At least 21 children in New York State have been victims of these incidents since 1990.

It is time we stopped these tragedies from happening to more families. And that is why I introduced, the Cameron Gulbransen Kids and Cars Safety Act, a bill to improve the child safety features in new vehicles.

This bill is named in honor of a 2-year-old Long Island boy who was killed when his father accidentally backed over him in his driveway.

The Cameron Gulbransen Kids and Cars Safety Act would make new passenger motor vehicles safer in three important ways. First, it requires a detection system to alert drivers to the presence of a child behind the vehicle. Second, it calls on the Secretary of Transportation to examine power windows technology that reverses panel direction when it detects an obstruction—preventing children from being trapped, injured, or killed. And, finally, the bill will require the vehicle service break to be engaged in order to prevent vehicles from unintentionally rolling away.

The bill also establishes a child safety information program administered by the Secretary of Transportation to collect nontraffic, noncrash incident data and disseminate information to parents about these hazards and ways to mitigate them.

This bill proves that with modest, cost-effective steps, we can prevent many tragic car-related accidents from occurring. Power window sensors, for example, cost around $10 a window. Brakeshift interlocks are already standard in most passenger vehicles but will cost only $5 where needed. Backover warning systems cost approximately $300 a car, far cheaper than DVD and stereo systems. This inexpensive technology could save thousands of children's lives.

I fought long and hard into the last hours of the 109th Congress to get this bill through, and I am proud to be working with families, advocates, and many of my colleagues in the fight to get this bill passed.

I am proud to champion the Cameron Gulbransen Kids and Cars Safety Act of 2007 and urge all my colleagues to join me in supporting this bill. Together, we can ensure that we have safer cars and safer kids across our country.

ADDITIONAL STATEMENTS

MURPHY OIL AND THE EL DORADO PROMISE PROGRAM

• Mrs. LINCOLN. Madam President, today I wish to pay tribute to one of the top companies in the Nation and one that calls Arkansas home, Murphy Oil. In the May 2007 issue of Reader's Digest, Murphy Oil was named one of ''America's 100 Best'' in recognition of the El Dorado Promise scholarship program. Reader's Digest called the program the ''Best Class Act'' and nothing could be more true.

El Dorado Promise was created through a $50 million gift from Murphy Oil Company. The advent of the program guarantees that all local high school graduates in the El Dorado community will be able to go to college. To be eligible for the program, students must, at minimum, graduate from El Dorado High School, live in the school district, and attend El Dorado High between the 9th and 12th grades. Depending on how long a student has lived in the school district, eligible students will receive tuition and mandatory fees assistance for up to 5 years and equal to the highest yearly rate charged by an Arkansas public university. Students must enroll in a community college or a 4-year university—public or private, in Arkansas or out of State—and maintain a 2.0 grade point average to remain eligible.

What a gift this is for this South Arkansas community and the families that live there. According to the Washington Post, it is one of the most generous scholarship programs in the Nation. When the program was announced in January at a school assembly, many in attendance were brought to tears.

I want to commend Claiborne Deming, the president and CEO of Murphy Oil, and the Murphy Oil board of directors for their vision and investment in the children of El Dorado. The commitment they are making to their community will provide wonderful opportunities for many Arkansas families. Murphy Oil's unselfish gift also will elevate the lives of so many young people and allow them to fully participate in our global economy.

Many colleges are offering to participate in the program, and El Dorado Promise is already sparking interest as other communities attempt to find ways to offer similar programs. I am also hopeful that this scholarship program will set an example for other corporate citizens to make investments in their communities. It can go beyond dollars and cents, too. The donation of technology or even time in the form of mentoring programs can have a meaningful impact on students and communities in ways that cannot be measured.

Education is a national investment in our most precious resource, our children. The knowledge and training they receive will provide them with the tools they will carry with them for the rest of their lives. The Nation's ability to lead responsibility in the world, to effectively confront emerging threats, and to complete in the global economy will depend on providing all our future leaders with a quality education. The El Dorado Promise is a quality investment in those children who will, no doubt, reap Murphy Oil its greatest return for years to come.•

TRIBUTE TO TROY BUCK

• Mr. PRYOR. Madam President, tonight the students who belong to the Future Farmers of America chapter at Centerpoint High School located between Amity and Glenwood, AR, are having their annual banquet. Some of these students will graduate next week and begin new chapters in their lives. While every teacher there has contributed to the education of each student I rise to today to honor one teacher there, Troy W. Buck.

Troy Buck is a native of Alpine, which is located in Clark County in the southwest part of my State. He earned his bachelor's and master's degrees in agriculture at the University of Arkansas-Fayetteville and has spent 47 years in vocational agriculture impacting the lives of countless students along the way.

Troy Buck taught for 21 years at Hope High School and built the Hope FFA chapter into the largest in the State. He then moved to Amity, which merged with Glenwood in 1995 to create the Centerpoint School District. Today under Troy Buck's leadership, Centerpoint's FFA chapter has almost 300 students, making it one of the State's largest. It operates the only school-supported meats lab in the State and recently 98 acres was purchased for a school farm. In addition to his educational activities, Troy also farms 400 acres, most of which is in pasture or hay. He runs 100 head of cattle, operates 2 breeder hen houses, and produces Bermuda hay sold primarily to the racehorse market in nearby Hot Springs.

Troy Buck is also a volunteer in his community. The Rockefeller Foundation has recognized him as a leader in small communities. He helped establish and build a building to house an ambulance service in Amity. Troy has

also helped establish volunteer fire departments and a community water system. He serves as president of Alpine Water Association and the Alpine Fire Department. He is a member of the Farm Credit Board, and serves on the State board of Arkansas Farm Bureau. Additionally, he is a certified first responder.

My home State of Arkansas is fortunate to have men and women of Troy Buck's caliber who devote their lives to providing excellent education for our children and improving the quality of life in our communities. I ask my colleagues to join me in thanking Troy Buck for his commitment and service to the State of Arkansas.●

TRIBUTE TO DEACON JOSEPH T. LAZO

● Mr. VITTER. Madam President, I rise today to recognize Deacon Joseph T. Lazo for receiving the 2007 Connie M. Hulsey Community Volunteer award presented at the Angels Among Us banquet. I would like to take some time to talk about this great honor.

Deacon Joe Lazo is the director of the Covington Food Bank/St. Vincent de Paul Society. He has been known throughout the community as someone who works vigorously to provide many services day and night to those in need. In 2001, Deacon Joe and the St. Vincent de Paul Society worked tirelessly to set up a free medical and dental clinic in the Covington area. Through all of these programs, Deacon Joe Lazo has tremendously helped the needy citizens of the Saint Tammany, Tangipahoa, and Washington Parishes.

I applaud Deacon Joseph Lazo on receiving this well-deserved recognition, and I wish him continued success in helping the citizens of the Northshore.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 1:33 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 890. An act to establish requirements for lenders and institutions of higher education in order to protect students and other borrowers receiving educational loans.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 28. Concurrent resolution congratulating the City of Chicago for being chosen to represent the United States in the international competition to host the 2016 Olympic and Paralympic Games, and encouraging the International Olympic Committee to select Chicago as the site of the 2016 Olympic and Paralympic Games.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 890. An act to establish requirements for lenders and institutions of higher education in order to protect students and other borrowers receiving educational loans; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 2080. An act to amend the District of Columbia Home Rule Act to conform the District charter to revisions made by the Council of the District of Columbia relating to public education.

S. 1348. A bill to provide for comprehensive immigration reform and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1876. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Corrections to Regional Office Information'' (72 FR 16269) received on May 8, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1877. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bacillus Thuringiensis Vip3Aa19 Protein in Cotton; Exemption from the Requirement of a Tolerance'' (FRL No. 8124–6) received on May 8, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1878. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clethodim; Pesticide Tolerance'' (FRL No. 8127–2) received on May 8, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1879. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fenpyroximate; Pesticide Tolerances for Emergency Exemptions'' (FRL No. 8127–3) received on May 8, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1880. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Flufenacet; Pesticide Tolerance'' (FRL No. 8124–2) received on May 8, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1881. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Foramsulfuron; Exemption from the Requirement of a Tolerance'' (FRL No. 8125–5) received on May 8, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1882. A communication from the Chair, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of a violation of the Antideficiency Act in the Educational, Technical Assistance and Training revolving fund; to the Committee on Appropriations.

EC–1883. A communication from the Assistant Secretary of the Army (Acquisition, Logistics and Technology), transmitting, pursuant to law, an annual report relative to the Department's Chemical Demilitarization Program; to the Committee on Armed Services.

EC–1884. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of the authorization of Colonel Michael S. Repass to wear the authorized insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–1885. A communication from the Acting General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination for the position of General Counsel, received on May 8, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1886. A communication from the Assistant Chief Counsel, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials Transportation; Miscellaneous Revisions to Registration and Fee Assessment Program'' (RIN2137–AE11) received on May 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1887. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–199)) received on May 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1888. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Superior Air Parts, Inc., Cylinder Assemblies Part Numbers Series: SA47000L, SA47000S, SA52000, SA55000, SL32000W, SL32000WH, SL32006W, SL36000TW, SL36000W, and SL36006W'' ((RIN2120–AA64)(Docket No. 2006–NE–32)) received on May 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1889. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes Equipped with General Electric CF6–50 Engines'' ((RIN2120–AA64)(Docket No. 2006–NM–127)) received on May 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1890. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB–135BJ Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–200)) received on May 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1891. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments'' ((RIN2120–AA65)(Amdt. No. 3214)) received on May 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1892. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Valdez, AK'' ((RIN2120–AA66)(Docket No. 06–AAL–41)) received on May 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1893. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Nucla, CO'' ((RIN2120–AA66)(Docket No. 06–ANM–3)) received on May 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1894. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments'' ((RIN2120–AA65)(Amdt. No. 3215)) received on May 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1895. A communication from the Acting Assistant Secretary for Administration, Department of Transportation, transmitting, pursuant to law, a report relative to the inventories of commercial and inherently governmental positions in the Department; to the Committee on Commerce, Science, and Transportation.

EC–1896. A communication from the Secretary, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Annual Report for fiscal year 2006; to the Committee on Commerce, Science, and Transportation.

EC–1897. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Iowa'' (FRL No. 8312–5) received on May 8, 2007; to the Committee on Environment and Public Works.

EC–1898. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Redesignation of Allen and Stark Counties to Attainment of the 8-Hour Ozone Standard'' (FRL No. 8312–9) received on May 8, 2007; to the Committee on Environment and Public Works.

EC–1899. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Redesignation of Belmont County to Attainment of the 8-Hour Ozone Standard'' (FRL No. 8312–8) received on May 8, 2007; to the Committee on Environment and Public Works.

EC–1900. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Redesignation of Jefferson County to Attainment of the 8-hour Ozone Standard'' (FRL No. 8312–7) received on May 8, 2007; to the Committee on Environment and Public Works.

EC–1901. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Redesignation of Washington County to Attainment of 8-Hour Ozone Standard'' (FRL No. 8313–1) received on May 8, 2007; to the Committee on Environment and Public Works.

EC–1902. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Dioxin and Dioxin-like Compounds; Toxic Equivalency Information; Community Right-to-Know Toxic Chemical Release Reporting'' (FRL No. 8311–6) received on May 8, 2007; to the Committee on Environment and Public Works.

EC–1903. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period from October 1, 2006 through March 31, 2007; ordered to lie on the table.

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. GREGG:

S. 1350. A bill to amend title II of the Immigration and Nationality Act to reform the diversity visa program and create a program that awards visas to aliens with an advanced degree; to the Committee on the Judiciary.

By Mr. GREGG:

S. 1351. A bill to amend the Immigration and Nationality Act to improve the competitiveness of the United States in the global economy and to protect against potential visa fraud and abuse; to the Committee on the Judiciary.

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 1352. A bill to designate the facility of the United States Postal Service located at 127 East Locust Street in Fairbury, Illinois, as the ''Dr. Francis Townsend Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WYDEN (for himself and Mr. BROWNBACK):

S. 1353. A bill to nullify the determinations of the Copyright Royalty Judges with respect to webcasting, to modify the basis for making such a determination, and for other purposes; to the Committee on the Judiciary.

By Ms. MIKULSKI (for herself, Mrs. CLINTON, and Mr. LEAHY):

S. 1354. A bill to amend the definition of a law enforcement officer under subchapter III of chapter 83 and chapter 84 of title 5, United States Code, respectively, to ensure the inclusion of certain positions; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MARTINEZ (for himself, Mr. BINGAMAN, Mr. NELSON of Florida, Mrs. HUTCHISON, Mrs. FEINSTEIN, Mrs. DOLE, and Mr. DOMENICI):

S. 1355. A bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules; to the Committee on Finance.

By Mr. BROWN (for himself, Mr. JOHNSON, Mr. ALLARD, and Mr. FEINGOLD):

S. 1356. A bill to amend the Federal Deposit Insurance Act to establish industrial bank holding company regulation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. MIKULSKI (for herself and Mr. WARNER):

S. 1357. A bill to amend the Law Enforcement Pay Equity Act of 2000 to permit certain annuitants of the retirement programs of the United States Park Police and United States Secret Service Uniformed Division to receive the adjustments in pension benefits to which such annuitants would otherwise be entitled as a result of the conversion of members of the United States Park Police and United States Secret Service Uniformed Division to a new salary schedule under the amendments made by such Act; to the Committee on Homeland Security and Governmental Affairs.

By Mr. GRASSLEY (for himself and Mr. JOHNSON):

S. 1358. A bill to amend the Clean Air Act to require all gasoline sold for use in motor vehicles to contain 10 percent renewable fuel in the year 2010 and thereafter, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. MURRAY (for herself, Mr. BENNETT, Mr. BROWN, and Mr. AKAKA):

S. 1359. A bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. DOLE (for herself, Mr. BAUCUS, Mr. LOTT, and Mr. LIEBERMAN):

S. 1360. A bill to provide for higher education affordability, access, and opportunity; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CONRAD (for himself and Mr. KYL):

S. 1361. A bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for the depreciation of certain leasehold improvements and to modify the depreciation rules relating to such leasehold improvements for purposes of computing earnings and profits; to the Committee on Finance.

By Mr. DURBIN:

S. 1362. A bill to establish a Strategic Gasoline and Fuel Reserve; to the Committee on Energy and Natural Resources.

By Mrs. CLINTON (for herself and Mr. DURBIN):

S. 1363. A bill to improve health care for severely injured members and former members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. DURBIN:

S. 1364. A bill to amend titles XIX and XXI of the Social Security Act to extend the

State Children's Health Insurance Program (SCHIPS) and streamline enrollment under SCHIP and Medicaid, and for other purposes; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 1365. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to authorize the Secretary of the Interior to enter into cooperative agreements with any of the management partners of the Boston Harbor Islands National Recreation Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BUNNING (for himself, Mr. CONRAD, Mr. KERRY, and Mr. SMITH):

S. 1366. A bill to amend the Internal Revenue Code of 1986 to permit the consolidation of life insurance companies with other companies; to the Committee on Finance.

By Mr. HARKIN:

S. 1367. A bill to amend the Public Health Services Act to provide methamphetamine prevention and treatment services; 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. DURBIN (for himself and Ms. MIKULSKI):

S. Res. 192. A resolution recognizing National Nurses Week on May 6 through May 12, 2007; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mr. ISAKSON, Mr. OBAMA, and Mr. KENNEDY):

S. Res. 193. A resolution designating the week of May 6 through May 12, 2007, as ''North American Occupational Safety and Health Week'' and May 9, 2007, as ''Occupational Safety and Health Professional Day''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 122

At the request of Mr. BAUCUS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 122, a bill to amend the Trade Act of 1974 to extend benefits to service sector workers and firms, enhance certain trade adjustment assistance authorities, and for other purposes.

S. 156

At the request of Mr. WYDEN, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 156, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 430

At the request of Mr. BOND, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

At the request of Mr. LEAHY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 430, supra.

S. 479

At the request of Mr. HARKIN, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 479, a bill to reduce the incidence of suicide among veterans.

S. 513

At the request of Mr. LEAHY, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 513, a bill to amend title 10, United States Code, to revive previous authority on the use of the Armed Forces and the militia to address interference with State or Federal law, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 579

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 617

At the request of Mr. SMITH, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 617, a bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans.

S. 747

At the request of Mr. ISAKSON, the names of the Senator from South Carolina (Mr. DEMINT), the Senator from Oklahoma (Mr. INHOFE), the Senator from Ohio (Mr. VOINOVICH), the Senator from Texas (Mrs. HUTCHISON), the Senator from Florida (Mr. MARTINEZ), the Senator from Oklahoma (Mr. COBURN), the Senator from Alabama (Mr. SESSIONS), the Senator from New Hampshire (Mr. GREGG), the Senator from Utah (Mr. HATCH), the Senator from Idaho (Mr. CRAIG), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Wyoming (Mr. THOMAS) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 747, a bill to terminate the Internal Revenue Code of 1986, and for other purposes.

S. 764

At the request of Mrs. CLINTON, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 764, a bill to amend title XIX and XXI of the Social Security Act to permit States the option of coverage of legal immigrants under the Medicaid Program and the State children's health insurance program (SCHIP).

S. 773

At the request of Mr. WARNER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 777

At the request of Mr. CRAIG, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 777, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 800

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 800, a bill to establish the Niagara Falls National Heritage Area in the State of New York, and for other purposes.

S. 829

At the request of Ms. MIKULSKI, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 829, a bill to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes.

S. 838

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 838, a bill to authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, and for other purposes.

S. 844

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 844, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 940

At the request of Mr. BAUCUS, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 940, a bill to amend the Internal Revenue Code of 1986 to permanently extend the subpart F exemption for active financing income.

S. 970

At the request of Mr. SMITH, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 974

At the request of Ms. COLLINS, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 974, a bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries, and for other purposes.

S. 1040

At the request of Mr. SHELBY, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1040, a bill to repeal the current Internal Revenue Code and replace it with a flat tax, thereby guaranteeing economic growth and greater fairness for all Americans.

S. 1092

At the request of Mr. HAGEL, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1092, a bill to temporarily increase the number of visas which may be issued to certain highly skilled workers.

S. 1113

At the request of Mr. BAYH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1113, a bill to facilitate the provision of care and services for members of the Armed Forces for traumatic brain injury, and for other purposes.

S. 1132

At the request of Ms. MURKOWSKI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1132, a bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to receive charitable contributions of apparently wholesome food.

S. 1147

At the request of Mrs. MURRAY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1147, a bill to amend title 38, United States Code, to terminate the administrative freeze on the enrollment into the health care system of the Department of Veterans Affairs of veterans in the lowest priority category for enrollment (referred to as ''Priority 8'').

S. 1159

At the request of Mr. HAGEL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1159, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1190

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1190, a bill to promote the deployment and adoption of telecommunications services and information technologies, and for other purposes.

S. 1205

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1205, a bill to require a pilot program on assisting veterans service organizations and other veterans groups in developing and promoting peer support programs that facilitate community reintegration of veterans returning from active duty, and for other purposes.

S. 1237

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1237, a bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists.

S. 1262

At the request of Mr. ENZI, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1262, a bill to protect students receiving student loans, and for other purposes.

S. 1271

At the request of Mr. OBAMA, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1271, a bill to provide for a comprehensive national research effort on the physical and mental health and other readjustment needs of the members of the Armed Forces and veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom and their families.

S. 1277

At the request of Mr. NELSON of Nebraska, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1277, a bill to amend title XVIII of the Social Security Act to clarify the treatment of payment under the Medicare program for clinical laboratory tests furnished by critical access hospitals.

S. 1324

At the request of Mr. OBAMA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1324, a bill to amend the Clean Air Act to reduce greenhouse gas emissions from transportation fuel sold in the United States.

S. 1335

At the request of Mr. INHOFE, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1335, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes.

S. 1346

At the request of Ms. MIKULSKI, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1346, a bill to amend conservation and biofuels programs of the Department of Agriculture to promote the compatible goals of economically viable agricultural production and reducing nutrient loads in the Chesapeake Bay and its tributaries by assisting agricultural producers to make beneficial, cost-effective changes to cropping systems, grazing management, and nutrient management associated with livestock and poultry production, crop production, bioenergy production, and other agricultural practices on agricultural land within the Chesapeake Bay watershed, and for other purposes.

S. 1349

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1349, a bill to ensure that the Department of Defense and the Department of Veterans Affairs provide to members of the Armed Forces and veterans with traumatic brain injury the services that best meet their individual needs, and for other purposes.

S. CON. RES. 29

At the request of Mr. BUNNING, his name was added as a cosponsor of S. Con. Res. 29, a concurrent resolution encouraging the recognition of the Negro Baseball Leagues and their players on May 20th of each year.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 1352. A bill to designate the facility of the United States Postal Service located at 127 East Locust Street in Fairbury, Illinois, as the ''Dr. Francis Townsend Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

Mr. DURBIN. Mr. President, today I am pleased to introduce legislation to designate the U.S. Post Office at 127 East Locust Street in Fairbury, IL, as the ''Dr. Francis Townsend Post Office Building.'' I am grateful to Senator BARACK OBAMA, Mayor Robert Walter, Jr. and the Fairbury City Council for their support of this legislation.

This legislation honors Dr. Francis Townsend, the creator of the Townsend old-age revolving pension plan, and his hometown of Fairbury, IL, a town which will celebrate its sesquicentennial anniversary this June.

Dr. Francis E. Townsend, the son of a farmer, was born in January 1867. He became a physician and served in the Army Medical Corps during World War I. Following his retirement from medicine, Dr. Townsend developed an old-age pension plan for seniors during the Depression. The Townsend Plan created a Federal pension of $200 a month paid to every citizen age 60 and older, on the condition that the pensioner spend the entire sum within 30 days of receipt, in order to stimulate the economy.

Dr. Townsend advocated tirelessly around the country on behalf of his plan and encouraged 25 million Americans to sign petitions to the White House and to Congress demanding that the Federal Government institute a revolving old-age pension fund. It is likely that Townsend's efforts expedited passage of President Franklin D. Roosevelt's Social Security Act, a major New Deal initiative. The Social Security Act included matching payments from the Federal Government, known as Old Age Assistance, and a national old-age annuity program. Though the initiative fell short of Dr. Townsend's vision, he continued to press for increased benefits to the elderly. Dr. Townsend's persistence helped to sustain the movement for increased elder benefits.

Dr. Francis Townsend, an innovator and social activist, was a pivotal figure in the antipoverty movement and became the leader of a social movement. I am pleased to introduce this legislation to permanently and publicly recognize Dr. Townsend by naming this post office in Fairbury in his honor. Given Dr. Townsend's dedication to his community and his commitment towards the improvement of society, the renaming of this post office would be a most appropriate way for us to express our appreciation to Dr. Townsend and to celebrate his contributions to our Nation's pension programs.

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. 1352

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DR. FRANCIS TOWNSEND POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 127 East Locust Street in Fairbury, Illinois, shall be known and designated as the ''Dr. Francis Townsend Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Dr. Francis Townsend Post Office Building''.

By Mr. WYDEN (for himself and Mr. BROWNBACK):

S. 1353. A bill to nullify the determinations of the Copyright Royalty Judges with respect to webcasting, to modify the basis for making such a determination, and for other purposes; to the Committee on the Judiciary.

Mr. WYDEN. Mr. President, today, I come back to the floor to introduce legislation to keep the Internet free of discrimination. For over a decade, people have tried to get their grubby hands all over the Internet and I have sprung into action to stop them. I have fought hard to prevent discrimination in the taxation of Internet commerce. I have fought hard to prevent discrimination on the content and applications layer of the Internet. Now, I am back here one more time, to prevent discriminatory treatment against Internet radio companies and consumers of their product in how copyright royalties are collected.

Make no bones about it, the recent decision on copyright royalty fees by the Copyright Royalty Board is discrimination. The fees that webcasters will have to pay will discriminate in favor of traditional radio broadcasting and satellite radio broadcasting, which pay a much lower percentage of their revenues in royalties.

The decision of the Copyright Royalty Board would increase royalties on webcasters to levels between 300 and 1200 percent of their current royalty fees. For most webcasters, the royalties will exceed their gross revenues. There are not many people who are going to stay in business long when their costs exceed their revenues. This is certainly the case for webcasters. That is why I am introducing the Internet Radio Equality Act today.

The Bipartisan Internet Radio Equality Act, that I am introducing today with my friend from Kansas, Senator BROWNBACK, will prevent this discrimination. It does so by invalidating the decision of the Copyright Royalty Board and instead puts Internet radio on par with Satellite Radio, jukeboxes, and cable radio. Additionally, it has special protections in place for noncommercial webcasters, like National Public Radio and college radio, to ensure that they can take advantage of webcasting as well.

Unfortunately, time is of the essence in saving Internet radio. On July 15, if Congress does not intervene, collection of these new royalty fees will begin. It is no coincidence that on the same day, if Congress does not intervene, that hundreds of thousands of Internet radio stations will be turned off for good. It is imperative that we act within the next 2 months to prevent this from happening.

I want to thank my friend from Kansas, Senator BROWNBACK, for joining me in introducing this important legislation. I look forward to working with him and Congressman INSLEE, my friend from Washington, who has introduced companion legislation in the House, to get the job done.

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. 1353

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 ''Internet Radio Equality Act of 2007''.

SEC. 2. NULLIFICATION OF DECISION OF COPYRIGHT ROYALTY JUDGES.

The March 2, 2007, Determination of Rates and Terms of the United States Copyright Royalty Judges regarding rates and terms for the digital performance of sound recordings and ephemeral recordings, including that determination as modified by the April 17, 2007, Order Denying Motions for Rehearing and any subsequent modification to that determination by the Copyright Royalty Judges that is published in the Federal Register and the April 23, 2007, Final Determination of Rates and Terms of the United States Copyright Royalty Judges regarding rates and terms for the digital performance of sound recordings and ephemeral recordings and any subsequent modification to that determination by the Copyright Royalty Judges that is published in the Federal Register, are not effective, and shall be deemed never to have been effective.

SEC. 3. COMPUTATION OF ROYALTY FEES FOR COMMERCIAL INTERNET RADIO SERVICES OFFERING DIGITAL PERFORMANCES OF SOUND RECORDINGS.

(a) STANDARD FOR DETERMINING RATES AND TERMS.—Section 114(f)(2)(B) of title 17, United States Code, is amended by striking ''Such rates and terms shall distinguish'' and all that follows through the end of clause (ii) and inserting the following: ''The Copyright Royalty Judges shall establish rates and terms in accordance with the objectives set forth in section 801(b)(1). Such rates and terms may include a minimum annual royalty of not more than $500 for each provider of services that are subject to such rates and terms, which shall be the only minimum royalty fee and shall be assessed only once annually to that provider.''.

(b) TRANSITION RULE.—Except for services covered by section 118 of title 17, United States Code, each provider of digital audio transmissions that otherwise would have been subject to the rates and terms of the determination of the Copyright Royalty Judges made ineffective by section 2 of this Act shall instead pay royalties for each year of the 5-year period beginning on January 1, 2006, at 1 of the following rates, as selected by the provider for that year:

(1) 0.33 cents per hour of sound recordings transmitted to a single listener.

(2) 7.5 percent of the revenues received by the provider during that year that are directly related to the provider's digital transmissions of sound recordings.

SEC. 4. COMPUTATION OF ROYALTY FEES FOR NONCOMMERCIAL STATIONS OFFERING DIGITAL PERFORMANCES OF SOUND RECORDINGS.

(a) AMENDMENTS TO SECTION 118 OF TITLE 17, UNITED STATES CODE.—Section 118 of title 17, United States Code, is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking ''and published pictorial'' and inserting '', sound recordings, and published pictorial'';

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''and published pictorial'' and inserting '', sound recordings, and published pictorial''; and

(B) in paragraph (1), by inserting ''or nonprofit institution or organization'' after ''broadcast station''; and

(3) in subsection (f), by striking ''paragraph (2)'' and inserting ''paragraph (1) or (2)''.

(b) TRANSITION RULES.—

(1) IN GENERAL.—Except as provided under paragraph (2), for each calendar year (or portion thereof) beginning after December 31, 2004, until an applicable voluntary license agreement is filed with the Copyright Royalty Judges under section 118 of title 17, United States Code (as amended by subsection (a) of this section), or an applicable determination is issued by the Copyright Royalty Judges under section 118 of such title (as so amended) —

(A) except as provided under subparagraphs (B) and (C), the annual royalty that a public

broadcast entity shall pay to owners of copyrights in sound recordings for the uses provided under section 118(c) of such title (as so amended) shall be an amount equal to 1.05 times the amount paid by that entity (or in the case of a group of related entities, the fees paid by such group) under section 114(f)(2) of title 17, United States Code, for such uses during the calendar year ending December 31, 2004;

(B) the annual royalty that a public broadcasting entity that is a noncommercial webcaster and did not owe royalties under section 114(f)(2) of title 17, United States Code, during the calendar year ending December 31, 2004, shall pay to owners of copyrights in sound recordings for the uses provided under section 118(c) of such title (as so amended) shall be the amount that would have been owed under the agreement entered into under section 114(f)(5) of that title for such uses applicable to noncommercial webcasters as in effect during calendar year 2004; and

(C) the annual royalty that public broadcasting entities constituting National Public Radio, Inc., its member stations and public radio stations qualified to receive funding from the Corporation for Public Broadcasting, shall collectively pay to owners of copyrights in sound recordings for the uses provided under section 118(c) of such title (as so amended) shall be an amount equal to 1.05 times the amount paid on the behalf of these entities under section 114(f)(2) of title 17, United States Code, for such uses during the calendar year ending December 31, 2004.

(2) LIMITATION.—No entity shall be required under paragraph (1)(A) or (B) to pay more than $5,000 for any calendar year.

SEC. 5. CREDIT OF ROYALTY FEES.

Any royalties received under the March 2, 2007, Determination of Rates and Terms of the United States Copyright Royalty Judges regarding rates and terms for the digital performance of sound recordings and ephemeral recordings, including that determination as modified by the April 17, 2007, Order Denying Motions for Rehearing and any subsequent modification to that determination by the Copyright Royalty Judges that is published in the Federal Register and the April 23, 2007, Final Determination of Rates and Terms of the United States Copyright Royalty Judges regarding rates and terms for the digital performance of sound recordings and ephemeral recordings and any subsequent modification to that determination by the Copyright Royalty Judges that is published in the Federal Register shall be credited against royalties required to be paid under section 3 or 4 of this Act.

By Mr. MARTINEZ (for himself, Mr. BINGAMAN, Mr. NELSON of Florida, Mrs. HUTCHISON, Mrs. FEINSTEIN, Mrs. DOLE, and Mr. DOMENICI):

S. 1355. A bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules; to the Committee on Finance.

Mr. MARTINEZ. Mr. President, today I rise with my colleagues, Senators BINGAMAN, NELSON of Florida, HUTCHISON, DOMENICI, FEINSTEIN, and DOLE, to introduce the Spaceport Equality Act of 2007, a bill to help bring additional investment to the space transportation industry.

Last summer, Kazakhstan launched its first satellite, catapulting them into the space transportation industry. Also joining the race for space launch capacity are Singapore, Australia, Canada, and the United Arab Emirates, with seven new commercial spaceports proposed between the four countries. With new entrants being added to the space transportation marketplace, is the U.S. falling behind in the race for access to space?

The U.S. once dominated the commercial satellilte-manufacturing field with an average market share of 83 percent; however, that market share has since declined to below 50 percent. The U.S. satellite industry faces increasing pressure to consider the use of foreign launch vehicles and launch sites, due to the lack of sufficient domestic launch capability. An even smaller share of U.S. manufactured satellites is actually launched from U.S. spaceports.

This past year, only 2 of the 21 commercial launches worldwide were launched from locations in the United States, that is less than 10 percent of the market share. This comes at a loss of billions of dollars to the U.S. economy.

These are just some of the many reasons why my colleagues and I are introducing the Spaceport Equality Act.

The space economy is made up of manufacturers, service providers, and technologists in both the government and private sector that deploy and operate launch vehicles, satellites, and space platforms. Many everyday goods and services rely on space infrastructure, including: broadcast, cable, and satellite television; global Internet services; satellite radio; and cellular and international phone calls.

Satellites are also used global positioning systems, known as GPS, which enables us to have hands-on directions in our cars and other vehicles. GPS is also influential in the trucking, aviation, and maritime industries for day-to-day operations, and for our Nation's military operations. Thousands of gas stations use inexpensive small satellite dishes to connect to credit card networks so customers can pay instantly at the pump. Satellites also generate 90 percent of the weather forecasting data in the U.S., and are used to track hurricanes, tsunamis, and other weather phenomenon.

These satellites are launched vertically atop of rockets, propelling them into orbit in space. Because most U.S. space-launch facilities are operated by NASA and the Air Force, priority for launches at these facilities is given to government projects. This means our commercial satellite needs take a backseat to Government operations. This often leaves U.S. commercial satellite ventures without reliable launch availability.

This in turn has forced many companies seeking manufacturing and launch services toward our international competitors.

Commercial spaceports are subdivisions of State governments that provide additional launch infrastructure than that which is available at Federal facilities. They attract and promote the U.S. commercial space transportation industry. Spaceport authorities function much like airport and port authorities by providing economic and transportation incentives to the industry, which in turn benefits the surrounding communities. Many States are forming space authorities to pursue ways of developing space transportation infrastructure.

The Florida Space Authority, now known as ''Space Florida,'' was the first such entity, and was created as a subdivision of the Florida State Government by Florida's Governor and State legislature in 1989. Space Florida focuses on expanding and strengthening my state's space industry through partnering with the commercial space industry to improve space transportation and to provide innovative, forward-thinking solutions to the challenges facing this evolving industry.

The last few years have begun a new phase in space exploration. Spaceports presently operate in Florida, California, Virginia, and Alaska, and efforts are currently underway in New Mexico and Oklahoma to establish spaceports for the new emerging space tourism industry. Still additional commercial spaceports have been considered in the following states: Alabama, California, Montana, Nevada, Oklahoma, South Dakota, Texas, Utah, Washington, and Wisconsin.

The commercial space transportation industry includes not only spaceports themselves, but also companies that develop the needed infrastructure for testing and servicing launch vehicles. When including these industry partners with spaceports, at least 23 States are directly affected by the commercial space transportation industry. Both spaceports and industry partners face increasing pressure from Government sponsored or subsidized competitors in various countries across Europe, and also in China, Japan, India, and Russia. And soon they will face new competitors in Australia, Canada, Singapore, and the United Arab Emirates.

Commercial space transportation is a growing part of the U.S. economy. In 2004, this industry alone generated a total of nearly $98.1 billion in economic activity, more than $25 billion in earnings, and over 550,000 jobs. The Federal Aviation Administration, FAA, recently issued a report on 2006 launch activities, in that report, it was noted that in 2006, U.S. launches generated approximately $140 million in revenues.

A 2004 Gallup poll shows overwhelming public support for space exploration. Roughly 80 percent of Americans agree that ''America's space program helps give America the scientific and technological edge it needs to compete in the international marketplace.'' and 76 percent agree that our space program ''benefits the nation's economy'' and inspires ''students to pursue careers in technical fields.''

The space industry has also led to a number of ''spin-off'' technologies,

those influenced by space technology research and development.

Home roof insulation and air filtration, anti-lock brakes, athletic shoes, vehicle protective airbags, cellular phones, and Lasik surgery all owe their development to space-based research and technology. The list of space ''spin-off'' technologies is estimated to exceed 40,000. These related technologies have helped employ tens of millions of Americans. Encouraging commercial investment in the space industry and increasing U.S. market share in this industry will certainly lead to additional innovation and technology that will positively influence other fields.

As you can see, this once Government-dominated industry is now becoming a diverse mix of Government and commercial entities, also leading the way into future avenues of commercial space transportation, such as space tourism.

The increase in recent commercial launches includes the debut of the first commercial crewed suborbital launches of SpaceShipOne, the beginnings of public space travel. ''Space tourism,'' as public space travel is now referred to, has the potential to become a major growth industry. Recent market studies have shown that, within 20 years, space tourism has the potential to become a multibillion-dollar industry.

Even though the average American may not be able to participate in public space travel, its potential impact on our economy and international competitiveness is something to be appreciated. Space tourism industry players expect there to be a market demand of at least 15,000 Americans per year to travel into suborbit and orbital flights. This would require an estimated 665 launches per year by 2010.

If the U.S. continues as is, we will only be able to capture a 10-percent market share, at best, of this emerging industry. If needed infrastructure is added, however, the U.S. could potentially pick up 60 to 70 percent of space flight demand by 2010. Every launch that we do not provide for in the U.S. means a loss to our economy, and a gain for our international competitors. The Federal Aviation Administration's Commercial Space Transportation division expects a $3 billion dollar loss to our economy if we do not meet the rising demand for space tourism.

Currently, U.S. launch facilities are few and most are owned and operated by the Federal Government, putting commercial users in direct competition with the U.S. military, NASA, and other Government entities that, as I mentioned earlier, receive priority over commercial projects.

Recently, the U.S. Air Force provided license to Space Exploration Technologies, known as SpaceX, to utilize one of the decommissioned launch complexes at Cape Canaveral Air Force Station for its commercial launch ventures.

The utilization of existing Federal resources by commercial ventures will open up opportunity for further commercial launches, but this alone will not afford America the resources it needs to remain competitive internationally. If the U.S. is to remain competitive in the commercial space industry, added and improved infrastructure will be needed to support this growing industry.

On a more local note, my own State of Florida could stand to gain much by way of economic development from increased investment in Spaceport infrastructure.

According to recent studies, increased spaceport infrastructure and activity in Florida could mean as much as $29.7 million in additional economic activity by the year 2015, this does not include the economic activity generated from increased tourism, secondary contracts, and spin-off technologies.

Other modes of transportation, highways, airports, and seaports, currently enjoy a tax incentive for meeting their infrastructure needs, so why not spaceports? Perhaps this policy made sense in the past, when space did not have the enormous potential for commercial growth that it now does. Our ability to utilize space is more apparent than ever before; we need to acknowledge this emerging reality.

This Spaceport Equality Act of 2007 would provide spaceports with the same tax incentives granted to airports, seaports, rail, and other transit projects under the exempt facility bond rules. With international competition on the rise, our Nation's spaceports are a vital component of the infrastructure needed to expand and enhance the U.S. role in the international space arena. The Spaceport Equality Act is an important step to increasing our competitiveness in this field, because it will stimulate investment in expanding and modernizing our space launch facilities and lower the costs of financing spaceport projects.

Since 1968, tax-exempt bonds have played a crucial role in meeting airport investment needs, with 50 percent or more of major airport projects being financed through municipal tax-exempt bonds. By extending this favorable tax treatment to spaceports, this bill will help meet spaceport needs and increase our Nation's ability to compete with expanded international interests in space exploration and technology. Similar legislation has been considered since the 1980s, and we cannot afford to wait any longer to address the needs of this important sector.

This proposal does not provide direct Federal spending to our commercial space transportation industry, but rather, it creates the conditions necessary to stimulate private capital investment in industry infrastructure. By issuing tax-free bonds to finance spaceport infrastructure, space authorities could provide site-specific and vehicle-specific tailoring to promote the competition and innovation necessary to maintain the U.S. competitive edge in the space transportation industry.

This is an efficient means for achieving our space transportation needs, and I urge my colleagues in the Senate to join us in this most important effort by cosponsoring this bill.

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. 1355

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 ''Spaceport Equality Act of 2007''.

SEC. 2. SPACEPORTS TREATED LIKE AIRPORTS UNDER EXEMPT FACILITY BOND RULES.

(a) IN GENERAL.—Paragraph (1) of section 142(a) of the Internal Revenue Code of 1986 (relating to exempt facility bonds) is amended to read as follows:

''(1) airports and spaceports,''.

(b) TREATMENT OF GROUND LEASES.—Paragraph (1) of section 142(b) of the Internal Revenue Code of 1986 (relating to certain facilities must be governmentally owned) is amended by adding at the end the following new subparagraph:

''(C) SPECIAL RULE FOR SPACEPORT GROUND LEASES.—For purposes of subparagraph (A), spaceport property which is located on land owned by the United States and which is used by a governmental unit pursuant to a lease (as defined in section 168(h)(7)) from the United States shall be treated as owned by such unit if—

''(i) the lease term (within the meaning of section 168(i)(3)) is at least 15 years, and

''(ii) such unit would be treated as owning such property if such lease term were equal to the useful life of such property.''.

(c) DEFINITION OF SPACEPORT.—Section 142 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(n) SPACEPORT.—

''(1) IN GENERAL.—For purposes of subsection (a)(1), the term 'spaceport' means—

''(A) any facility directly related and essential to servicing spacecraft, enabling spacecraft to launch or reenter, or transferring passengers or space cargo to or from spacecraft, but only if such facility is located at, or in close proximity to, the launch site or reentry site, and

''(B) any other functionally related and subordinate facility at or adjacent to the launch site or reentry site at which launch services or reentry services are provided, including a launch control center, repair shop, maintenance or overhaul facility, and rocket assembly facility.

''(2) ADDITIONAL TERMS.—For purposes of paragraph (1)—

''(A) SPACE CARGO.—The term 'space cargo' includes satellites, scientific experiments, other property transported into space, and any other type of payload, whether or not such property returns from space.

''(B) SPACECRAFT.—The term 'spacecraft' means a launch vehicle or a reentry vehicle.

''(C) OTHER TERMS.—The terms 'launch', 'launch site', 'launch services', 'launch vehicle', 'payload', 'reenter', 'reentry services', 'reentry site', and 'reentry vehicle' shall have the respective meanings given to such terms by section 70102 of title 49, United States Code (as in effect on the date of enactment of this subsection).''.

(d) EXCEPTION FROM FEDERALLY GUARANTEED BOND PROHIBITION.—Paragraph (3) of section 149(b) of the Internal Revenue Code of 1986 (relating to exceptions) is amended by adding at the end the following new subparagraph:

''(E) EXCEPTION FOR SPACEPORTS.—Paragraph (1) shall not apply to any exempt facility bond issued as part of an issue described in paragraph (1) of section 142(a) to provide a spaceport in situations where—

''(i) the guarantee of the United States (or an agency or instrumentality thereof) is the result of payment of rent, user fees, or other charges by the United States (or any agency or instrumentality thereof), and

''(ii) the payment of the rent, user fees, or other charges is for, and conditioned upon, the use of the spaceport by the United States (or any agency or instrumentality thereof).''.

(e) CONFORMING AMENDMENT.—The heading for section 142(c) of the Internal Revenue Code of 1986 is amended by inserting ''SPACEPORTS,'' after ''AIRPORTS,''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

By Mr. GRASSLEY (for himself and Mr. JOHNSON):

S. 1358. A bill to amend the Clean Air Act to require all gasoline sold for use in motor vehicles to contain 10 percent renewable fuel in the year 2010 and thereafter, and for other purposes; to the Committee on Environment and Public Works.

Mr. GRASSLEY. Mr. President, I am introducing legislation today along with Senator JOHNSON that will take a bold step in reducing our dependence on fossil fuel and foreign oil. It is the 10 by 10 Act.

The 10 by 10 Act will require that 10 percent of each gallon of motor fuel sold beginning January 1, 2010, contain at least 10 percent renewable fuel. The 10 by 10 Act is a signal that Congress remains interested and adamant in seeking energy independence by promoting the development of renewable fuels in the United States.

Because the U.S. imports more than 60 percent of the crude oil we need, we have become dangerously reliant on foreign sources of energy. It is a threat to our national security for the United States to be dependent upon countries like Iran and Venezuela for our energy needs. It's also a threat to our economic security to be dependent on foreign countries for the energy that drives our economy.

It is up to our farmers and ranchers to help liberate our consumers and our economy from the stranglehold of OPEC and other foreign countries on our energy needs. I am here to say to America's agriculture community that we are serious and we are going to do something about it.

This legislation will demonstrate to consumers, in a common sense way, that each and every gallon of gasoline will contain at least 10 percent of domestically produced renewable fuel. It'll show that we're serious about reducing our dependence on foreign oil, and it will show in a tangible way that we're working to reduce that dependence.

The 10 by 10 Act is a commitment to our constituents that we're working to lower that dependence, and reduce our consumption of foreign oil in every gallon of fuel they pump. With this legislation, Americans would know with certainty that 10 percent of each gallon of motor fuel was home-grown by farmers and ranchers right here in America.

Today, ethanol, a renewable fuel produced primarily from corn, is blended in nearly 50 percent of the gasoline sold in the United States. There are currently 116 biorefineries producing nearly 6 billion gallons of ethanol annually. By the end of 2009, it is projected that we will have the capacity to produce over twelve billion gallons annually.

It is important for consumers to recognize that for the vast majority of cars on the road today, no modifications are necessary to operate on a 10-percent renewable fuel blend. No significant changes are required to the fuel distribution network to allow for a 10-percent blend. The only thing standing in the way of reduced dependence on foreign oil is a signal from Congress that we recognize the virtue of homegrown alternatives to foreign oil.

With this legislation, we would ensure the use of approximately 14 billion gallons of renewable fuels in our Nation's automobiles. The ethanol use would be distributed around the country in each gallon of gasoline. In this way, we will ensure the use of the fuel even if an extensive E–85 market is not yet in place. This effort could very well be a stepping stone if it's determined that ethanol could be blended in higher ratios, such as 15 or 20 percent. By blending in each gallon of gasoline, we ensure the benefits of homegrown, renewable fuels reach all consumers without the immediate need for additional fueling infrastructure or alternative fuel vehicles.

We owe it to the American people to pursue aggressive policies to free our country from our foreign oil dependence. I hope my colleagues will join me in this effort to replace 10 percent of each gallon of gasoline with homegrown, environmentally friendly, renewable fuel.

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. 1358

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 ''10 by 10 Act''.

SEC. 2. 10 PERCENT RENEWABLE FUEL REQUIRED FOR MOTOR VEHICLES.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by inserting after subsection (o) the following:

''(p) 10 PERCENT RENEWABLE FUEL REQUIREMENT.—

''(1) IN GENERAL.—After December 31, 2009, it shall be unlawful for any person to sell or offer for sale, supply or offer for supply, dispense, transport, or introduce into commerce, for use in any motor vehicle (as defined in section 216) any gasoline containing less than 10 percent renewable fuel by volume.

''(2) FUEL BLENDS.—For the purpose of enforcing this subsection, a blend of gasoline and renewable fuel shall be considered to be sold or offered for sale, supplied or offered for supply, dispensed, transported, or introduced into commerce in accordance with this subsection if the renewable fuel content, exclusive of denaturants and permitted contaminants, comprises not less than 9.2 percent by volume and not more than 10 percent by volume of the blend, as determined by the Administrator.

''(3) MANIFESTS AND LABELING.—By regulation effective January 1, 2010, the Administrator shall require that each bill of lading or transportation manifest for all gasoline containing renewable fuel and all gasoline not containing renewable fuel indicate the renewable fuel content of the gasoline.

''(4) NOTICES ON GASOLINE PUMPS; EXEMPTION FOR COLLECTOR VEHICLES.—The Administrator shall provide, by regulation, for—

''(A) appropriate notices to be displayed on gasoline pumps—

''(i) indicating the renewable fuel content of the gasoline dispensed by the pump; and

''(ii) notifying the public of the prohibition under this subsection; and

''(B) an exemption from the requirements of this subsection in the case of gasoline for use in collector motor vehicles, as defined by the Administrator.''; and

(2) by redesignating the second subsection (r) (as added by section 1512 of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1088)) as subsection (t) and moving the subsection so as to appear at the end of the section.

By Mr. DURBIN:

S. 1362. A bill to establish a Strategic Gasoline and Fuel Reserve; to the Committee on Energy and Natural Resources.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1362

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 ''Strategic Gasoline and Fuel Reserve Act of 2007''.

SEC. 2. STRATEGIC GASOLINE AND FUEL RESERVE.

(a) IN GENERAL.—Title I of the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.) is amended—

(1) by redesignating part E (42 U.S.C. 6251 et seq.) as part F;

(2) by redesignating section 191 (42 U.S.C. 6251) as section 199; and

(3) by inserting after part D (42 U.S.C. 6250 et seq.) the following:

''PART E—STRATEGIC GASOLINE AND FUEL RESERVE

''SEC. 191. DEFINITIONS.

''In this part:

''(1) GASOLINE.—The term 'gasoline' means regular unleaded gasoline.

''(2) RESERVE.—The term 'Reserve' means the Strategic Gasoline and Fuel Reserve established under section 192(a).

''SEC. 192. ESTABLISHMENT.

''(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary

shall establish, maintain, and operate a Strategic Gasoline and Fuel Reserve.

''(b) NOT COMPONENT OF STRATEGIC PETROLEUM RESERVE.—The Reserve is not a component of the Strategic Petroleum Reserve established under part B.

''(c) CAPACITY.—The Reserve shall contain not more than—

''(1) 50,000,000 barrels of gasoline; and

''(2) 7,500,000 barrels of jet fuel.

''(3) 21,000,000 barrels of diesel fuel.

''(d) RESERVE SITES.—

''(1) SITING.—Not later than 1 year after the date of enactment of this Act, the Secretary shall determine not less than 3 Reserve sites, and not more than 5 Reserve sites, throughout the United States that are regionally strategic.

''(2) OPERATION.—The Reserve sites described in paragraph (1) shall be operational not later than 2 years after the date of enactment of this Act.

''(e) SECURITY.—In establishing the Reserve under this section, the Secretary shall obtain the concurrence of the Secretary of Homeland Security with respect to physical design security and operational security.

''(f) AUTHORITY.—In carrying out this part, the Secretary may—

''(1) purchase, contract for, lease, or otherwise acquire, in whole or in part, storage and related facilities and storage services;

''(2) use, lease, maintain, sell, or otherwise dispose of storage and related facilities acquired under this part;

''(3) acquire by purchase, exchange, lease, or other means gasoline and fuel for storage in the Reserve;

''(4) store gasoline and fuel in facilities not owned by the United States; and

''(5) sell, exchange, or otherwise dispose of gasoline and fuel from the Reserve, including to maintain—

''(A) the quality or quantity of the gasoline or fuel in the Reserve; or

''(B) the operational capacity of the Reserve.

''(g) FILL DATE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall complete the process of filling the Reserve under this section by March 1, 2008.

''(2) EXTENSIONS.—The President may extend the deadline established under paragraph (1) if—

''(A) the President determines that filling the Reserve within that deadline would cause an undue economic burden on the United States; and

''(B) the President receives approval from Congress.

''SEC. 193. RELEASE OF GASOLINE AND FUEL.

''(a) IN GENERAL.—The Secretary shall release gasoline or fuel from the Reserve only if—

''(1) the President finds that there is a severe fuel supply disruption by finding that—

''(A) a regional or national supply shortage of gasoline or fuel of significant scope and duration has occurred;

''(B) a substantial increase in the price of gasoline or fuel has resulted from the shortage;

''(C) the price increase is likely to cause a significant adverse impact on the national economy; and

''(D) releasing gasoline or fuel from the Reserve would assist directly and significantly in reducing the adverse impact of the shortage; or

''(2)(A) the Governor of a State submits to the Secretary a written request for a release from the Reserve that contains a finding that—

''(i) a regional or statewide supply shortage of gasoline or fuel of significant scope and duration has occurred;

''(ii) a substantial increase in the price of gasoline or fuel has resulted from the shortage; and

''(iii) the price increase is likely to cause a significant adverse impact on the economy of the State; and

''(B) the Secretary concurs with the findings of the Governor under subparagraph (A) and determines that—

''(i) a release from the Reserve would mitigate gasoline or fuel price volatility in the State;

''(ii) a release from the Reserve would not have an adverse effect on the long-term economic viability of retail gasoline or fuel markets in the State and adjacent States; and

''(iii) a release from the Reserve would not suppress prices below long-term market trend levels.

''(b) PROCEDURE.—

''(1) RESPONSE OF SECRETARY.—The Secretary shall respond to a request submitted under subsection (a)(2) not later than 5 days after receipt of the request by—

''(A) approving the request;

''(B) denying the request; or

''(C) requesting additional supporting information.

''(2) RELEASE.—The Secretary shall establish procedures governing the release of gasoline or fuel from the Reserve in accordance with this subsection.

''(3) REQUIREMENTS.—

''(A) ELIGIBLE ENTITY.—In this paragraph, the term 'eligible entity' means an entity that is customarily engaged in the sale or distribution of gasoline or fuel.

''(B) SALE OR DISPOSAL FROM RESERVE.—The procedures established under this subsection shall provide that the Secretary may—

''(i) sell gasoline or fuel from the Reserve to an eligible entity through a competitive process; or

''(ii) enter into an exchange agreement with an eligible entity under which the Secretary receives a greater volume of gasoline or fuel as repayment from the eligible entity than the volume provided to the eligible entity.

''(c) CONTINUING EVALUATION.—The Secretary shall conduct a continuing evaluation of the drawdown and sales procedures established under this section.

''SEC. 194. REPORTS.

''(a) GASOLINE AND FUEL.—Not later than 45 days after the date of enactment of this section, the Secretary shall submit to Congress and the President a plan describing—

''(1) the acquisition of storage and related facilities or storage services for the Reserve, including the use of storage facilities not currently in use or not currently used to capacity;

''(2) the acquisition of gasoline and fuel for storage in the Reserve;

''(3) the anticipated methods of disposition of gasoline and fuel from the Reserve;

''(4) the estimated costs of establishment, maintenance, and operation of the Reserve;

''(5) efforts that the Department will take to minimize any potential need for future drawdowns from the Reserve; and

''(6) actions to ensure the quality of the gasoline and fuel in the Reserve are maintained.

''(b) NATURAL GAS AND DIESEL.—Not later than 90 days after the date of enactment of this section, the Secretary shall submit to Congress a report describing the feasibility of creating a natural gas and diesel reserve similar to the Reserve under this part.

''SEC. 195. STRATEGIC GASOLINE AND FUEL RESERVE FUND.

''(a) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund, to be known as the 'Strategic Gasoline and Fuel Reserve Fund' (referred to in this section as the 'Fund'), consisting of—

''(1) such amounts as are appropriated to the Fund under subsection (b);

''(2) such amounts as are appropriated to the Fund under section 196; 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 amounts collected as receipts and received in the Treasury from the sale, exchange, or other disposition of gasoline or fuel from the Reserve.

''(c) EXPENDITURES FROM FUND.—On request by the Secretary and without the need for further appropriation, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to carry out activities under this part, to remain available until expended.

''(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. 196. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as are necessary to carry out this part, to remain available until expended.''.

SEC. 3. CONFORMING AMENDMENTS.

The table of contents for title I of the Energy Policy and Conservation Act (42 U.S.C. 6201 note) is amended by striking the matter relating to part D and inserting the following:

''PART D—NORTHEAST HOME HEATING OIL RESERVE

''Sec. 181. Establishment.
''Sec. 182. Authority.
''Sec. 183. Conditions for release; plan.
''Sec. 184. Northeast home heating oil reserve account.
''Sec. 185. Exemptions.
''Sec. 186. Authorization of appropriations.

''PART E—STRATEGIC GASOLINE AND FUEL RESERVE

''Sec. 191. Definitions.
''Sec. 192. Establishment.
''Sec. 193. Release of gasoline and fuel.
''Sec. 194. Reports.
''Sec. 195. Strategic Gasoline and Fuel Reserve Fund.

''Sec. 196. Authorization of appropriations.

''PART F—EXPIRATION

''Sec. 199. Expiration.''.

By Mrs. CLINTON (for herself and Mr. DURBIN):

S. 1363. A bill to improve health care for severely injured members and former members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

Mrs. CLINTON. Mr. President, today, I am introducing the Bridging the Gap for Wounded Warriors Act to provide comprehensive solutions to problems that have arisen from military bureaucracy's failure to meet the medical needs of this generation's wounded warriors as they transition from the Armed Services to civilian life.

This is a moment of profound challenge for our country, for our military, and for our men and women in uniform. And while there are often strong disagreements here in Washington, I hope we can unite around our common values and patriotism when it comes to how we treat our servicemembers and veterans.

If you serve your country your country should serve you. That is the promise our country must keep to the men and women who enlist, who fight, and who return home often bearing the visible and invisible scars of sacrifice. Sadly, too often in the past several years, that promise has been broken: whether it's a lack of up-armored vehicles on the ground in Iraq or a lack of appropriate care in outpatient facilities at Walter Reed.

Last year, I authored and passed into law the Heroes at Home initiative to assist returning servicemembers experiencing the complex, diffuse, and life-altering symptoms of traumatic brain injury and other mental health difficulties.

This past March, I followed up with the introduction of the Heroes at Home Act of 2007, S. 1065, the Restoring Disability Benefits for Injured and Wounded Warriors Act of 2007, S. 1064, and the Protecting Military Family Financial Benefits Act of 2007, S. 1063, to serve our servicemembers and send a message: you will be treated as heroes before deployment, during deployment, and upon returning home. You didn't offer excuses and do not deserve to be offered excuses by your country.

Finally, Senator EVAN BAYH and I introduced the Traumatic Brain Injury Access to Options Act, S. 1113, in order to provide a temporary and immediate solution to the discrepancy in health care services and benefits encountered by TBI patients.

However, a broader and permanent solution is needed to assist all members and former members of the Armed Services who have incurred any type of combat-related injury. The mistreatment of servicemembers at Walter Reed and testimony from recent hearings in both the Senate Armed Services and Veterans Affairs Committees have revealed major gaps affecting servicemembers, including discrepancies in benefits for active duty and medically retired servicemembers; difficulties in obtaining needed care for wounded servicemembers transitioning from the Armed Services to civilian life; and disparities between the DoD and VA disability rating systems.

Although the military, more often than not, offers quality health care services, wounded servicemembers often encounter barriers to receiving the optimal health benefit. The two major barriers are: (1) a confusing array of benefits; and (2) discrepancies between benefits for those on active duty versus those who are medically retired.

Recent events at Walter Reed have highlighted the longstanding need to overhaul the DoD and VA disability rating systems, which are unnecessarily complex and result in delays in payment that hinder efforts of wounded servicemembers to support themselves and their families. On March 6, 2007, the Chief of Staff of the Army General Peter Schoomaker and then-Army Surgeon General Lieutenant General Kevin C. Kiley testified before the Senate Armed Services Committee that soldiers appearing before the Physical Evaluation Board were ''short-changed'' and had not received appropriate disability benefits. According to the Congressional Research Service, since the enactment of the Traumatic Servicemembers Group Life Insurance program at least 45 percent of claims have been denied. In March 2006 the Comptroller General issued GAO Report 06–362: Military Disability System: Improved Oversight Needed to Ensure Consistent and Timely Outcomes for Reserve and Active Duty Service Members—the Department of Defense did not heed the recommendations provided in this report and as a result injured and wounded warriors continue to languish in an inefficient and adversarial disability system. We must stop short-changing our wounded warriors.

Finally, a blanket overlap of benefits and disability rating reform are necessary but not sufficient for addressing the needs of those who are wounded. In order to support an all-volunteer force and meet the needs of this generation's wounded warriors, it is critical to achieve efficient DoD and VA collaboration and coordination of assistance to members of the Armed Forces in their transition from Active Duty to civilian life. Thus, the duties of the existent VA Office of Seamless Transition must be terminated and transferred to a new organizational structure that will achieve the long-sought goals of seamless transition between the DoD and VA and improved coordination between these agencies.

That's why I am introducing the Bridging the Gap for Wounded Warriors Act today, to ensure a continuum of care for severely injured servicemembers and fix the problems that stymie the transition process. I am grateful to have developed this proposal with the Wounded Warrior Project, the National Military Family Association, and the Military Officers Association of America.

We should provide our wounded warriors with the best care options available. This legislation would establish a 2 year blanket overlap of active duty and veterans health services and benefits for severely injured service members to facilitate their recovery and help resolve administrative problems like those found at Walter Reed. All costs of health care, for both active duty and medically retired servicemembers, will be paid for by the DoD. The provisions of this section shall take effect for those injured on or after October 7, 2001, but eligibility shall not include retroactive compensation for payments already made.

We should also create a joint DoD-VA Office of Transition for the coordination of assistance to members of the Armed Forces in their transition from service in the Armed Forces to civilian life. The Office of Transition would absorb the duties of the existent VA Office of Seamless Transition as well as the functions and responsibilities of applicable offices within the Office of the Secretary of Defense, OSD. Leadership of the Office of Transition would consist of a Director and Deputy Director, who would both have seats on the Joint Executive Committee, JEC. The Secretaries of DoD and VA would have oversight of the Office of Transition, although the office would also be required to submit mandatory annual reports and biannual briefings to Congress. The GAO would also submit a biennial report on the Office of Transition's activities, in order to ensure that the Office's progress is not being stymied by the DoD or VA.

Further, we should reform the current disability rating system to ensure that there is continuity of medical care and no disruption in compensation payments made to wounded service members. My legislation would change the roles of the agencies, so that DoD would no longer assign the actual disability rating but would still determine fitness for duty and document such a decision in writing, while VA would assign final ratings for all service-connected injuries. Further, the legislation would repeal the provision in the Omnibus Reconciliation Act of 1982 that requires the delay in payment of VA benefits until the first day of the second month after they are entitled. This provision would eliminate the gap in payments and allow servicemembers to continue to support themselves and their families.

Finally, we should do what we can to ensure that both DoD and VA medical facilities have the appropriate trained professionals to deal with the range of injuries that our wounded servicemembers now incur, including

traumatic brain injury, burns, amputations, vision problems, spinal cord injuries, and broken and fractured bones. In order to move in that direction, my legislation would require the GAO to submit a preliminary assessment and final report on the extent to which medical facilities of the DoD and VA offer interdisciplinary medical treatment for wounded members of the Armed Forces.

Let us all join together in accepting our responsibility as a nation to those who serve and resolve to achieve efficient DoD and VA collaboration and coordination that is critical for supporting an all-volunteer force and meeting the needs of this generation's wounded warriors.

I ask unanimous consent letters of support for this legislation be printed in the RECORD.

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

MILITARY OFFICERS ASSOCIATION OF AMERICA,
Alexandria, VA, May 9, 2007.

Hon. HILLARY CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: On behalf of the 362,000 members of the Military Officers Association of America (MOAA), I am writing to express MOAA's appreciation for your leadership in sponsoring the Bridging the Gap for Wounded Warriors Act. This piece of legislation will ensure a continuum of care for all the severely injured servicemembers from OIF and OEF.

The bill's three elements address the most significant problems that currently stymie transition for our servicemembers between DoD and VA programs. The two-blanket overlap of health services addresses their health care concerns. The transition office would institutionalize a joint team of permanent DoD and VA personnel working together to develop and implement solutions to long-standing, unresolved transition issues. Finally, your bill would reform the disability rating system to ensure fair and consistent long-term compensation and benefits for wounded servicemembers.

We are proud of and grateful for the sacrifices our military members and their families are willing to make for our country. The extreme sacrifices of the wounded have earned and deserve our special attention, which your bill would deliver. We look forward to working closely with you in seeking timely enactment of this legislation in the 110th Congress.

Sincerely,

NORB RYAN,
President.

NATIONAL MILITARY FAMILY ASSOCIATION, INC.,
Alexandria, VA, May 9, 2007.

Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington DC.

DEAR SENATOR CLINTON: The National Military Family Association (NMFA) is the only national organization whose sole focus is the military family and whose goal is to influence the development and implementation of policies that will improve the lives of the families of the Army, Navy, Air Force, Marine Corps, Coast Guard, and the Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration. For more than 35 years, its staff and volunteers, comprised mostly of military members, have built a reputation for being the leading experts on military family issues. On behalf of NMFA and the families it serves, we commend your sponsorship of the Bridging the Gap for Wounded Warriors Act.

NMFA thanks you for recognizing the problems wounded service members face as they recover from their injuries. In addition to the family stress and the often-lengthy recovery process in multiple medical facilities, wounded service members must also navigate a complex maze through two distinct disability benefit processes, that of the Department of Defense (DoD) and the Department of Veterans' Affairs (VA). NMFA believes this legislation acknowledges the need for more coordination between the DoD and VA to create a truly seamless transition for these service members and ease the care burden on their families. NMFA endorses this legislation as a first step in addressing the need for a standardized approach to the DoD Medical Evaluation Board (MEB), and Physical Evaluation Board (PEB) plus determination for VA Disability Compensation. The legislation would also respond to the need for wounded service members to receive consistent quality care in both health care systems and for the establishment of a ''joint office'' to address these concerns.

Thank you for your support of military service members and veterans diagnosed with TBI, and the families who care for them. If you have any questions you may contact Barbara Cohoon in our Government Relations department.

Sincerely,

TANNA K. SCHMIDLI,
Chairman, Board of Governors.

WOUNDED WARRIOR PROJECT,
New York, NY, May 9, 2007.

Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: The Wounded Warrior Project (WWP) strongly supports your legislation entitled the Bridging the Gap for our Wounded Warriors Act. As a result of WWP's direct, daily contact with the severely injured and their families, we have identified three consistent issues causing confusion and frustration among those most in need of assistance. A discrepancy in benefits between the Departments of Defense and Veterans Affairs, confusion during the actual transition process, and the inconsistent and redundant disability ratings system are all problems cited by the wounded as obstacles they face as they attempt to recover. The comprehensive provisions included in your bill will address many of these issues and provide access to the care and compensation our nation's heroes need as they continue in their recovery.

The first provision would establish a two-year overlap of active duty and veterans benefits and services for severely injured servicemembers. By removing the artificial barrier between active duty service and veterans status, the bill would allow those who are injured to enjoy the differing benefits and health care services offered by each agency regardless of their duty status.

The second provision would establish a joint DoD-VA Office of Transition to improve assistance from the two agencies as members of the Armed Forces move from the Department of Defense to the Department of Veterans Affairs. While there are currently many entities within each agency charged with assisting transitioning servicemembers, the creation of a joint office with oversight over these programs and policies will ensure a more coordinated effort on behalf of our wounded servicemembers.

Finally, the legislation would reform the current disability ratings system to ensure consistency and fairness in the ratings while providing immediate compensation for those leaving the service.

These provisions will go far towards insuring the long term health and well-being of wounded service members. Again, WWP thanks you for your leadership on these issues, and we stand committed to assisting you in seeing this legislation through to passage and enactment.

Sincerely,

MEREDITH BECK,
National Policy Director.

By Mr. DURBIN:

S. 1364. A bill to amend titles XIX and XXI of the Social Security Act to extend the State Children's Health Insurance Program (SCHIPS) and stremline enrollment under SCHIP and Medicaid, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, over 25 years ago, a member of the Select Panel for the Promotion of Child Health said in a statement to Congress, ''Children are one-third of our population and all of our future.'' We must protect the health and welfare of our nation's children if we are to secure the future of our country. This year we have a tremendous opportunity to ensure that security. With the reauthorization of the State Children's Health Insurance Program, SCHIP, we can improve the health and health care of our Nation's future, for the over 70 million children in America and, in particular, the 9 million children who have no health coverage.

Since the creation of SCHIP 10 years ago, more than 6.2 million children have been covered by this vital program, including over 290,000 children in Illinois. As the first State to provide coverage for all children, Illinois has been a leader in the movement to change the course of health care in this country. Since 1993, SCHIP, its relationship to Medicaid, and the flexibility that this administration has permitted the programs to have, have made it possible for Illinois to provide health care to the more than 313,000 children who did not have access to it before.

Nearly 1 million Illinois families have at least one uninsured family member, and the face of the uninsured is changing. The uninsured are not only the mother and daughter living in downtown Chicago. The uninsured includes the family who runs a small business in the suburbs, the family farm in central Illinois, and the single father working at a factory downstate.

The majority of kids without health care coverage come from working families, families like Mr. and Mrs. Buss and their three young sons. Lisa Buss and her husband own a small home inspection company. They paid over $9,000 last year alone on regular medical care, without any catastrophic events or emergencies. That's a lot of money for a family living in the suburbs of Chicago. There is also the Hickey family of Godfrey, Illinois. After an

unfortunate accident, their son broke a couple of bones in his hand. Without insurance, they were hesitant to see the specialist at the suggestion of the emergency room physicians, but for the health of their son, they did so. For a 5 minute visit, they paid close to $1,000. Mr. Hickey works in the construction trade and work had been slow. Susan is a teacher for the Alton School District. They were given no financial assistance except to be offered a payment plan. Now, the Hickeys have to find a way to pay for their house payment and their utilities, rising gas prices, and this medical treatment.

The unnecessary burden and anxiety caused by health care is an unfortunate reality for too many, and children often bear the brunt of this hardship. Kids should not have to wait until their fever is 103 degrees to see a doctor. Kids should be able to obtain glasses when they are straining to see the chalkboard. Kids should be able to obtain antibiotics when that ''cold'' just won't go away. Our parents should not have to worry about whether they can afford to take their son to a bone specialist.

As is often the case, States are leading the way with children's health coverage initiatives. In 2005, my State of Illinois was the first State to ensure health care coverage for all children. Since then, many States have taken on the challenge of expanding health care coverage. The State of the States 2007 report by AcademyHealth indicates that more than a dozen States have enacted innovative policies to expand coverage. These range from comprehensive health care reform in States such as Massachusetts, Vermont, and Maine; to public-private partnerships in States such as Arkansas, Montana, New Mexico, Oklahoma, Rhode Island, Tennessee, and Utah; to initiatives to cover all children in Illinois and Pennsylvania.

Democratic and Republican governors alike are exploring ways to reach the uninsured, proving that children's health and health care coverage are American issues, not partisan issues. One important way to insure more children is through a strong reauthorization of SCHIP.

Today, with the introduction of the Healthy Kids Act, I propose SCHIP reauthorization legislation that builds on the progress made in these States. First, the bill provides States with more funding to enroll children who are eligible but not enrolled in SCHIP. These kids account for more than half of all uninsured children.

Second, the Healthy Kids Act will eliminate obvious barriers to coverage and simplify enrollment procedures. For example, seven States have reported declines in Medicaid enrollments because of new citizenship requirements. Approximately 65 percent of internists report serving patients with Limited English Proficiency; for children living in these families, making language assistance services available is a critical precursor to quality care. My bill proposes options for States to reach the neediest children through SCHIP by reducing some of these barriers. For example, the bill provides for funds for language assistance services.

Third, the bill also supports the establishment of medical homes, a network of providers for children that helps prevent them from falling through the cracks. The bill puts forth an effort to create pediatric quality and performance measures. The Healthy Kids Act also establishes a disease prevention and treatment demonstration project for ethnic and racial minority children, using research that specifically examines disparities in minority children enrolled in Medicaid/SCHIP. We can reduce health disparities and improve health outcomes for this population.

Finally, the bill creates a commission to study children's health coverage. The Commission on Children's Health Coverage will develop policy recommendations and track the program's overall performance. Feedback and analysis of SCHIP's performance is critical to improving the program in the future.

SCHIP has been an unparalleled success and a model for health insurance coverage that both Democrats and Republicans can be proud of. Ensuring health care coverage for children in need is a priority for both sides of the aisle. The reauthorization of SCHIP is a rare opportunity for the Federal Government to expand its support for policies in States like Illinois and others. Let's take a step forward and work to provide basic health insurance for all children. Healthy children grow into healthy adults, in turn, these individuals are happier and spend less money on health care in the long run. The SCHIP program is critical for our Nation's health and economic future.

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. 1364

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Healthy Kids Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—EXTENSION OF SCHIP

Sec. 101. Extension of SCHIP program; increase in allotments to take into account growth in child population and health care costs.

Sec. 102. 2-year initial availability of SCHIP allotments.

Sec. 103. Redistribution of unused allotments to address State funding shortfalls.

TITLE II—STATE OPTIONS FOR INCREASING COVERAGE OF CHILDREN AND PREGNANT WOMEN UNDER MEDICAID AND SCHIP

Sec. 201. Bonus payments for States that implement administrative policies to streamline enrollment process.

Sec. 202. State option to provide for ''express lane'' and simplified determinations of a child's financial eligibility for medical assistance under Medicaid or child health assistance under SCHIP.

Sec. 203. Information technology connections to improve health coverage determinations.

Sec. 204. State option to expand or add coverage of certain pregnant women under Medicaid and SCHIP.

Sec. 205. Optional coverage of legal immigrants under Medicaid and SCHIP.

Sec. 206. Authorizing adjustment of SCHIP allotment due to increased outreach.

Sec. 207. Model of Interstate coordinated enrollment and coverage process.

Sec. 208. Authority for qualifying States to use portion of SCHIP allotment for any fiscal year for certain Medicaid expenditures.

Sec. 209. Application of Medicaid outreach procedures to all pregnant women and children.

Sec. 210. No impact on section 1115 waivers.

Sec. 211. Elimination of counting Medicaid child presumptive eligibility costs against title XXI allotment.

Sec. 212. Prohibiting limitations on enrollment.

TITLE III—ELIMINATION OF CERTAIN BARRIERS TO COVERAGE

Sec. 301. State option to require certain individuals to present satisfactory documentary evidence of proof of citizenship or nationality for purposes of eligibility for Medicaid.

Sec. 302. Increased Federal matching rate for language services provided under Medicaid or SCHIP.

TITLE IV—GRANTS TO PROMOTE INNOVATIVE OUTREACH AND ENROLLMENT UNDER MEDICAID AND SCHIP

Sec. 401. Grants to promote innovative outreach and enrollment under Medicaid and SCHIP.

TITLE V—IMPROVING THE QUALITY OF PEDIATRIC CARE

Sec. 501. Requiring coverage of EPSDT services, including dental services, State option to provide supplemental coverage of dental services.

Sec. 502. Pediatric quality and performance measures program.

Sec. 503. Grants to States for demonstration projects transforming delivery of pediatric care.

Sec. 504. Report by the comptroller general on design and implementation of a demonstration project evaluating existing quality and performance measures for children's inpatient hospital services.

Sec. 505. Medical home demonstration project.

Sec. 506. Disease prevention and treatment demonstration projects for ethnic and racial minority children.

TITLE VI—COMMISSION ON CHILDREN'S HEALTH COVERAGE

Sec. 601. Commission on Children's Health Coverage.

TITLE I—EXTENSION OF SCHIP

SEC. 101. EXTENSION OF SCHIP PROGRAM; INCREASE IN ALLOTMENTS TO TAKE INTO ACCOUNT GROWTH IN CHILD POPULATION AND HEALTH CARE COSTS.

(a) IN GENERAL.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended—

(1) in subsection (a)—

(A) by striking ''and'' at the end of paragraph (9);

(B) by striking the period at the end of paragraph (10) and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(11) for each fiscal year 2008 and each subsequent fiscal year, $7,500,000,000 multiplied by the population and cost inflation factor for that fiscal year, as determined under subsection (i).''; and

(2) by adding at the end the following new subsection:

''(i) POPULATION AND COST INFLATION FACTOR.—For purposes of subsection (a)(11), the population and cost inflation factor for a fiscal year is equal to the product of the following:

''(1) CHILD POPULATION GROWTH FACTOR.—One plus the percentage increase in the population of children under 20 years of age in the United States from July 1, 2007, to July 1 during the fiscal year involved, as projected by the Secretary based on the most recent published estimates of the Bureau of the Census before the beginning of the fiscal year involved.

''(2) PER CAPITA HEALTH CARE GROWTH FACTOR.—One plus the percentage increase in the projected per capita amount of National Health Expenditures from fiscal year 2007 to the fiscal year involved, as most recently published by the Secretary before the beginning of the fiscal year involved.''.

(b) ADDITIONAL ALLOTMENTS TO TERRITORIES.—Section 2104(c)(4)(B) of such Act (42 U.S.C. 1397dd(c)(4)(B)) is amended by striking ''and $40,000,000 for fiscal year 2007'' and inserting ''$40,000,000 for fiscal year 2007, and for each of fiscal years 2008 through 2017, the amount appropriated under this subparagraph for the preceding fiscal year increased by the population and cost inflation factor for that fiscal year, as determined under subsection (i)''.

SEC. 102. 2-YEAR INITIAL AVAILABILITY OF SCHIP ALLOTMENTS.

Section 2104(e) of the Social Security Act (42 U.S.C. 1397dd(e)) is amended to read as follows:

''(e) AVAILABILITY OF AMOUNTS ALLOTTED.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), amounts allotted to a State pursuant to this section—

''(A) for each of fiscal years 1998 through 2007, shall remain available for expenditure by the State through the end of the second succeeding fiscal year; and

''(B) for fiscal year 2008 and each fiscal year thereafter, shall remain available for expenditure by the State through the end of the succeeding fiscal year.

''(2) AVAILABILITY OF AMOUNTS REALLOTTED.—Subject to paragraph (3), amounts reallotted to a State under subsection (f) shall be available for expenditure by the State through the end of the fiscal year in which they are reallotted.

''(3) PERMANENT AVAILABILITY OF UNUSED FUNDS.—Reallotted funds that are not used by the end of the fiscal year described in paragraph (2) shall be subject to reallotment under subsection (f) in subsequent fiscal years subject to such paragraph and shall remain available for subsequent reallotment until expended.''.

SEC. 103. REDISTRIBUTION OF UNUSED ALLOTMENTS TO ADDRESS STATE FUNDING SHORTFALLS.

Section 2104(f) of the Social Security Act (42 U.S.C. 1397dd(f)) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary'';

(2) by striking ''States that have fully expended the amount of their allotments under this section'' and inserting ''States that the Secretary determines with respect to the fiscal year for which unused allotments are available for redistribution under this subsection, are shortfall States described in paragraph (2) for such fiscal year''; and

(3) by adding at the end the following new paragraph:

''(2) SHORTFALL STATES DESCRIBED.—

''(A) IN GENERAL.—For purposes of paragraph (1), with respect to a fiscal year, a shortfall State described in this subparagraph is a State with a State child health plan approved under this title for which the Secretary estimates on the basis of the most recent data available to the Secretary, that the projected expenditures under such plan for the State for the fiscal year will exceed the sum of—

''(i) the amount of the State's allotments for any preceding fiscal years that remain available for expenditure and that will not be expended by the end of the immediately preceding fiscal year; and

''(ii) the amount of the State's allotment for the fiscal year (taking into account any increase made in such allotment under section 2104(j), as added by section 205(a) of the Healthy Kids Act of 2007).

''(B) PRORATION RULE.—If the amounts available for redistribution under paragraph (1) for a fiscal year are less than the total amounts of the estimated shortfalls determined for the year under subparagraph (A), the amount to be reallotted under such paragraph for each shortfall State shall be reduced proportionally.

''(C) RETROSPECTIVE ADJUSTMENT.—The Secretary may adjust the estimates and determinations made under paragraph (1) and this paragraph with respect to a fiscal year as necessary on the basis of the amounts reported by States not later than November 30 of the succeeding fiscal year, as approved by the Secretary.''.

TITLE II—STATE OPTIONS FOR INCREASING COVERAGE OF CHILDREN AND PREGNANT WOMEN UNDER MEDICAID AND SCHIP

SEC. 201. BONUS PAYMENTS FOR STATES THAT IMPLEMENT ADMINISTRATIVE POLICIES TO STREAMLINE ENROLLMENT PROCESS.

(a) BONUS IN FMAP AND ENHANCED FMAP FOR APPLICATION OF STREAMLINE ENROLLMENT PROCEDURES UNDER MEDICAID AND SCHIP.—Section 2102 of the Social Security Act (42 U.S.C. 1397bb) is amended by adding at the end the following new subsection:

''(d) STREAMLINE ENROLLMENT PROCEDURES.—

''(1) INCREASE IN FEDERAL MATCHING RATE.—

''(A) IN GENERAL.—In the case of a State that meets the conditions described in subparagraph (B) (relating to agreeing to implement administrative enrollment policies under this title and title XIX) for a fiscal year, the Federal medical assistance percentage (for purposes of title XIX only) and the enhanced FMAP (for purposes of this title, but determined without regard to the application of this subsection to the Federal medical assistance percentage under title XIX) otherwise computed for such fiscal year as applied to medical assistance for children and child health assistance, respectively, shall be increased by such number of percentage points as the Secretary determines is necessary to provide an incentive for the State to satisfy the conditions described in subparagraph (B) (but not to exceed such number of percentage points that would result in a Federal medical assistance percentage or enhanced FMAP for the State that would exceed 83 or 85 percent, respectively).

''(B) AGREEING TO REMOVE ENROLLMENT AND ACCESS BARRIERS.—The conditions described in this subparagraph, for a State for a fiscal year are that the State agrees to do the following:

''(i) PRESUMPTIVE ELIGIBILITY FOR CHILDREN.—The State agrees—

''(I) to provide presumptive eligibility for children under this title and title XIX in accordance with section 1920A; and

''(II) to treat any items or services that are provided to an uncovered child (as defined in section 2110(c)(8)) who is determined ineligible for medical assistance under title XIX as child health assistance for purposes of paying a provider of such items or services, so long as such items or services would be considered child health assistance for a targeted low-income child under this title.

''(ii) 12-MONTH CONTINUOUS ELIGIBILITY.—The State agrees to provide that eligibility of children for assistance under this title and title XIX shall not be regularly redetermined more often than once every year.

''(iii) AUTOMATIC RENEWAL.—The State agrees to provide for the automatic renewal of the eligibility of children for assistance under this title and under title XIX if the child's family does not report any changes to family income or other relevant circumstances, subject to verification of information from databases available to the State for such purpose.

''(iv) ELIMINATION OF ASSET TEST.—The State has amended its plans under this title and title XIX so that no asset or resource test is applied for eligibility under this title or title XIX with respect to children.

''(v) ADMINISTRATIVE VERIFICATION OF INCOME.—The State agrees to permit the family of a child applying for child health assistance under this title or medical assistance under title XIX to declare and certify, by signature under penalty of perjury, the family income for purposes of collecting financial eligibility information.''.

(b) CONFORMING MEDICAID AMENDMENTS.—

(1) IN GENERAL.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by inserting ''and section 2102(d)(1)'' after ''section 1933(d)''.

(2) INCREASE IN MEDICAID CAP FOR TERRITORIES.—Section 1108(g) of such Act (42 U.S.C. 1308(g)) is amended—

(A) in paragraph (2), by striking ''paragraph (3)'' and inserting ''paragraphs (3) and (4)''; and

(B) by adding at the end the following new paragraph:

''(4) DISREGARD OF INCREASED EXPENDITURES DIRECTLY ATTRIBUTABLE TO INCREASE IN FMAP FOR APPLICATION OF STREAMLINED ENROLLMENT PROCEDURES.—The limitation of paragraph (2) shall not apply to payment under title XIX to a territory insofar as such payment is attributable to an increase in the Federal medical assistance percentage under subparagraph (A) of section 2102(d)(1).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply beginning with fiscal year 2007.

SEC. 202. STATE OPTION TO PROVIDE FOR "EXPRESS LANE" AND SIMPLIFIED DETERMINATIONS OF A CHILD'S FINANCIAL ELIGIBILITY FOR MEDICAL ASSISTANCE UNDER MEDICAID OR CHILD HEALTH ASSISTANCE UNDER SCHIP.

(a) MEDICAID.—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)) is amended by adding at the end the following:

''(13)(A) At the option of the State, the plan may provide that eligibility requirements (including such requirements applicable to redeterminations or renewals of eligibility) for medical assistance relating to income, assets (or resources), or citizenship status are met for a child who is under an age specified by the State (not to exceed 21 years of age) by using a determination made within a reasonable period (as determined by the State) before its use for this purpose, of the child's family or household income, or if applicable for purposes of determining eligibility under this title or title XXI, assets or resources, or citizenship status, respectively, (notwithstanding any other provision of law, including sections 1902(a)(46)(B), 1903(x), and 1137(d)), by a Federal or State agency, or a public or private entity making such determination on behalf of such agency, specified by the plan, including an agency administering the State program funded under part A of title IV, the Food Stamp Act of 1977, the Richard B. Russell National School Lunch Act, or the Child Nutrition Act of 1966, notwithstanding any differences in budget unit, disregard, deeming, or other methodology, but only if—

''(i) the agency has fiscal liabilities or responsibilities affected by such determination; and

''(ii) the agency or entity notifies the child's family—

''(I) of the information which shall be disclosed in accordance with this subparagraph;

''(II) that the information disclosed will be used solely for purposes of determining eligibility for medical assistance under this title or for child health assistance under title XXI; and

''(III) that interagency agreements limit the use of such information to that purpose; and

''(iii) the requirements of section 1939 are satisfied.

''(B) Nothing in this paragraph shall be construed to relieve a State of the obligation to determine, on another basis, eligibility for medical assistance under this title or for child health assistance under title XXI if a child is determined ineligible for such assistance on the basis of information furnished pursuant to this paragraph.

''(C) If a State applies the eligibility process described in subparagraph (A) to individuals eligible under this title and to individuals eligible under title XXI, the State may, at its option, implement its duties under subparagraphs (A) and (B) of section 2102(b)(3) using either or both of the following approaches:

''(i) The State may—

''(I) establish a threshold percentage of the Federal poverty level (that shall exceed the income eligibility level applicable for a population of individuals under this title by 30 percentage points (as a fraction of the Federal poverty level) or such other higher number of percentage points as the State determines reflects the typical application of income methodologies by the non-health program and the State plan under this title); and

''(II) provide that, with respect to any individual within such population whom a non-health agency determines has income that does not exceed such threshold percentage for such population, such individual is eligible for medical assistance under this title (regardless of whether such individual would otherwise be determined to be eligible to receive such assistance).

In exercising the approach under this clause, a State shall inform families whose children are enrolled in a State child health plan under title XXI based on having family income above the threshold described in subclause (I) that they may qualify for medical assistance under this title and, at their option, can seek a regular eligibility determination for such assistance for their child.

''(ii) Regardless of whether a State otherwise provides for presumptive eligibility under section 1920A, a State may provide presumptive eligibility under this title, consistent with subsection (e) of section 1920A, to a child who, based on a determination by a non-health agency, would qualify for child health assistance under a State child health plan under title XXI. During such presumptive eligibility period, the State may determine the child's eligibility for medical assistance under this title, pursuant to subparagraph (A) of section 2102(b)(3), based on telephone contact with family members, access to data available in electronic or paper form, and other means of gathering information that are less burdensome to the family than completing an application form on behalf of the child. The procedures described in the previous sentence may be used regardless of whether the State uses similar procedures under other circumstances for purposes of determining eligibility for medical assistance under this title.

''(D) At the option of a State, the eligibility process described in subparagraph (A) may apply to an individual who is not a child.

''(E)(i) At the option of a State, an individual determined to be eligible for medical assistance or child health assistance pursuant to subparagraph (A), (C), or (D) or other procedures through which eligibility is determined based on data obtained from sources other than the individual may receive medical assistance under this title if such individual (or, in the case of an individual under age 19 (or if the State elects the option under subparagraph (A), age 20 or 21) who is not authorized to consent to medical care, the individual's parent, guardian, or other caretaker relative) has acknowledged notice of such determination and has consented to such eligibility determination. The State (at its option) may waive any otherwise applicable requirements for signatures by or on behalf of an individual who has so consented.

''(ii) In the case of an individual enrolled pursuant to clause (i), the State shall inform the individual (or, in the case of an individual under age 19 (or if the State elects the option under subparagraph (A), age 20 or 21), the individual's parent, guardian, or other caretaker relative) about the significance of such enrollment, including appropriate methods to access covered services.

''(F) For purposes of this paragraph—

''(i) the term 'non-health agency' means an agency or entity described in subparagraph (A); and

''(ii) the term 'non-health benefits' means the benefits or assistance provided by a non-health agency.''.

(b) SCHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)) is amended by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F) and by inserting after subparagraph (B) the following new subparagraph:

''(C) Section 1902(e)(13) (relating to the State option to base a determination of a child's eligibility for assistance on determinations made by a program providing nutrition or other public assistance (except that the State option under subparagraph (D) of such section shall apply under this title only if an individual is pregnant)).''.

(c) PRESUMPTIVE ELIGIBILITY.—Section 1920A of such Act (42 U.S.C. 1396r–1a) is amended—

(1) in subsection (b)(3)(A)(i), is amended by striking ''or (IV)'' and inserting ''(IV) is an agency or entity described in section 1902(e)(13)(A), or (V)''; and

(2) by adding at the end the following:

''(e) In the case of a State with a child health plan under title XXI that provides for presumptive eligibility under such plan for children, the State shall make a reasonable effort to place each presumptively eligible child in the program under this title or title XXI for which the child appears most likely to qualify. During the child's period of presumptive eligibility, the State shall receive Federal matching funds under section 1903 or section 2105, depending on the program in which the child has been placed. If at the conclusion of such period, the child is found to qualify for, and is enrolled in, the program established under this title or title XXI when the child was enrolled in the program under the other such title during such period, the State's receipt of Federal matching funds shall be adjusted both retroactively and prospectively so that Federal matching funds are provided, both during and following such period of presumptive eligibility, based on the program in which the child is enrolled.''.

(d) SIGNATURE REQUIREMENTS.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)) is amended by adding at the end the following: ''Notwithstanding any other provision of law, a signature under penalty of perjury shall not be required on an application form for medical assistance as to any element of eligibility for which eligibility is based on information received from a source other than applicant, rather than on representations from the applicant. Notwithstanding any other provision of law, any signature requirement for an application for medical assistance may be satisfied through an electronic signature, as defined in section 1710(1) of the Government Paperwork Elimination Act (44 U.S.C. 3504 note).''.

SEC. 203. INFORMATION TECHNOLOGY CONNECTIONS TO IMPROVE HEALTH COVERAGE DETERMINATIONS.

(a) ENHANCED FEDERAL FUNDING FOR IMPROVEMENTS RELATED TO IMPLEMENTATION OF CERTAIN MODEL OUTREACH AND ENROLLMENT PRACTICES.—

(1) IN GENERAL.—Section 1903(a)(3)(A) of the Social Security Act (42 U.S.C. 1396b(a)(3)(A)) is amended—

(A) by striking ''and'' at the end of clause (i); and

(B) by adding at the end the following new clause:

''(iii) 75 percent of so much of the sums expended during such quarter as are attributable to the design, development, or installation of such mechanized claims processing and information retrieval systems and the implementation of administrative systems and processes (including modification of eligibility computer systems to permit the exchange of electronic information with other Federal or State programs) as the Secretary determines are directly related to the implementation of a model outreach and enrollment practice described in subparagraph (B), (C), (D), (E), or (F) of section 1905(y)(3), and''.

(2) CONFORMING AMENDMENT TO ENSURE AVAILABILITY FOR TERRITORIES.—Section 1108(g) of such Act (42 U.S.C. 1308(g)), as amended by section 201(b)(2)(B), is amended—

(A) in paragraph (2), by striking ''and (4)'' and inserting '', (4), and (5)''; and

(B) by adding at the end the following new paragraph:

''(5) ADDITIONAL INCREASE FOR CERTAIN EXPENDITURES.—With respect to fiscal year 2008 and each fiscal year thereafter, if Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa qualify for a payment under section 1903(a)(3)(A)(iii) for a calendar quarter of such fiscal year, the additional Federal financial participation under such section shall not be counted towards the limitation on expenditures under title XIX for such commonwealth or territory otherwise determined under subsection (f) and this subsection for such fiscal year.''.

(b) AUTHORIZATION OF INFORMATION DISCLOSURE.—

(1) IN GENERAL.—Title XIX of such Act (42 U.S.C. 1396 et seq.) is amended—

(A) by redesignating section 1939 as section 1940; and

(B) by inserting after section 1938 the following:

''AUTHORIZATION TO RECEIVE PERTINENT INFORMATION

''SEC. 1939. (a) IN GENERAL.—Notwithstanding any other provision of law, a Federal or State agency or private entity in possession of the sources of data potentially pertinent to eligibility determinations under this title or title XXI (including eligibility files maintained by programs described in section 1902(e)(13)(A), information described in paragraph (2) or (3) of section 1137(a), vital records information about births in any State, and information described in sections 453(i) and 1902(a)(25)(I)) is authorized to convey such data or information to a State agency administering a State plan under this title or title XXI, if—

''(1) such data or information are used only to establish or verify eligibility or provide coverage under this title or title XXI; and

''(2) an interagency or other agreement, consistent with standards developed by the Secretary, prevents the unauthorized use, disclosure, or modification of such data and otherwise meets applicable Federal requirements safeguarding privacy and data security.

''(b) REQUIREMENTS FOR CONVEYANCE.—Data or information may be conveyed pursuant to this section only if the following requirements are met:

''(1) The individual whose circumstances are described in the data or information (or such individual's parent, guardian, caretaker relative, or authorized representative) has either provided advance consent to disclosure or has not objected to disclosure after receiving advance notice of disclosure and a reasonable opportunity to object.

''(2) Such data or information are used solely for the purposes of—

''(A) identifying individuals who are eligible or potentially eligible for assistance under this title or title XXI and enrolling such individuals in the State plans established under such titles; and

''(B) verifying the eligibility of individuals for assistance under the State plans established under this title or title XXI.

''(3) An interagency or other agreement, consistent with standards developed by the Secretary—

''(A) prevents the unauthorized use, disclosure, or modification of such data and otherwise meets applicable Federal requirements safeguarding privacy and data security; and

''(B) requires the State agencies administering the State plans established under this title and title XXI to use the data and information obtained under this section to seek to enroll individuals in such plans.

''(c) CRIMINAL PENALTY.—A person described in the subsection (a) who publishes, divulges, discloses, or makes known in any manner, or to any extent not authorized by Federal law, any information obtained under this section shall be fined not more than $1,000 or imprisoned not more than 1 year, or both for each such unauthorized activity.

''(d) RULE OF CONSTRUCTION.—The limitations and requirements that apply to disclosure pursuant to this section shall not be construed to prohibit the conveyance or disclosure of data or information otherwise permitted under Federal law (without regard to this section).''.

(2) CONFORMING AMENDMENT TO ASSURE ACCESS TO NATIONAL NEW HIRES DATABASE.—Section 453(i)(1) of such Act (42 U.S.C. 653(i)(1)) is amended by striking ''and programs funded under part A'' and inserting '', programs funded under part A, and State plans approved under title XIX or XXI''.

(3) CONFORMING AMENDMENT TO PROVIDE SCHIP PROGRAMS WITH ACCESS TO NATIONAL INCOME DATA.—Section 6103(l)(7)(D)(ii) of the Internal Revenue Code of 1986 is amended by inserting ''or title XXI'' after ''title XIX''.

(4) CONFORMING AMENDMENT TO PROVIDE ACCESS TO DATA ABOUT ENROLLMENT IN INSURANCE FOR PURPOSES OF EVALUATING APPLICATIONS AND FOR SCHIP.—Section 1902(a)(25)(I)(i) of the Social Security Act (42 U.S.C. 1396a(a)(25)(I)(i)) is amended—

(A) by inserting ''(and, at State option, individuals who are potentially eligible or who apply)'' after ''with respect to individuals who are eligible''; and

(B) by inserting ''under this title (and, at State option, child health assistance under title XXI)'' after ''the State plan''.

SEC. 204. STATE OPTION TO EXPAND OR ADD COVERAGE OF CERTAIN PREGNANT WOMEN UNDER MEDICAID AND SCHIP.

(a) MEDICAID.—

(1) AUTHORITY TO EXPAND COVERAGE.—Section 1902(l)(2)(A)(i) of the Social Security Act (42 U.S.C. 1396a(l)(2)(A)(i)) is amended by inserting ''(or such higher percentage as the State may elect for purposes of expenditures for medical assistance for pregnant women described in section 1905(u)(4)(A))'' after ''185 percent''.

(2) ENHANCED MATCHING FUNDS AVAILABLE IF CERTAIN CONDITIONS MET.—Section 1905 of such Act (42 U.S.C. 1396d) is amended—

(A) in the fourth sentence of subsection (b), by striking ''or subsection (u)(3)'' and inserting '', (u)(3), or (u)(4)''; and

(B) in subsection (u)—

(i) by redesignating paragraph (4) as paragraph (5); and

(ii) by inserting after paragraph (3) the following new paragraph:

''(4) For purposes of the fourth sentence of subsection (b) and section 2105(a), the expenditures described in this paragraph are the following:

''(A) CERTAIN PREGNANT WOMEN.—If the conditions described in subparagraph (B) are met, expenditures for medical assistance for pregnant women described in subsection (n) or in section 1902(l)(1)(A) in a family the income of which exceeds 185 percent of the poverty line, but does not exceed the income eligibility level established under title XXI for a targeted low-income child.

''(B) CONDITIONS.—The conditions described in this subparagraph are the following:

''(i) The State plans under this title and title XXI do not provide coverage for pregnant women described in subparagraph (A) with higher family income without covering such pregnant women with a lower family income.

''(ii) The State does not apply an effective income level for pregnant women that is lower than the effective income level (expressed as a percent of the poverty line and considering applicable income disregards) specified under the State plan under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902, on the date of enactment of this paragraph to be eligible for medical assistance as a pregnant woman.

''(C) DEFINITION OF POVERTY LINE.—In this subsection, the term 'poverty line' has the meaning given such term in section 2110(c)(5).''.

(3) PAYMENT FROM TITLE XXI ALLOTMENT FOR MEDICAID EXPANSION COSTS.—Section 2105(a)(1) of such Act (42 U.S.C. 1397ee(a)(1)), as amended by section 211, is amended by striking subparagraph (B) and inserting the following new subparagraph:

''(B) for the portion of the payments made for expenditures described in section 1905(u)(4)(A) that represents the additional amount paid for such expenditures as a result of the enhanced FMAP being substituted for the Federal medical assistance percentage of such expenditures;''.

(b) CHIP.—

(1) COVERAGE.—Title XXI of such Act(42 U.S.C. 1397aa et seq.) is amended by adding at the end the following new section:

''SEC. 2111. OPTIONAL COVERAGE OF TARGETED LOW-INCOME PREGNANT WOMEN.

''(a) OPTIONAL COVERAGE.—Notwithstanding any other provision of this title, a State may provide for coverage, through an amendment to its State child health plan under section 2102, of pregnancy-related assistance for targeted low-income pregnant women in accordance with this section, but only if—

''(1) the State has established an income eligibility level for pregnant women under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902 that is at least 185 percent of the income official poverty line; and

''(2) the State meets the conditions described in section 1905(u)(4)(B).

''(b) DEFINITIONS.—For purposes of this title:

''(1) PREGNANCY-RELATED ASSISTANCE.—The term 'pregnancy-related assistance' has the meaning given the term 'child health assistance' in section 2110(a) as if any reference to targeted low-income children were a reference to targeted low-income pregnant women.

''(2) TARGETED LOW-INCOME PREGNANT WOMAN.—The term 'targeted low-income pregnant woman' means a woman—

''(A) during pregnancy and through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) ends;

''(B) whose family income exceeds the effective income level (expressed as a percent of the poverty line and considering applicable income disregards) specified under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902, on January 1, 2008, to be eligible for medical assistance as a pregnant woman under title XIX but does not exceed the income eligibility level established under the State child health plan under this title for a targeted low-income child; and

''(C) who satisfies the requirements of paragraphs (1)(A), (1)(C), (2), and (3) of section 2110(b) in the same manner as a child applying for child health assistance would have to satisfy such requirements.

''(c) REFERENCES TO TERMS AND SPECIAL RULES.—In the case of, and with respect to, a State providing for coverage of pregnancy-related assistance to targeted low-income pregnant women under subsection (a), the following special rules apply:

''(1) Any reference in this title (other than in subsection (b)) to a targeted low-income child is deemed to include a reference to a targeted low-income pregnant woman.

''(2) Any such reference to child health assistance with respect to such women is deemed a reference to pregnancy-related assistance.

''(3) Any such reference to a child is deemed a reference to a woman during pregnancy and the period described in subsection (b)(2)(A).

''(4) In applying section 2102(b)(3)(B), any reference to children found through screening to be eligible for medical assistance under the State Medicaid plan under title XIX is deemed a reference to pregnant women.

''(5) There shall be no exclusion of benefits for services described in subsection (b)(1) based on any preexisting condition and no waiting period (including any waiting period imposed to carry out section 2102(b)(3)(C)) shall apply.

''(6) In applying section 2103(e)(3)(B) in the case of a pregnant woman provided coverage under this section, the limitation on total annual aggregate cost sharing shall be applied to such pregnant woman.

''(7) The reference in section 2107(e)(1)(F) to section 1920A (relating to presumptive eligibility for children) is deemed a reference to section 1920 (relating to presumptive eligibility for pregnant women).

''(d) AUTOMATIC ENROLLMENT FOR CHILDREN BORN TO WOMEN RECEIVING PREGNANCY-RELATED ASSISTANCE.—If a child is born to a targeted low-income pregnant woman who was receiving pregnancy-related assistance under this section on the date of the child's birth, the child shall be deemed to have applied for child health assistance under the State child health plan and to have been found eligible for such assistance under such plan or to have applied for medical assistance under title XIX and to have been found eligible for such assistance under such title, as appropriate, on the date of such birth and to remain eligible for such assistance until the child attains 1 year of age. During the period in which a child is deemed under the preceding sentence to be eligible for child health or medical assistance, the child health or medical assistance eligibility identification number of the mother shall also serve as the identification number of the child, and all claims shall be submitted and paid under such number (unless the State issues a separate identification number for the child before such period expires).''.

(2) ADDITIONAL CONFORMING AMENDMENTS.—

(A) NO COST SHARING FOR PREGNANCY-RELATED BENEFITS.—Section 2103(e)(2) (42 U.S.C. 1397cc(e)(2)) is amended—

(i) in the heading, by inserting ''OR PREGNANCY-RELATED SERVICES'' after ''PREVENTIVE SERVICES''; and

(ii) by inserting before the period at the end the following: ''or for pregnancy-related services''.

(B) NO WAITING PERIOD.—Section 2102(b)(1)(B) (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(i) in clause (i), by striking '', and'' at the end and inserting a semicolon;

(ii) in clause (ii), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following new clause:

''(iii) may not apply a waiting period (including a waiting period to carry out paragraph (3)(C)) in the case of a targeted low-income pregnant woman.''.

(c) OTHER AMENDMENTS TO MEDICAID.—

(1) ELIGIBILITY OF A NEWBORN.—Section 1902(e)(4) (42 U.S.C. 1396a(e)(4)) is amended in the first sentence by striking ''so long as the child is a member of the woman's household and the woman remains (or would remain if pregnant) eligible for such assistance''.

(2) APPLICATION OF QUALIFIED ENTITIES TO PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN UNDER MEDICAID.—Section 1920(b) (42 U.S.C. 1396r–1(b)) is amended by adding after paragraph (2) the following new flush sentence:

''The term 'qualified provider' includes a qualified entity as defined in section 1920A(b)(3).''.

SEC. 205. OPTIONAL COVERAGE OF LEGAL IMMIGRANTS UNDER MEDICAID AND SCHIP.

(a) MEDICAID PROGRAM.—Section 1903(v) of the Social Security Act (42 U.S.C. 1396b(v)) is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (4)''; and

(2) by adding at the end the following new paragraph:

''(4)(A) A State may elect (in a plan amendment under this title) to provide medical assistance under this title, notwithstanding sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, for aliens who are lawfully residing in the United States (including battered aliens described in section 431(c) of such Act) and who are otherwise eligible for such assistance, within either or both of the following eligibility categories:

''(i) PREGNANT WOMEN.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

''(ii) CHILDREN.—Individuals under 21 years of age, including optional targeted low-income children described in section 1905(u)(2)(B).

''(B) In the case of a State that has elected to provide medical assistance to a category of aliens under subparagraph (A), no debt shall accrue under an affidavit of support against any sponsor of such an alien on the basis of provision of assistance to such category and the cost of such assistance shall not be considered as an unreimbursed cost.''.

(b) SCHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)), as amended by section 202(b), is amended by redesignating subparagraphs (D) and (E) as subparagraph (E) and (F), respectively, and by inserting after subparagraph (C) the following new subparagraph:

''(D) Section 1903(v)(4) (relating to optional coverage of categories of lawfully residing immigrant children), but only if the State has elected to apply such section to the category of children under title XIX.''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2007, and apply to medical assistance and child health assistance furnished on or after such date.

(d) CONSTRUCTION.—Nothing in this section shall be construed as affecting eligibility of aliens who are not lawfully residing in the United States to benefits under the Medicaid program under title XIX of the Social Security Act or under the State children's health insurance program (SCHIP) under title XXI of such Act.

SEC. 206. AUTHORIZING ADJUSTMENT OF SCHIP ALLOTMENT DUE TO INCREASED OUTREACH.

(a) IN GENERAL.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd), as amended by section 101, is further amended by adding at the end the following new subsection:

''(j) AUTHORIZING ALLOTMENT ADJUSTMENT DUE TO INCREASED OUTREACH.—

''(1) IN GENERAL.—Notwithstanding the previous provisions of this section, if the Secretary determines that—

''(A) a State has an increase in the average number of children enrolled under its State child health plan in a fiscal year that exceeds the enrollment of children projected under paragraph (2) for the State for such fiscal year, and

''(B) the total Federal expenditures under the State child health plan (or waiver) under this title exceeds the amount of the allotment made available to the State for the fiscal year,

the Secretary shall increase the allotment under this section for the State for the fiscal year by the amount specified in paragraph (3). There are hereby appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to provide for such increase in allotment.

''(2) PROJECTED ENROLLMENT OF CHILDREN.—The projected enrollment of children for a State under this paragraph for a fiscal year is equal to the average number of children enrolled under the State child health plan in fiscal year 2007 increased, for each subsequent fiscal year through the fiscal year involved, by a factor equal to the population growth of children in the State for such fiscal year, as projected by the Secretary before the beginning of the fiscal year involved.

''(3) AMOUNT OF ALLOTMENT INCREASE.—

''(A) IN GENERAL.—Subject to subparagraph (B), the amount of the allotment increase under this subsection for a State for a fiscal year shall be an amount equal to the product of—

''(i) the number by which the average number of children enrolled under the State child health plan in the fiscal year exceeds the enrollment of children projected under paragraph (2) for such State for such fiscal year; and

''(ii) the per capita expenditures for children under the State child health plan for the previous year, increased by the average annual rate of increase (for the three previous fiscal years) in the amount of such per capita expenditures.

The amount of the allotment increase under this subsection shall not be subject to administrative or judicial review.

''(B) LIMITATION.—

''(i) IN GENERAL.—Subject to clause (ii), in no case shall the sum of the allotment increases for all States under this subsection for a fiscal year exceed an amount equal to 20 percent of the total Federal payments to all of the States otherwise made under this title for the fiscal year. If such sum exceeds such amount, subject to clause (ii), the allotment increase for each State under this subsection for the fiscal year shall be reduced in a pro rata manner in order that such sum does not exceed such amount.

''(ii) CONGRESSIONAL APPROVAL OF ADDITIONAL AMOUNTS.—If the Secretary estimates that the allotment increases that should be provided under this subsection, but for clause (i), would exceed the limitation established under such clause, the Secretary shall submit to Congress a request for supplemental appropriations for the purpose of meeting such shortfall.

''(4) CLARIFICATION.—An adjustment in an allotment shall not be made under this subsection due to excess State expenditures resulting from a growth in per capita costs, increased reimbursement to providers, or other factors not directly related to outreach to eligible, but previously unenrolled children.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect beginning with allotments for fiscal year 2008.

SEC. 207. MODEL OF INTERSTATE COORDINATED ENROLLMENT AND COVERAGE PROCESS.

In order to assure continuity of coverage of low-income children under the Medicaid program and the State Children's Health Insurance Program (SCHIP), the Secretary of Health and Human Services, in consultation with State Medicaid and SCHIP directors, shall develop and disseminate a model process for the coordination of the enrollment and coverage under such programs of children who, because of migration of families, emergency evacuations, educational needs, or otherwise, frequently change their State of residency or otherwise are temporarily

present outside of the State of their residency.

SEC. 208. AUTHORITY FOR QUALIFYING STATES TO USE PORTION OF SCHIP ALLOTMENT FOR ANY FISCAL YEAR FOR CERTAIN MEDICAID EXPENDITURES.

Section 2105(g)(1)(A) of the Social Security Act (42 U.S.C. 1397ee(g)(1)(A)), as amended by section 201(b) of the National Institutes of Health Reform Act of 2006 (Public Law 109–482) is amended by striking ''fiscal year 1998, 1999, 2000, 2001, 2004, 2005, 2006, or 2007'' and inserting ''a fiscal year''.

SEC. 209. APPLICATION OF MEDICAID OUTREACH PROCEDURES TO ALL PREGNANT WOMEN AND CHILDREN.

(a) IN GENERAL.—Section 1902(a)(55) of the Social Security Act (42 U.S.C. 1396a(a)(55)) is amended by striking ''individuals for medical assistance under subsection (a)(10)(A)(i)(IV), (a)(10)(A)(i)(VI), (a)(10)(A)(i)(VII), or (a)(10)(A)(ii)(IX)'' and inserting ''child and pregnant women for medical assistance (including under clauses (i)(IV), (i)(VI), (i)(VII), and (ii)(IX) of paragraph (10)(A))''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—

(2) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX of the Social Security Act, which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendment made by subsection (a), the State plan shall not be regarded as failing to comply with the requirements of such Act solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

SEC. 210. NO IMPACT ON SECTION 1115 WAIVERS.

Nothing in this Act shall be construed to affect State flexibility on eligibility and waivers approved by the Federal government under section 1115 of the Social Security Act (42 U.S.C. 1315).

SEC. 211. ELIMINATION OF COUNTING MEDICAID CHILD PRESUMPTIVE ELIGIBILITY COSTS AGAINST TITLE XXI ALLOTMENT.

Section 2105(a)(1) of the Social Security Act (42 U.S.C. 1397ee(a)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''(or, in the case of expenditures described in subparagraph (B), the Federal medical assistance percentage (as defined in the first sentence of section 1905(b)))''; and

(2) by amending subparagraph (B) to read as follows:

''(B) [reserved]''.

SEC. 212. PROHIBITING LIMITATIONS ON ENROLLMENT.

(a) IN GENERAL.—Section 2102(b)(3)(B) of the Social Security Act (42 U.S.C. 1397bb(b)(3)(B)) is amended—

(1) by striking ''and'' at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting ''; and''; and

(3) by adding at the end the following new clause:

''(iii) shall not impose, with respect to enrollment of targeted low-income children under the State child health plan, any enrollment cap or other numerical limitation on enrollment, any waiting list, any procedures designed to delay the consideration of applications for enrollment, or similar limitation with respect to enrollment.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to State child health plans as of October 1, 2007.

TITLE III—ELIMINATION OF CERTAIN BARRIERS TO COVERAGE

SEC. 301. STATE OPTION TO REQUIRE CERTAIN INDIVIDUALS TO PRESENT SATISFACTORY DOCUMENTARY EVIDENCE OF PROOF OF CITIZENSHIP OR NATIONALITY FOR PURPOSES OF ELIGIBILITY FOR MEDICAID.

(a) IN GENERAL.—Section 1902(a)(46) of the Social Security Act (42 U.S.C. 1396a(a)(46)) is amended—

(1) by inserting ''(A)'' after ''(46)'';

(2) by adding ''and'' after the semicolon; and

(3) by adding at the end the following new subparagraph:

''(B) at the option of the State and subject to section 1903(x), require that, with respect to an individual (other than an individual described in section 1903(x)(1)) who declares to be a citizen or national of the United States for purposes of establishing initial eligibility for medical assistance under this title (or, at State option, for purposes of renewing or redetermining such eligibility to the extent that such satisfactory documentary evidence of citizenship or nationality has not yet been presented), there is presented satisfactory documentary evidence of citizenship or nationality of the individual (using criteria determined by the State, which shall be no more restrictive than the criteria used by the Social Security Administration to determine citizenship, and which shall accept as such evidence a document issued by a federally recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe (such as a tribal enrollment card or certificate of degree of Indian blood, and, with respect to those federally recognized Indian tribes located within States having an international border whose membership includes individuals who are not citizens of the United States, such other forms of documentation (including tribal documentation, if appropriate) that the Secretary, after consulting with such tribes, determines to be satisfactory documentary evidence of citizenship or nationality for purposes of satisfying the requirement of this subparagraph));''.

(b) LIMITATION ON WAIVER AUTHORITY.—Notwithstanding any provision of section 1115 of the Social Security Act (42 U.S.C. 1315), or any other provision of law, the Secretary may not waive the requirements of section 1902(a)(46)(B) of such Act (42 U.S.C. 1396a(a)(46)(B)) with respect to a State.

(c) CONFORMING AMENDMENTS.—Section 1903 of such Act (42 U.S.C. 1396b) is amended—

(1) in subsection (i)—

(A) in paragraph (20), by adding ''or'' after the semicolon;

(B) in paragraph (21), by striking ''; or'' and inserting a period; and

(C) by striking paragraph (22); and

(2) in subsection (x) (as amended by section 405(c)(1)(A) of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432))—

(A) by striking paragraphs (1) and (3);

(B) by redesignating paragraph (2) as paragraph (1);

(C) in paragraph (1), as so redesignated, by striking ''paragraph (1)'' and inserting ''section 1902(a)(46)(B)''; and

(D) by adding at the end the following new paragraphs:

''(2) In the case of an individual declaring to be a citizen or national of the United States with respect to whom a State requires the presentation of satisfactory documentary evidence of citizenship or nationality under section 1902(a)(46)(B), the individual shall be provided at least the reasonable opportunity to present satisfactory documentary evidence of citizenship or nationality under this subsection as is provided under clauses (i) and (ii) of section 1137(d)(4)(A) to an individual for the submittal to the State of evidence indicating a satisfactory immigration status.

''(3)(A) In addition to the criteria established by the State for purposes of section 1902(a)(46)(B), a State shall deem presentation of the following documents to be 'satisfactory documentary evidence of citizenship or nationality' (and shall not favor presentation of 1 type of document described over another):

''(i) Any document described in subparagraph (B).

''(ii) Any document described in subparagraph (C) when presented with any document described in subparagraph (D).

''(iii) Any document described in subparagraph (E) if the requirements of that subparagraph are met.

''(B) The following are documents described in this subparagraph:

''(i) A United States passport.

''(ii) Form N–550 or N–570 (Certificate of Naturalization).

''(iii) Form N–560 or N–561 (Certificate of United States Citizenship).

''(iv) A valid State-issued driver's license or other identity document described in section 274A(b)(1)(D) of the Immigration and Nationality Act, but only if the State issuing the license or such document requires proof of United States citizenship before issuance of such license or document or obtains a social security number from the applicant and verifies before certification that such number is valid and assigned to the applicant who is a citizen.

''(v) Such other document as the Secretary may specify, by regulation, that provides proof of United States citizenship or nationality and that provides a reliable means of documentation of personal identity.

''(C) The following are documents described in this subparagraph:

''(i) A certificate of birth in the United States.

''(ii) Form FS–545 or Form DS–1350 (Certification of Birth Abroad).

''(iii) Form I–197 (United States Citizen Identification Card).

''(iv) Form FS–240 (Report of Birth Abroad of a Citizen of the United States).

''(v) Such other document (not described in subparagraph (B)(iv)) as the Secretary may specify that provides proof of United States citizenship or nationality.

''(D) The following are documents described in this subparagraph:

''(i) Any identity document described in section 274A(b)(1)(D) of the Immigration and Nationality Act.

''(ii) Any other documentation of personal identity of such other type as the Secretary finds, by regulation, provides a reliable means of identification.

''(E) A document described in this subparagraph is an affidavit of citizenship or identity, or both, which need not be notarized or witnessed, but only if the individual has been unable to acquire other satisfactory documentary evidence within the reasonable opportunity period established by the State, despite a good faith effort to do so. An individual shall be deemed unable to acquire such documentary evidence—

''(i) if there is good reason to believe that such documentary evidence does not exist;

''(ii) if, after a timely request for such documentary evidence, it has not been received by the State or the individual within the reasonable opportunity period established by the State;

''(iii) if such documentary evidence cannot be acquired at a nominal cost to the individual; or

''(iv) in such additional situations as the Secretary may describe.

''(F)(i) A reference in this paragraph to a form includes a reference to any successor form.

''(ii) Any legible copy of a form described in this paragraph shall be accepted as if it were the original of such form.''.

(d) CLARIFICATION OF RULES FOR CHILDREN BORN IN THE UNITED STATES TO MOTHERS ELIGIBLE FOR MEDICAID.—Section 1903(x) of such Act (42 U.S.C. 1396b(x)), as amended by subsection (c)(2), is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking ''or'' at the end;

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following new subparagraph:

''(D) pursuant to the application of section 1902(e)(4) (and, in the case of an individual who is eligible for medical assistance on such basis, the individual shall be deemed to have provided satisfactory documentary evidence of citizenship or nationality and shall not be required to provide further documentary evidence on any date that occurs during or after the period in which the individual is eligible for medical assistance on such basis); or''; and

(2) by adding at the end the following new paragraph:

''(4) Nothing in subparagraph (A) or (B) of section 1902(a)(46), the preceding paragraphs of this subsection, or the Deficit Reduction Act of 2005, including section 6036 of such Act, shall be construed as changing the requirement of section 1902(e)(4) that a child born in the United States to an alien mother for whom medical assistance for the delivery of such child is available as treatment of an emergency medical condition pursuant to subsection (v) shall be deemed eligible for medical assistance during the first year of such child's life.''.

(e) EFFECTIVE DATE.—

(1) RETROACTIVE APPLICATION.—The amendments made by this section shall take effect as if included in the enactment of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 4).

(2) RESTORATION OF ELIGIBILITY.—In the case of an individual who, during the period that began on July 1, 2006, and ends on the date of enactment of this Act, was determined to be ineligible for medical assistance under a State Medicaid program solely as a result of the application of subsections (i)(22) and (x) of section 1903 of the Social Security Act (as in effect during such period), but who would have been determined eligible for such assistance if such subsections, as amended by this section, had applied to the individual, a State may deem the individual to be eligible for such assistance as of the date that the individual was determined to be ineligible for such medical assistance on such basis.

SEC. 302. INCREASED FEDERAL MATCHING RATE FOR LANGUAGE SERVICES PROVIDED UNDER MEDICAID OR SCHIP.

(a) IN GENERAL.—Section 1903(a)(3) of the Social Security Act (42 U.S.C. 1396b(a)(3)) is amended—

(1) in subparagraph (E)(ii), by striking ''plus'' at the end; and

(2) by adding at the end the following:

''(3) 85 percent of the sums expended with respect to costs incurred during such quarter as are attributable to the provision of language services on behalf of individuals with limited English proficiency who apply for or receive medical assistance under the State plan (including any provisions of the plan implemented pursuant to any waiver authority of the Secretary) or child health assistance under title XXI; plus''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2007, and apply to language services provided on or after that date.

TITLE IV—GRANTS TO PROMOTE INNOVATIVE OUTREACH AND ENROLLMENT UNDER MEDICAID AND SCHIP

SEC. 401. GRANTS TO PROMOTE INNOVATIVE OUTREACH AND ENROLLMENT UNDER MEDICAID AND SCHIP.

Title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.), as amended by section 204(b), is amended by adding at the end the following:

''SEC. 2112. EXPANDED OUTREACH AND ENROLLMENT ACTIVITIES.

''(a) GRANTS TO CONDUCT INNOVATIVE OUTREACH AND ENROLLMENT EFFORTS.—

''(1) IN GENERAL.—The Secretary shall award grants to eligible entities to—

''(A) conduct innovative outreach and enrollment efforts that are designed to increase the enrollment and participation of eligible children under this title and title XIX; and

''(B) promote understanding of the importance of health insurance coverage for prenatal care and children.

''(2) PERFORMANCE BONUSES.—The Secretary may reserve a portion of the funds appropriated under subsection (g) for a fiscal year for the purpose of awarding performance bonuses during the succeeding fiscal year to eligible entities that meet enrollment goals or other criteria established by the Secretary.

''(b) PRIORITY FOR AWARD OF GRANTS.—

''(1) IN GENERAL.—In making grants under subsection (a)(1), the Secretary shall give priority to—

''(A) eligible entities that propose to target geographic areas with high rates of—

''(i) eligible but unenrolled children, including such children who reside in rural areas; or

''(ii) racial and ethnic minorities and health disparity populations, including those proposals that address cultural and linguistic barriers to enrollment; and

''(B) eligible entities that plan to engage in outreach efforts with respect to individuals described in subparagraph (A) and that are—

''(i) Federal health safety net organizations; or

''(ii) faith-based organizations or consortia.

''(2) 10 PERCENT SET ASIDE FOR OUTREACH TO INDIAN CHILDREN.—An amount equal to 10 percent of the funds appropriated under subsection (g) for a fiscal year shall be used by the Secretary to award grants to Indian Health Service providers and urban Indian organizations receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.) for outreach to, and enrollment of, children who are Indians.

''(c) APPLICATION.—An eligible entity that desires to receive a grant under subsection (a)(1) shall submit an application to the Secretary in such form and manner, and containing such information, as the Secretary may decide. Such application shall include—

''(1) quality and outcomes performance measures to evaluate the effectiveness of activities funded by a grant awarded under this section to ensure that the activities are meeting their goals; and

''(2) an assurance that the entity shall—

''(A) conduct an assessment of the effectiveness of such activities against such performance measures; and

''(B) cooperate with the collection and reporting of enrollment data and other information determined as a result of conducting such assessments to the Secretary, in such form and manner as the Secretary shall require.

''(d) DISSEMINATION OF ENROLLMENT DATA AND INFORMATION DETERMINED FROM EFFECTIVENESS ASSESSMENTS; ANNUAL REPORT.—The Secretary shall—

''(1) disseminate to eligible entities and make publicly available the enrollment data and information collected and reported in accordance with subsection (c)(2)(B); and

''(2) submit an annual report to Congress on the outreach activities funded by grants awarded under this section.

''(e) SUPPLEMENT, NOT SUPPLANT.—Federal funds awarded under this section shall be used to supplement, not supplant, non-Federal funds that are otherwise available for activities funded under this section.

''(f) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means any of the following:

''(A) A State or local government.

''(B) A Federal health safety net organization.

''(C) A national, local, or community-based public or nonprofit private organization, including organizations that use community health workers or community-based doula programs.

''(D) A faith-based organization or consortia, to the extent that a grant awarded to such an entity is consistent with the requirements of section 1955 of the Public Health Service Act (42 U.S.C. 300x–65) relating to a grant award to non-governmental entities.

''(E) An elementary or secondary school.

''(2) FEDERAL HEALTH SAFETY NET ORGANIZATION.—The term 'Federal health safety net organization' means—

''(A) an Indian tribe, tribal organization, or an urban Indian organization receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.), or an Indian Health Service provider;

''(B) a Federally-qualified health center (as defined in section 1905(l)(2)(B));

''(C) a hospital defined as a disproportionate share hospital for purposes of section 1923;

''(D) a covered entity described in section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)); and

''(E) any other entity or a consortium that serves children under a federally-funded program, including the special supplemental nutrition program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the head start and early head start programs under the Head Start Act (42 U.S.C. 9801 et seq.), the school lunch program established under the Richard B. Russell National School Lunch Act, and an elementary or secondary school.

''(3) INDIANS; INDIAN TRIBE; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—The terms 'Indian', 'Indian tribe', 'tribal organization', and 'urban Indian organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

''(g) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, $50,000,000 for each of fiscal years 2008 through 2012 for the purpose of awarding grants under this section. Amounts appropriated and paid under the authority of this section shall be in addition to amounts appropriated under section 2104 and paid to States in accordance with section 2105, including with respect to expenditures for outreach activities in accordance with subsection (a)(1)(D)(iii) of such section.''.

TITLE V—IMPROVING THE QUALITY OF PEDIATRIC CARE

SEC. 501. REQUIRING COVERAGE OF EPSDT SERVICES, INCLUDING DENTAL SERVICES; STATE OPTION TO PROVIDE SUPPLEMENTAL COVERAGE OF DENTAL SERVICES.

(a) ADDITIONAL REQUIRED SERVICES.—

(1) REQUIRED COVERAGE OF EPSDT SERVICES, INCLUDING DENTAL SERVICES.—Section 2103(c) of the Social Security Act (42 U.S.C. 1397cc(c)) is amended—

(A) by redesignating paragraph (5) as paragraph (6); and

(B) by inserting after paragraph (4), the following:

''(5) OTHER REQUIRED SERVICES.—The child health assistance provided to a targeted low-income child shall include coverage of early and periodic screening, diagnostic, and treatment services described in subsections (a)(4)(B) and (r) of section 1905 and provided in accordance with section 1903(a)(43) (including dental services that are necessary to prevent disease and promote oral health, restore oral structures to health and function, and treat emergency conditions).''.

(2) STATE CHILD HEALTH PLAN REQUIREMENT.—Section 2102(a)(7)(B) of such Act (42 U.S.C. 1397bb(c)(2)) is amended by inserting ''and services described in section 2103(c)(5)'' after ''emergency services''.

(3) CONFORMING AMENDMENT.—Section 2103(a) of such Act (42 U.S.C. 1397cc(a)) is amended, in the matter preceding paragraph (1), by striking ''subsection (c)(5)'' and inserting ''paragraphs (5) and (6) of subsection (c)''.

(b) STATE OPTION TO PROVIDE SUPPLEMENTAL COVERAGE OF DENTAL SERVICES UNDER SCHIP TO CHILDREN WITH OTHER HEALTH COVERAGE.—

(1) IN GENERAL.—Section 2110(b) of the Social Security Act (42 U.S.C. 1397jj(b)) is amended—

(A) in paragraph (1)(C), by inserting '', subject to paragraph (5),'' after ''under title XIX or''; and

(B) by adding at the end the following:

''(5) STATE OPTION TO PROVIDE SUPPLEMENTAL COVERAGE OF DENTAL SERVICES TO CHILDREN WITH OTHER HEALTH COVERAGE.—

''(A) IN GENERAL.—A State may waive the requirement of paragraph (1)(C) that a targeted low-income child may not be covered under a group health plan or under health insurance coverage in order to provide dental services that are not covered, or are only partially covered, under such plan or coverage. Nothing in subsection (c)(5) of section 2103 shall be construed as prohibiting a State from limiting the supplemental coverage of dental services provided in accordance with this paragraph and nothing in paragraph (2) or (3) of subsection (e) of such section shall be construed as prohibiting a State from imposing premiums, deductibles, cost-sharing, or similar charges for such coverage without regard to the requirements of either such paragraph.

''(B) ELIGIBILITY.—In waiving such requirement, a State may limit the application of the waiver to children whose family income does not exceed a level specified by the State, which may not exceed the maximum income level otherwise established for other children under the State child health plan.

''(C) CONTINUED APPLICATION OF DUTY TO PREVENT SUBSTITUTION OF EXISTING COVERAGE.—Nothing in this paragraph shall be construed as modifying the application of section 2102(b)(3)(C) to a State.''.

(2) APPLICATION OF ENHANCED MATCH UNDER MEDICAID.—Section 1905 of such Act (42 U.S.C. 1396d) is amended—

(A) in subsection (b), in the fourth sentence, by striking ''subsection (u)(3)'' and inserting ''(u)(3), or (u)(4)''; and

(B) in subsection (u), by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following:

''(4) For purposes of subsection (b), the expenditures described in this paragraph are expenditures for supplemental coverage of dental services for children described in section 2110(b)(5).''.

(3) APPLICATION OF SECONDARY PAYOR PROVISIONS.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)) is amended—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(B) by inserting after subparagraph (A) the following new subparagraph:

''(B) Section 1902(a)(25) (relating to coordination of benefits and secondary payor provisions) with respect to children provided supplemental coverage of dental services under a waiver described in section 2110(b)(5).''.

SEC. 502. PEDIATRIC QUALITY AND PERFORMANCE MEASURES PROGRAM.

Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(1) by redesignating section 1939 as section 1941; and

(2) by inserting after section 1938 the following:

''PEDIATRIC QUALITY AND PERFORMANCE MEASURES PROGRAM

''SEC. 1939. (a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services and in consultation with the Director of the Agency for Healthcare Research and Quality, shall establish a program to encourage and support the development of new and emerging quality and performance measures for providers of pediatric care through the activities described in subsection (c). In establishing the program, gaps in existing evidence-based measures and priority areas for advancement shall be identified.

''(b) PURPOSE.—The purpose of the program is to ensure that—

''(1) evidence-based pediatric quality and performance measures are developed; and

''(2) such measures are available for States, other purchasers of pediatric health care services, health care providers, and consumers to use.

''(c) PROGRAM ACTIVITIES.—

''(1) IDENTIFYING QUALITY AND PERFORMANCE MEASURES FOR PROVIDERS OF PEDIATRIC SERVICES AND OPPORTUNITIES FOR NEW MEASURES.—Not later than 3 months after the date of enactment of this section, the Secretary shall identify quality and performance measures for providers of pediatric services and opportunities for the development of new measures, taking into consideration existing evidence-based measures. In conducting this review, the Secretary shall—

''(A) ensure the inclusion of at least 1 measure related to children's dental and oral health; and

''(B) convene and consult with representatives of—

''(i) States;

''(ii) pediatric hospitals, pediatricians, and other pediatric health professionals;

''(iii) national organizations representing—

''(I) consumers of children's health care; and

''(II) purchasers of children's health care;

''(iv) experts in pediatric quality and performance measurement; and

''(v) a voluntary consensus standards setting organization and other organizations involved in the advancement of consensus on evidence-based measures of health care.

''(2) DEVELOPING, VALIDATING, AND TESTING NEW MEASURES.—The Secretary shall award grants or contracts to eligible entities (as defined in subsection (d)(1)) for the development, validation, and testing of new and emerging quality and performance measures, including at least 1 measure related to children's dental and oral health, for providers of pediatric services. Such measures shall—

''(A) provide consumers and purchasers (including States and beneficiaries under the program under this title and title XXI) with information about provider performance and quality; and

''(B) assist health care providers in improving the quality of the items and services they provide and their performance with respect to the provision of such items and services.

''(3) ACHIEVING CONSENSUS ON EVIDENCE-BASED MEASURES.—The Secretary shall award grants or contracts to eligible consensus entities (as defined in subsection (d)(2)) for the development of consensus on evidence-based measures for pediatric care, including at least 1 measure related to children's dental and oral health, that have broad acceptability in the health care industry.

''(d) ELIGIBLE ENTITIES.—

''(1) DEVELOPMENT, VALIDATION, AND TESTING.—For purposes of paragraph (2) of subsection (c), the term 'eligible entity' means—

''(A) organizations with demonstrated expertise and capacity in the development and evaluation of pediatric quality and performance measures;

''(B) an organization or association of health care providers with demonstrated experience in working with accrediting organizations in developing pediatric quality and performance measures; and

''(C) a collaboration of national pediatric organizations working to improve pediatric quality and performance measures.

''(2) ACHIEVEMENT OF CONSENSUS.—For purposes of paragraph (3) of such subsection, the term 'eligible consensus entity' means an organization, including a voluntary consensus standards setting organization involved in the advancement of consensus on evidence-based measures of health care.

''(e) ONGOING AUTHORITY TO UPDATE AND ADJUST PEDIATRIC MEASURES.—The Secretary may update and adjust measures developed and advanced under the program under this section in accordance with—

''(1) any changes that a voluntary consensus standards setting organization determines should be made with respect to such measures; or

''(2) new evidence indicating the need for changes with respect to such measures.

''(f) ADDITION OF PEDIATRIC CONSUMER ASSESSMENT MEASURES TO CAHPS HOSPITAL SURVEY CONDUCTED BY AHRQ.—The Director of the Agency for Healthcare Research and Quality shall ensure that consumer assessment measures for hospital services for children are added to the Consumer Assessment of Healthcare Providers and Systems (CAHPS) Hospital survey conducted by such Agency.

''(g) APPROPRIATION.—There are authorized to be appropriated and there are appropriated, for the purpose of carrying out this section, $10,000,000, for each of fiscal years 2008 through 2012, to remain available until expended.''.

SEC. 503. GRANTS TO STATES FOR DEMONSTRATION PROJECTS TRANSFORMING DELIVERY OF PEDIATRIC CARE.

Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), as amended by section 502, is amended by inserting after section 1939 the following:

''GRANTS TO STATES FOR DEMONSTRATION PROJECTS TRANSFORMING DELIVERY OF PEDIATRIC CARE

''SEC. 1940. (a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall establish demonstration projects,

including demonstration projects in each of the 4 categories described in subsection (d), to award grants to States to improve the delivery of health care services provided to children under this title and title XXI.

''(b) DURATION.—The demonstration projects shall be conducted for a period of 4 years.

''(c) ELIGIBILITY.—A State shall not be eligible to receive a grant under this section unless the State has demonstrated experience or commitment to the concept of transformation in the delivery of pediatric care.

''(d) CATEGORIES OF PROJECTS.—The following categories of projects are described in this subsection:

''(1) HEALTH INFORMATION TECHNOLOGY SYSTEMS.—Projects for developing health information technology systems, including technology acquisition, electronic health record development, data standards development, and software development, for pediatric hospital and physician services and other community-based services; implementing model systems; and evaluating their impact on the quality, safety, and costs of care.

''(2) DISEASE MANAGEMENT.—Projects for providing provider-based care disease management for children with chronic conditions (including physical, developmental, behavioral, and psychological conditions), demonstrating the effectiveness of provider-based management models in promoting better care, reducing adverse health outcomes, and preventing avoidable hospitalizations.

''(3) EVIDENCE-BASED QUALITY IMPROVEMENTS.—Projects for implementing evidence-based approaches to improving efficiency, safety, and effectiveness in the delivery of hospital care for children across hospital services, evaluating the translation of successful models of such evidence-based approaches to other institutions, and the impact of such changes on the quality, safety, and costs of care.

''(4) QUALITY AND PERFORMANCE MEASURES FOR PROVIDERS OF CHILDREN'S HEALTH CARE SERVICES.—Projects to pilot test evidence-based pediatric quality and performance measures for inpatient hospital services, physician services, or services of other health professionals, determining the reliability, feasibility, and validity of such measures, and evaluating their potential impact on improving the quality and delivery of children's health care. To the extent feasible, such measures shall have been approved by consensus standards setting organizations.

''(e) UNIFORM METRICS.—The Secretary shall establish uniform metrics (adjusted, as appropriate, for patient acuity), collect data, and conduct evaluations with respect to each demonstration project category described in subsection (d). In establishing such metrics, collecting such data, and conducting such evaluations, the Secretary shall consult with—

''(1) experts in each such demonstration project category;

''(2) participating States;

''(3) national pediatric provider organizations;

''(4) health care consumers; and

''(5) such other entities or individuals with relevant expertise as the Secretary determines appropriate.

''(f) EVALUATION AND REPORT.—The Secretary shall evaluate the demonstration projects conducted under this section and submit a report to Congress not later than 3 months before the completion of each demonstration project that includes the findings of the evaluation and recommendations with respect to—

''(1) expansion of the demonstration project to additional States and sites; and

''(2) the broader implementation of approaches identified as being successful in advancing quality and performance in the delivery of medical assistance provided to children under this title and title XXI.

''(g) WAIVER.—The Secretary may waive the requirements of this title and title XXI to the extent necessary to carry out the demonstration projects under this section.

''(h) AMOUNTS PAID TO A STATE.—Amounts paid to a State under this section—

''(1) shall be in addition to Federal payments made to the State under section 1903(a);

''(2) shall not be used for the State share of any expenditures claimed for payment under such section; and

''(3) shall be used only for expenditures of the State for participating in the demonstration projects, or for expenditures of providers in participating in the demonstration projects, including—

''(A) administrative costs of States and participating providers (such as costs associated with the design and evaluation of, and data collection under, the demonstration projects); and

''(B) such other expenditures that are not otherwise eligible for reimbursement under this title or title XXI as the Secretary may determine appropriate.

''(i) APPROPRIATION.—There are authorized to be appropriated and there are appropriated, for the purpose of carrying out this section, to remain available until expended $10,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 504. REPORT BY THE COMPTROLLER GENERAL ON DESIGN AND IMPLEMENTATION OF A DEMONSTRATION PROJECT EVALUATING EXISTING QUALITY AND PERFORMANCE MEASURES FOR CHILDREN'S INPATIENT HOSPITAL SERVICES.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States (in this section referred to as the ''Comptroller General'') shall submit a report to Congress containing recommendations for the design and implementation of a demonstration project to evaluate the suitability of existing quality and performance measures for children's inpatient hospital services for public reporting, differentiating quality, identifying best practices, and providing a basis for payment rewards.

(b) DEVELOPMENT OF RECOMMENDATIONS.—In developing the recommendations submitted under subsection (a), the Comptroller General shall accomplish the following:

(1) Consider which agency within the Department of Health and Human Services should have primary responsibility and oversight for such a demonstration project.

(2) Determine a sufficient number of participating hospitals and volume of children's cases, given existing measures that might be chosen for evaluation under such a demonstration project.

(3) Determine the number of States and variety of geographic locations that may be required to conduct such a demonstration project.

(4) Describe alternatives for administering and directing funding for such a demonstration project, taking into consideration the potential involvement of multiple States, State plans under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), and State child health plans under title XXI of such Act (42 U.S.C. 1397aa et seq.). Such description shall be included in the recommendations submitted under subsection (a).

(5) Determine requirements for consistency in measures, metrics, and risk adjustment for such a demonstration project, across hospitals and across State lines.

(6) Consider the infrastructure requirements involved in public reporting of quality and performance measures for children's inpatient hospital services at the national and State levels, including the requirements involved with respect to maintaining such measures and data.

(7) Estimate the cost of undertaking such a demonstration project.

(c) SUGGESTION OF EXISTING MEASURES FOR EVALUATION UNDER THE DEMONSTRATION PROJECT.—

(1) IN GENERAL.—The report submitted under subsection (a) shall include suggestions for existing measures to be evaluated under the demonstration project recommended in such report, including, to the extent feasible, measures with respect to—

(A) high volume pediatric inpatient conditions;

(B) high cost pediatric inpatient services;

(C) pediatric conditions with predicted high morbidities; and

(D) pediatric cases at high risk of patient safety failures.

(2) SUGGESTED MEASURES.—The measures suggested under paragraph (1) shall be measures representing process, structure, patient outcomes, or patient and family experience—

(A) that are evidence-based;

(B) that are feasible to collect and report;

(C) that include a mechanism for risk adjustment when necessary; and

(D) for which there is a consensus within the pediatric hospital community or a consensus determined by a voluntary consensus standards setting organization involved in the advancement of evidence-based measures of health care.

(3) CONSULTATION.—In determining the existing measures suggested under paragraph (1), the Comptroller General shall consult with representatives of the following:

(A) National associations of pediatric hospitals and pediatric health professionals.

(B) Experts in pediatric quality and performance measurement.

(C) Voluntary consensus standards setting organizations and other organizations involved in the advancement of consensus on evidence-based measures.

(D) The Department of Health and Human Services, States, and other purchasers of health care items and services.

SEC. 505. MEDICAL HOME DEMONSTRATION PROJECT.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall establish a medical home demonstration project (in this section referred to as the ''project'') under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq.; 1397aa et seq.) to redesign the health care delivery system by providing targeted, accessible, continuous, coordinated, and family-centered care to eligible individuals.

(2) ELIGIBLE INDIVIDUALS DEFINED.—In this section, the term ''eligible individual'' means an individual who—

(A) is receiving child health assistance under a State child health plan implemented under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.), title XIX of such Act (42 U.S.C. 1396 et seq.), or both such titles; and

(B) is a member of a high need population (as determined by the Secretary).

(3) PROJECT GOALS.—The project shall be designed in order to determine whether, and if so, the extent to which, medical homes accomplish the following:

(A) Increase—

(i) cost efficiencies of health care delivery;

(ii) access to appropriate health care services;

(iii) patient satisfaction;

(iv) school attendance; and

(v) the quality of health care services provided, as determined based on measures of quality the Secretary determines are broadly accepted in the health care community.

(B) Decrease—

(i) inappropriate emergency room utilization; and

(ii) duplication of health care services provided.

(C) Provide appropriate—

(i) preventive care; and

(ii) referrals to multidisciplinary services.

(b) PROJECT DESIGN.—

(1) DURATION.—The project shall be conducted for a 5 year period.

(2) SITES.—

(A) IN GENERAL.—The project shall be conducted in 8 States on a State-wide basis.

(B) APPLICATION.—A State seeking to participate in the project shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(3) CONDUCT OF PROJECT.—

(A) AGREEMENTS WITH ACADEMIC INSTITUTIONS.—A participating State may enter into an agreement with an academic institution in order to have the institution conduct the project, provide technical assistance and monitoring, and to participate in the evaluation of the project under subsection (e)(1).

(B) CHOICE OF PARTICIPATING PHYSICIAN PRACTICES.—

(i) IN GENERAL.—A participating State shall establish procedures for physician practices to participate in the project by providing coordinated care to eligible individuals. Such participation shall be on a voluntary basis.

(ii) STANDARDS FOR PARTICIPATING PHYSICIAN PRACTICES.—The procedures established under clause (i) shall encourage physician practices participating in the project to demonstrate that they have—

(I) identified care coordinators, family resource guides, family advisors, and a family advisory committee;

(II) developed care plans for eligible individuals; and

(III) taken such other actions as the State determines appropriate in order to provide coordinated care to eligible individuals.

(c) PROJECT REQUIREMENTS.—Each participating State shall establish procedures in order to ensure that the following requirements are met:

(1) Each eligible individual in the State who is enrolled in the project is provided a medical home with access to appropriate medical care.

(2) Each medical home in the State that is participating in the project—

(A) provides for physician-directed care coordination;

(B) uses health information technology (including patient registry systems, clinical decision support tools, remote monitoring, and electronic medical record systems);

(C) communicates with physician practices participating in the project, eligible individuals receiving health care through the medical home, and other health care providers (as appropriate) with respect to health matters, including through electronic mail and telephone consultations;

(D) makes arrangements with teams of other health professionals, including care coordinators, and facilitates linkages to community resources to extend access to the full spectrum of health care services that eligible individuals require;

(E) establishes networks with community practices, hospitals, and community health care providers to facilitate the exchange of ideas and resources in order to improve project outcomes; and

(F) acts as a facilitator in order to ensure that eligible individuals enrolled in the medical home under the project receive high-quality care at the appropriate time and place in a cost-effective manner.

(3) The State provides payment (in accordance with subsection (d)) and appropriate support for physician-directed care coordination services provided to eligible individuals under the project.

(d) PAYMENT.—

(1) IN GENERAL.—The Secretary shall establish a structure for payments to participating States for the cost of services provided under the project. Such structure shall provide payments based on the performance of medical homes located in the State in achieving quality and efficiency goals (as defined by the Secretary).

(2) PAYMENTS FOR HEALTH INFORMATION TECHNOLOGY.—

(A) IN GENERAL.—The Secretary shall establish a prospective, bundled, and risk adjusted structural practice payment to cover health information technology expenses incurred by medical homes under the project.

(B) IN GENERAL.—Such payments shall take into account any expenses the medical home incurs in order to acquire and utilize health information technology, such as clinical decision support tools, patient registries, and electronic medical records.

(3) PAYMENTS FOR PHYSICIAN WORK OUTSIDE OF OFFICE VISITS.—The Secretary shall establish a prospective, bundled, and risk adjusted structural care coordination payment that represents the value of physician work provided to eligible individuals under the project that is done outside of any office visits.

(e) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary, in consultation with appropriate pediatric medical associations, shall evaluate the project in order to determine the effectiveness of medical homes in terms of quality improvement, patient and provider satisfaction, and the improvement of health outcomes.

(2) REPORT.—Not later than 12 months after completion of the project, the Secretary shall submit to Congress a report on the project containing the results of the evaluation conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Secretary determines to be appropriate.

(f) FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated, such sums as may be necessary to carry out this section.

(2) PROHIBITION.—Amounts paid to a State under the project shall not be used for purposes of claiming a Federal matching payment under section 1903(a) or 2105(a) of the Social Security Act (42 U.S.C. 1396b(a); 1397ee(a)).

(g) WAIVER.—The Secretary shall waive compliance with such requirements of titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq.; 1397aa et seq.) to the extent and for the period the Secretary finds necessary to conduct the project.

SEC. 506. DISEASE PREVENTION AND TREATMENT DEMONSTRATION PROJECTS FOR ETHNIC AND RACIAL MINORITY CHILDREN.

(a) DEFINITIONS.—In this section:

(1) CHILD.—The term ''child'' has the meaning given such term in section 2110(c)(1) of the Social Security Act (42 U.S.C. 1397jj(c)(1)).

(2) MEDICAID.—The term ''Medicaid'' means the program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(3) PROJECTS.—The term ''projects'' means the demonstration projects established under subsection (b)(1).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(5) SCHIP.—The term ''SCHIP'' means the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(6) TARGET INDIVIDUAL.—

(A) IN GENERAL.—The term ''target individual'' means a child—

(i) who is a member of a racial and ethnic minority group; and

(ii) who is enrolled in a State Medicaid program or a State child health plan under SCHIP.

(B) RACIAL AND ETHNIC MINORITY GROUP.—The term ''racial and ethnic minority group'' has the meaning given such term in section 1707(g)(1) of the Public Health Service Act (42 U.S.C. 300u–6(1)).

(b) DEMONSTRATION PROJECTS.—

(1) ESTABLISHMENT.—The Secretary shall establish demonstration projects for the purpose of developing models and evaluating methods that—

(A) improve the quality of medical assistance and child health assistance provided to target individuals under Medicaid and SCHIP in order to reduce disparities in the provision of health care services;

(B) improve clinical outcomes, satisfaction, quality of life, and the appropriate use of services covered and referral patterns under Medicaid and SCHIP among target individuals;

(C) eliminate disparities in the rate of preventive measures, such as well child visits and immunizations, among target individuals; and

(D) promote collaboration with community-based organizations to ensure cultural competency of health care professionals and linguistic access for persons with limited English proficiency.

(2) DESIGN.—

(A) INITIAL DESIGN.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(i) evaluate best practices in the private sector, community programs, and academic research with respect to methods for reducing health care disparities among target individuals; and

(ii) design the projects based on such evaluation.

(B) NUMBER AND PROJECT AREAS.—

(i) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall implement not less than 9 projects, including the following:

(I) Two projects for each of the 4 following racial and ethnic minority groups:

(aa) American Indians, including Alaskan Natives, Eskimos, and Aleuts.

(bb) Asian Americans and Pacific Islanders.

(cc) Blacks.

(dd) Hispanics (as defined in section 1707(g)(2) of the Public Health Service Act (42 U.S.C. 300u–6(g)(2)).

(II) One project within Puerto Rico.

(ii) SUBPOPULATIONS.—The 2 projects implemented for the groups described in clause (i)(I) shall each target different ethnic subpopulations within such groups.

(iii) RURAL AND INNER-CITY AREAS.—Not less than 1 of the projects implemented under clause (i)(I) shall be conducted in a rural area and not less than 1 of such projects shall be conducted in an inner-city area.

(c) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than 2 years after the date on which the Secretary initially implements the projects, and biannually thereafter for the duration of the projects, the Secretary shall submit to Congress a report on the projects.

(2) CONTENTS OF REPORT.—Each report submitted under paragraph (1) shall include the following:

(A) A description of the projects.

(B) An evaluation of—

(i) the cost and benefits of the projects, including whether the projects have reduced expenditures under Medicaid and SCHIP;

(ii) the quality of the health care services provided to target individuals under the projects, including whether the projects have reduced racial and ethnic health disparities in the quality of health care services provided to such individuals;

(iii) beneficiary and health care provider satisfaction under the projects; and

(iv) whether, based on the factors evaluated under clauses (i) through (iii), the projects should be continued or conducted on an expanded basis.

(C) Any other information with respect to the projects the Secretary determines appropriate.

(3) EXPANSION OF PROJECTS; IMPLEMENTATION OF RESULTS.—If the initial report submitted under paragraph (1) includes an evaluation under paragraph (2)(B)(iv) that the projects initially established under subsection (b)(1) should be continued or conducted on an expanded basis, the Secretary—

(A) shall continue to conduct such projects; and

(B) may conduct such additional projects as the Secretary determines appropriate.

(d) FUNDING FOR PROJECTS.—

(1) IN GENERAL.—There are authorized to be appropriated, such sums as may be necessary to carry out projects under this section.

(2) PROHIBITION.—Amounts paid to a State or territory under the projects shall not be used for purposes of claiming a Federal matching payment under section 1903(a) or 2105(a) of the Social Security Act (42 U.S.C. 1396b(a); 1397ee(a)).

(e) WAIVER.—The Secretary shall waive compliance with such requirements of titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq.; 1397aa et seq.) to the extent and for the period the Secretary finds necessary to conduct the projects.

TITLE VI—COMMISSION ON CHILDREN'S HEALTH COVERAGE

SEC. 601. COMMISSION ON CHILDREN'S HEALTH COVERAGE.

(a) ESTABLISHMENT OF COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission to be known as the ''Commission on Children's Health Coverage'' (referred to in this section as the ''Commission'').

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Committee shall be composed of 10 members with academic training and practical experience in—

(i) the areas of—

(I) child health and development;

(II) maternal health and development;

(III) pediatric care;

(IV) health care financing;

(V) community-based participatory research;

(VI) public health;

(VII) data collection, analysis, and reporting; and

(VIII) health and health care disparities; and

(ii) such other areas as the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') determines appropriate.

(B) SELECTION.—The Secretary shall appoint members of the Committee. No candidate for appointment on the Committee shall be asked to provide non-relevant information, such as voting record, political party affiliation, or position on particular policies.

(3) TERM; VACANCIES.—

(A) TERM.—A member shall be appointed for the life of the Commission.

(B) VACANCIES.—A vacancy on the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment was made.

(4) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(5) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(6) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson from among the members of the Commission.

(b) DUTIES.—

(1) STUDY.—The Commission shall conduct a study of all matters relating to children's health coverage.

(2) RECOMMENDATIONS.—The Commission shall develop recommendations on policy improvements at the State and national levels, and in the private sector, with respect to children's health coverage.

(3) REPORT.—

(A) ANNUAL REPORTS.—During the 2 year period beginning on the date of enactment of this Act, the Commission shall submit to the President and Congress annual reports evaluating the status of children's health coverage, together with recommendations for such legislation and administrative administrative actions as the Commission determines would result in improvements in such health coverage at the State and national levels, and in the private sector.

(B) FINAL REPORT.—Not later than 3 years after such date of enactment, the Commission shall submit to the President and Congress a report that contains the recommendations of the Commission for such legislation and administrative actions as the Commission determines would result in comprehensive health coverage of all children in the United States.

(c) POWERS.—.

(1) HEARINGS.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(2) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this Act.

(B) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) NON-FEDERAL EMPLOYEES.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, 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 the home or regular place of business of the member in the performance of the duties of the Commission.

(3) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(C) COMPENSATION.—

(i) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(4) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(f) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits the final report of the Commission under subsection (b)(3)(B).

By Mr. HARKIN:

S. 1367. A bill to amend the Public Health Services Act to provide methamphetamine prevention and treatment services; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I am honored today to introduce the Methamphetamine Abuse Treatment and Prevention Act. Meth is one of the most deadly, addictive, rapidly spreading drugs in history. It is ravaging rural and urban communities alike. And it is leaving a path of destruction, human, financial, and environmental, that is staggering.

We've seen violent crime increase significantly for the first time in more than a decade. This increase was most evident in the meth-plagued Midwest. We must realize meth abuse is not only a State problem, but a national problem that is threatening communities across the country.

Law enforcement efforts to curb the distribution of dangerous meth making chemicals and locking up fertilizers have been successful. In Iowa, we've reduced the number of meth labs by nearly 80 percent. But our effort to fight meth is not over. Unfortunately, many States have seen dramatic increases in the amount of crystal meth or ''ice'' smuggled into the State. Ice is a much purer and more dangerous form of the illegal stimulant. Addicts who no longer have access to meth manufactured through home labs are using this more dangerous form. This drug puts a heavy toll on our communities, our justice and health care system, and tears apart families.

We need to remember that the meth epidemic is a double scourge. It is a public safety crisis. And it is also a public health crisis. Even if we shut down every home-based lab, we would still have a meth problem in this country. It will not go away until we do a better job of preventing people from using meth in the first place and giving addicts the treatment they need to kick the habit for good.

Bear in mind that meth is more addictive than crack cocaine or heroin. More than 50 percent of meth users started when they were under age 18. Law enforcement officers across Iowa tell me that prevention and treatment are the keys to stopping this epidemic.

Yet this is exactly where we are falling short. There are 22 million Americans in need of treatment for substance addiction. Less than 3 million are able to get help. The bill I am introducing today would aggressively step up efforts to prevent meth addiction and provide more treatment options.

Given the highly addictive nature of methamphetamine, prevention is crucial. Over 50 percent of meth users started when they were under age 18. We must target our efforts to ensure that people do not ever start using meth. My bill provides grants to schools and communities for meth prevention programs. It creates a telephone helpline and an online parent resource center. When parents or family members want information on keeping their children safe from drugs, or they fear a young person is experimenting or in trouble with drugs, this telephone helpline and Internet resource will give live, real-time support and information, as well as referrals to community resources.

At the same time, the bill takes a comprehensive approach to treatment. We know that with proper treatment, meth addicts can recover and live productive lives. Every dollar spent on treatment saves taxpayers seven dollars, largely by reducing crime, incarceration, and health care costs. The bill that I am introducing today is designed to realize these savings by promoting a comprehensive approach to meth treatment.

This legislation promotes range of treatment options. First, it includes family-based treatment. Parental substance use is the culprit in at least 70 percent of all child welfare spending, yet only 10 percent of child welfare agencies are able to successfully find substance abuse programs for mothers and children. Comprehensive treatment specifically for parents can assist them in recovering and providing safe and nurturing environments for their children. This legislation provides critical resources for adolescent and family-based treatment services to ensure that young people and parents are able to access the treatment they need.

Second, this legislation includes grants to offer treatment services for nonviolent adults and juveniles as an alternative to jail and detention. Nearly 80 percent of those in jail have been identified as having a substance abuse problem and one-third of inmates reported being under the influence at the time of their offense. We must provide treatment in order to prevent recidivism and cycling through the justice system.

My bill also improves services to help recovering addicts make the transition from treatment to the community, including housing assistance and help finding work, education, and mental health services. These things are critical to long-term abstinence and recovery.

I ask for your help now in joining me to fighting the meth epidemic that is plaguing our country. This drug tears apart families and is a heavy burden on our communities, our justice and health care system. We must dedicate the time and resources to getting this problem under control and we must do it now.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 192—RECOGNIZING NATIONAL NURSES WEEK ON MAY 6 THROUGH MAY 12, 2007

Mr. DURBIN (for himself and Ms. MIKULSKI) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 192

Whereas, since 2003, National Nurses Week is celebrated annually from May 6, also known as National Nurses Day, through May 12, the birthday of Florence Nightingale, the founder of modern nursing;

Whereas National Nurses Week is the time each year when nurses are recognized for the critical role they play in providing safe, high quality, and preventative health care;

Whereas nurses are the cornerstone of the Nation's complex health care system, representing the largest single component of the health care profession, with an estimated 2,900,000 registered nurses in the United States;

Whereas, according to a study published in the New England Journal of Medicine in May 2002, a higher proportion of nursing care provided by registered nurses and a greater number of hours of care by registered nurses per day are associated with better outcomes for hospitalized patients;

Whereas nurses are experienced researchers and their work encompasses a wide scope of scientific inquiry including clinical research, health systems and outcomes research, and nursing education research;

Whereas nurses are currently serving the Nation admirably in the conflicts in Iraq and Afghanistan;

Whereas nurses help inform and educate the public to improve the practice of all nurses and, more importantly, the health and safety of the patients they care for;

Whereas our Nation continues to face a nursing shortage unprecedented in its depth and duration, with a projected 1,200,000 new and replacement nurses needed by 2014;

Whereas the nationwide nursing shortage has caused dedicated nurses to work longer hours and care for more acutely ill patients;

Whereas nurses are strong allies to Congress as they help inform, educate, and work closely with legislators to improve the education, retention, recruitment, and practice of all nurses and, more importantly, the health and safety of the patients they care for; and

Whereas nurses are an integral part of the health care delivery team and provide quality care, support, and education to patients and their families, conduct essential research, and serve as strong patient advocates: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the significant contributions of nurses to the health care system of the United States;

(2) supports the goals and ideals of National Nurses Week, as founded by the American Nurses Association; and

(3) encourages the people of the United States to observe National Nurses Week with appropriate recognition, ceremonies, activities, and programs to demonstrate the importance of nurses to the everyday lives of patients.

Mr. DURBIN. Mr. President, I rise today to express my sincere appreciation for the more than 2.9 million nurses in our country. In recognition of National Nurses Week, May 6 through 12, I am pleased to introduce a resolution with Senators MIKULSKI and SNOWE to commemorate this week and the valuable role of nurses nationwide.

Our resolution honors the contributions that nurses make day—after day—on the front lines of patient care. We do not thank nurses as often as we should. Nurses are an invaluable resource not only to our health care system but also to medical research—in health systems and outcomes, in nursing education, and in clinical settings. They serve our Nation admirably in our communities and in our military, including the current conflicts in Iraq and Afghanistan.

Nurses do so much for our country, yet one of the biggest challenges facing our health care system today is a shortage of nurses. According to an April 2006 report by the American Hospital Association, we need approximately 118,000 registered nurses to fill vacant positions nationwide. By 2020, there will be a shortfall of more than 1 million nurses.

The problem is not a lack of interest by capable people willing to be trained. The issue is a lack of faculty to educate future nurses. Last year, nursing colleges across the Nation denied admission to more than 40,000 qualified

applicants from entry-level and graduate nursing education programs, including almost 2,000 in my State of Illinois alone. Over 71 percent of the schools surveyed cited the lack of faculty as the primary reason that qualified students were turned away. Nursing schools need the resources to teach and train a new generation of nurses and nurse educators.

This is why I introduced the Nurse Education, Expansion, and Development, or NEED, Act. This act would provide schools of nursing with grants to hire and retain new faculty, purchase educational equipment, enhance clinical laboratories, and repair and expand infrastructure—some of the very problems that keep nursing schools from enrolling additional students today.

The Illinois Nurses Association's theme for National Nurses Week this year is Working Together to Make a Difference, and when it comes to the nursing shortage, we all should adopt this theme. Strengthening nursing schools, increasing the number of graduates, and driving up the quality of care with an adequate supply of nurses depends on all of us working together.

Nurses care for us and our loved ones when we are at our most vulnerable. The difference they make in our lives, their dedication, and their enormous contributions are an important part of our country's strength.

This week—and always—we honor their efforts and thank them for all their work in keeping our Nation healthy and strong.

SENATE RESOLUTION 193—DESIGNATING THE WEEK OF MAY 6 THROUGH MAY 12, 2007, AS ''NORTH AMERICAN OCCUPATIONAL SAFETY AND HEALTH WEEK'' AND MAY 9, 2007, AS ''OCCUPATIONAL SAFETY AND HEALTH PROFESSIONAL DAY''

Mr. DURBIN (for himself, Mr. ISAKSON, Mr. OBAMA, and Mr. KENNEDY) submitted the following resolution; which was considered and agreed to:

S. RES. 193

Whereas every year more than 5,700 people die from job-related injuries and 4,400,000 more suffer occupational injuries and illnesses;

Whereas transportation crashes continue to be the number 1 cause of on-the-job deaths, and overall in 2005 there were 6,159,000 transportation accidents resulting in 43,433 deaths, 2,700,000 injuries, and an estimated $230,600,000,000 in tangible costs;

Whereas every day millions of people go to and return home from work safely due, in part, to the efforts of many unsung heroes, such as occupational safety, health, and environmental practitioners, who work day in and day out identifying hazards and implementing safety and health advances in all industries and at all workplaces, aimed at eliminating workplace fatalities, injuries, and illnesses;

Whereas these occupational safety, health, and environmental professionals and members of the American Society of Safety Engineers work to prevent accidents, injuries, and occupational diseases, create safer work and leisure environments, and develop safer products, and are committed to protecting people, property, and the environment;

Whereas the work of these professionals in the areas of occupational safety, health promotion, disease prevention, and wellness programs has contributed greatly to the improvement of overall employee health, increased productivity, and reduction in health care costs, and yields significant returns on investments in occupational safety and health for the employer;

Whereas our society has long recognized that a safe and healthy workplace positively impacts employee morale, health, and productivity;

Whereas the more than 30,000 members of the American Society of Safety Engineers, along with the more than 150,000 combined members of the Academy of Certified Hazardous Materials Managers (ACHMM), the American Association of Occupational Health Nurses, Inc., (AAOHN), the American Industrial Hygiene Association (AIHA), and the American National Standards Institute (ANSI), are occupational safety, health, and environmental practitioners dedicated to keeping people safe at work and protecting property and the environment;

Whereas the purpose of North American Occupational Safety and Health Week (NAOSH) is to increase understanding of the benefits of investing in occupational safety and health, to demonstrate the positive impact that integrating effective safety and health programs in the workplace and the community has on the economy and business, to raise awareness of the role and contribution of safety, health, and environmental professionals in all areas, and to reduce workplace injuries and illnesses by increasing awareness and implementation of safety and health programs;

Whereas the theme of NAOSH Week 2007 is all modes of transportation safety, particularly stressing that motor vehicle drivers should drive wisely to save lives; and

Whereas on May 9 occupational safety and health professionals will be recognized during the second annual Occupational Safety and Health Professional Day for the work they do to keep people safe at work: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 6 through May 12, 2007, to be ''North American Occupational Safety and Health Week'' (NAOSH) and May 9, 2007, to be ''Occupational Safety and Health Professional Day'';

(2) commends occupational safety, health, and environmental practitioners for their ongoing commitment to protecting people, property, and the environment;

(3) commends those businesses that encourage a strong safety culture and incorporate occupational safety and health into their business strategies;

(4) encourages all industries, organizations, community leaders, employers, and employees to join with the American Society of Safety Engineers to support activities aimed at increasing awareness of the importance of preventing illness, injury, and death in the workplace, during the week of May 6 through May 12, 2007, and throughout the year;

(5) recognizes the commitment of occupational safety and health professionals in their ongoing work to protect people, property, and the environment on May 9, 2007, Occupational Safety and Health Professional Day;

(6) urges everyone to observe the theme of NAOSH Week and drive responsibly; and

(7) encourages the people of the United States to observe ''North American Occupational Safety and Health Week'' and ''Occupational Safety and Health Professional Day'' with appropriate programs and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1065. Mrs. BOXER (for herself, Mr. INHOFE, Mr. BAUCUS, and Mr. ISAKSON) submitted an amendment intended to be proposed by her to the bill H.R. 1495, 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; which was ordered to lie on the table.

SA 1066. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1067. Mr. KERRY (for himself, Mr. FEINGOLD, Ms. COLLINS, Mr. SANDERS, Mr. CARPER, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1068. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1069. Mr. GRAHAM (for himself, Mr. ISAKSON, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1070. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1071. Mr. CARDIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1072. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1073. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1074. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1075. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1076. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1077. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1078. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1079. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1080. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1081. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, supra; which was ordered to lie on the table.

SA 1082. Mr. WHITEHOUSE (for Mr. BUNNING) proposed an amendment to the

concurrent resolution S. Con. Res. 29, encouraging the recognition of the Negro Baseball Leagues and their players on May 20th of each year.

TEXT OF AMENDMENTS

SA 1065. Mrs. BOXER (for herself, Mr. INHOFE, Mr. BAUCUS, and Mr. ISAKSON) submitted an amendment intended to be proposed by her to the bill H.R. 1495, 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; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Water Resources Development Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 1001. Project authorizations.
Sec. 1002. Enhanced navigation capacity improvements and ecosystem restoration plan for Upper Mississippi River and Illinois Waterway System.
Sec. 1003. Louisiana Coastal Area ecosystem restoration, Louisiana.
Sec. 1004. Small projects for flood damage reduction.
Sec. 1005. Small projects for navigation.
Sec. 1006. Small projects for aquatic ecosystem restoration.
Sec. 1007. Small projects to prevent or mitigate damage caused by navigation projects.
Sec. 1008. Small projects for aquatic plant control.

TITLE II—GENERAL PROVISIONS

Subtitle A—Provisions

Sec. 2001. Credit for in-kind contributions.
Sec. 2002. Interagency and international support authority.
Sec. 2003. Training funds.
Sec. 2004. Fiscal transparency report.
Sec. 2005. Planning.
Sec. 2006. Water Resources Planning Coordinating Committee.
Sec. 2007. Independent peer review.
Sec. 2008. Mitigation for fish and wildlife losses.
Sec. 2009. State technical assistance.
Sec. 2010. Access to water resource data.
Sec. 2011. Construction of flood control projects by non-Federal interests.
Sec. 2012. Regional sediment management.
Sec. 2013. National shoreline erosion control development program.
Sec. 2014. Shore protection projects.
Sec. 2015. Cost sharing for monitoring.
Sec. 2016. Ecosystem restoration benefits.
Sec. 2017. Funding to expedite the evaluation and processing of permits.
Sec. 2018. Electronic submission of permit applications.
Sec. 2019. Improvement of water management at Corps of Engineers reservoirs.
Sec. 2020. Federal hopper dredges.
Sec. 2021. Extraordinary rainfall events.
Sec. 2022. Wildfire firefighting.
Sec. 2023. Nonprofit organizations as sponsors.
Sec. 2024. Project administration.
Sec. 2025. Program administration.
Sec. 2026. Extension of shore protection projects.
Sec. 2027. Tribal partnership program.

Subtitle B—Continuing Authorities Projects

Sec. 2031. Navigation enhancements for waterborne transportation.
Sec. 2032. Protection and restoration due to emergencies at shores and streambanks.
Sec. 2033. Restoration of the environment for protection of aquatic and riparian ecosystems program.
Sec. 2034. Environmental modification of projects for improvement and restoration of ecosystems program.
Sec. 2035. Projects to enhance estuaries and coastal habitats.
Sec. 2036. Remediation of abandoned mine sites.
Sec. 2037. Small projects for the rehabilitation and removal of dams.
Sec. 2038. Remote, maritime-dependent communities.
Sec. 2039. Agreements for water resource projects.
Sec. 2040. Program names.

Subtitle C—National Levee Safety Program

Sec. 2051. Short title.
Sec. 2052. Definitions.
Sec. 2053. National Levee Safety Committee.
Sec. 2054. National Levee Safety Program.
Sec. 2055. Authorization of appropriations.

TITLE III—PROJECT-RELATED PROVISIONS

Sec. 3001. St. Herman and St. Paul Harbors, Kodiak, Alaska.
Sec. 3002. Sitka, Alaska.
Sec. 3003. Black Warrior-Tombigbee Rivers, Alabama.
Sec. 3004. Nogales Wash and tributaries flood control project, Arizona.
Sec. 3005. Rio de Flag, Flagstaff, Arizona.
Sec. 3006. Tucson drainage area (Tucson Arroyo), Arizona.
Sec. 3007. Augusta and Clarendon, Arkansas.
Sec. 3008. Eastern Arkansas Enterprise Community, Arkansas.
Sec. 3009. Red-Ouachita River Basin levees, Arkansas and Louisiana.
Sec. 3010. St. Francis Basin, Arkansas and Missouri.
Sec. 3011. St. Francis Basin land transfer, Arkansas and Missouri.
Sec. 3012. McClellan-Kerr Arkansas River Navigation System, Arkansas and Oklahoma.
Sec. 3013. Cache Creek Basin, California.
Sec. 3014. CALFED levee stability program, California.
Sec. 3015. Hamilton Airfield, California.
Sec. 3016. LA–3 dredged material ocean disposal site designation, California.
Sec. 3017. Larkspur Ferry Channel, California.
Sec. 3018. Llagas Creek, California.
Sec. 3019. Magpie Creek, California.
Sec. 3020. Petaluma River, Petaluma, California.
Sec. 3021. Pine Flat Dam fish and wildlife habitat, California.
Sec. 3022. Redwood City Navigation Project, California.
Sec. 3023. Sacramento and American Rivers flood control, California.
Sec. 3024. Sacramento River bank protection project, California.
Sec. 3025. Conditional declaration of nonnavigability, Port of San Francisco, California.
Sec. 3026. Salton Sea restoration, California.
Sec. 3027. Santa Barbara Streams, Lower Mission Creek, California.
Sec. 3028. Upper Guadalupe River, California.
Sec. 3029. Yuba River Basin project, California.
Sec. 3030. Charles Hervey Townshend Breakwater, New Haven Harbor, Connecticut.
Sec. 3031. Anchorage area, New London Harbor, Connecticut.
Sec. 3032. Norwalk Harbor, Connecticut.
Sec. 3033. St. George's Bridge, Delaware.
Sec. 3034. Additional program authority, comprehensive Everglades restoration, Florida.
Sec. 3035. Brevard County, Florida.
Sec. 3036. Critical restoration projects, Everglades and south Florida ecosystem restoration, Florida.
Sec. 3037. Lake Okeechobee and Hillsboro Aquifer pilot projects, comprehensive Everglades restoration, Florida.
Sec. 3038. Lido Key, Sarasota County, Florida.
Sec. 3039. Port Sutton Channel, Tampa Harbor, Florida.
Sec. 3040. Tampa Harbor, Cut B, Tampa, Florida.
Sec. 3041. Allatoona Lake, Georgia.
Sec. 3042. Dworshak Reservoir improvements, Idaho.
Sec. 3043. Little Wood River, Gooding, Idaho.
Sec. 3044. Port of Lewiston, Idaho.
Sec. 3045. Cache River Levee, Illinois.
Sec. 3046. Chicago, Illinois.
Sec. 3047. Chicago River, Illinois.
Sec. 3048. Illinois River Basin restoration.
Sec. 3049. Missouri and Illinois flood protection projects reconstruction pilot program.
Sec. 3050. Spunky Bottom, Illinois.
Sec. 3051. Strawn Cemetery, John Redmond Lake, Kansas.
Sec. 3052. Milford Lake, Milford, Kansas.
Sec. 3053. Ohio River Basin comprehensive plan.
Sec. 3054. Hickman Bluff stabilization, Kentucky.
Sec. 3055. McAlpine Lock and Dam, Kentucky and Indiana.
Sec. 3056. Public access, Atchafalaya Basin Floodway System, Louisiana.
Sec. 3057. Regional visitor center, Atchafalaya Basin Floodway System, Louisiana.
Sec. 3058. Calcasieu River and Pass, Louisiana.
Sec. 3059. East Baton Rouge Parish, Louisiana.
Sec. 3060. Mississippi River Gulf Outlet relocation assistance, Louisiana.
Sec. 3061. Red River (J. Bennett Johnston) Waterway, Louisiana.
Sec. 3062. Camp Ellis, Saco, Maine.
Sec. 3063. Rockland Harbor, Maine.
Sec. 3064. Rockport Harbor, Maine.
Sec. 3065. Saco River, Maine.
Sec. 3066. Union River, Maine.
Sec. 3067. Baltimore Harbor and Channels, Maryland and Virginia.
Sec. 3068. Chesapeake Bay environmental restoration and protection program, Maryland, Pennsylvania, and Virginia.
Sec. 3069. Flood protection project, Cumberland, Maryland.
Sec. 3070. Aunt Lydia's Cove, Massachusetts.
Sec. 3071. Fall River Harbor, Massachusetts and Rhode Island.
Sec. 3072. North River, Peabody, Massachusetts.
Sec. 3073. Ecorse Creek, Michigan.
Sec. 3074. St. Clair River and Lake St. Clair, Michigan.
Sec. 3075. Duluth Harbor, Minnesota.
Sec. 3076. Project for environmental enhancement, Mississippi and Louisiana estuarine areas, Mississippi and Louisiana.

Sec. 3077. Land exchange, Pike County, Missouri.
Sec. 3078. L–15 levee, Missouri.
Sec. 3079. Union Lake, Missouri.
Sec. 3080. Lower Yellowstone project, Montana.
Sec. 3081. Yellowstone River and tributaries, Montana and North Dakota.
Sec. 3082. Western Sarpy and Clear Creek, Nebraska.
Sec. 3083. Lower Truckee River, McCarran Ranch, Nevada.
Sec. 3084. Cooperative agreements, New Mexico.
Sec. 3085. Middle Rio Grande restoration, New Mexico.
Sec. 3086. Long Island Sound oyster restoration, New York and Connecticut.
Sec. 3087. Mamaroneck and Sheldrake Rivers watershed management, New York.
Sec. 3088. Orchard Beach, Bronx, New York.
Sec. 3089. New York Harbor, New York, New York.
Sec. 3090. New York State Canal System.
Sec. 3091. Susquehanna River and Upper Delaware River watershed management, New York.
Sec. 3092. Missouri River restoration, North Dakota.
Sec. 3093. Ohio.
Sec. 3094. Lower Girard Lake Dam, Girard, Ohio.
Sec. 3095. Toussaint River Navigation Project, Carroll Township, Ohio.
Sec. 3096. Arcadia Lake, Oklahoma.
Sec. 3097. Lake Eufaula, Oklahoma.
Sec. 3098. Release of reversionary interest, Oklahoma.
Sec. 3099. Oklahoma lakes demonstration program, Oklahoma.
Sec. 3100. Ottawa County, Oklahoma.
Sec. 3101. Red River chloride control, Oklahoma and Texas.
Sec. 3102. Waurika Lake, Oklahoma.
Sec. 3103. Lookout Point project, Lowell, Oregon.
Sec. 3104. Upper Willamette River Watershed ecosystem restoration.
Sec. 3105. Upper Susquehanna River Basin, Pennsylvania and New York.
Sec. 3106. Narragansett Bay, Rhode Island.
Sec. 3107. South Carolina Department of Commerce development proposal at Richard B. Russell Lake, South Carolina.
Sec. 3108. Missouri River restoration, South Dakota.
Sec. 3109. Missouri and Middle Mississippi Rivers enhancement project.
Sec. 3110. Nonconnah Weir, Memphis, Tennessee.
Sec. 3111. Old Hickory Lock and Dam, Cumberland River, Tennessee.
Sec. 3112. Sandy Creek, Jackson County, Tennessee.
Sec. 3113. Cedar Bayou, Texas.
Sec. 3114. Denison, Texas.
Sec. 3115. Central City, Fort Worth, Texas.
Sec. 3116. Freeport Harbor, Texas.
Sec. 3117. Harris County, Texas.
Sec. 3118. Connecticut River restoration, Vermont.
Sec. 3119. Dam remediation, Vermont.
Sec. 3120. Lake Champlain Eurasian milfoil, water chestnut, and other nonnative plant control, Vermont.
Sec. 3121. Upper Connecticut River Basin wetland restoration, Vermont and New Hampshire.
Sec. 3122. Upper Connecticut River Basin ecosystem restoration, Vermont and New Hampshire.
Sec. 3123. Lake Champlain watershed, Vermont and New York.
Sec. 3124. Chesapeake Bay oyster restoration, Virginia and Maryland.
Sec. 3125. James River, Virginia.
Sec. 3126. Tangier Island Seawall, Virginia.
Sec. 3127. Erosion control, Puget Island, Wahkiakum County, Washington.
Sec. 3128. Lower granite pool, Washington.
Sec. 3129. McNary Lock and Dam, McNary National Wildlife Refuge, Washington and Idaho.
Sec. 3130. Snake River project, Washington and Idaho.
Sec. 3131. Whatcom Creek Waterway, Bellingham, Washington.
Sec. 3132. Lower Mud River, Milton, West Virginia.
Sec. 3133. McDowell County, West Virginia.
Sec. 3134. Green Bay Harbor project, Green Bay, Wisconsin.
Sec. 3135. Manitowoc Harbor, Wisconsin.
Sec. 3136. Oconto Harbor, Wisconsin.
Sec. 3137. Mississippi River headwaters reservoirs.
Sec. 3138. Lower Mississippi River Museum and Riverfront Interpretive Site.
Sec. 3139. Upper Mississippi River system environmental management program.
Sec. 3140. Upper basin of Missouri River.
Sec. 3141. Great Lakes fishery and ecosystem restoration program.
Sec. 3142. Great Lakes remedial action plans and sediment remediation.
Sec. 3143. Great Lakes tributary models.
Sec. 3144. Upper Ohio River and tributaries navigation system new technology pilot program.

TITLE IV—STUDIES

Sec. 4001. Seward Breakwater, Alaska.
Sec. 4002. Nome Harbor improvements, Alaska.
Sec. 4003. McClellan-Kerr Arkansas River Navigation Channel.
Sec. 4004. Fruitvale Avenue Railroad Bridge, Alameda, California.
Sec. 4005. Los Angeles River revitalization study, California.
Sec. 4006. Nicholas Canyon, Los Angeles, California.
Sec. 4007. Oceanside, California, shoreline special study.
Sec. 4008. Comprehensive flood protection project, St. Helena, California.
Sec. 4009. San Francisco Bay, Sacramento-San Joaquin Delta, Sherman Island, California.
Sec. 4010. South San Francisco Bay shoreline study, California.
Sec. 4011. San Pablo Bay Watershed restoration, California.
Sec. 4012. Fountain Creek, North of Pueblo, Colorado.
Sec. 4013. Selenium study, Colorado.
Sec. 4014. Delaware inland bays and tributaries and Atlantic Coast, Delaware.
Sec. 4015. Herbert Hoover Dike supplemental major rehabilitation report, Florida.
Sec. 4016. Boise River, Idaho.
Sec. 4017. Promontory Point third-party review, Chicago shoreline, Chicago, Illinois.
Sec. 4018. Vidalia Port, Louisiana.
Sec. 4019. Lake Erie at Luna Pier, Michigan.
Sec. 4020. Wild Rice River, Minnesota.
Sec. 4021. Asian carp dispersal barrier demonstration project, Upper Mississippi River.
Sec. 4022. Flood damage reduction, Ohio.
Sec. 4023. Middle Bass Island State Park, Middle Bass Island, Ohio.
Sec. 4024. Ohio River, Ohio.
Sec. 4025. Toledo Harbor dredged material placement, Toledo, Ohio.
Sec. 4026. Toledo Harbor, Maumee River, and Lake Channel Project, Toledo, Ohio.
Sec. 4027. Woonsocket local protection project, Blackstone River Basin, Rhode Island.
Sec. 4028. Jasper County port facility study, South Carolina.
Sec. 4029. Johnson Creek, Arlington, Texas.
Sec. 4030. Ecosystem and hydropower generation dams, Vermont.
Sec. 4031. Eurasian milfoil.
Sec. 4032. Lake Champlain Canal study, Vermont and New York.
Sec. 4033. Baker Bay and Ilwaco Harbor, Washington.
Sec. 4034. Elliot Bay seawall rehabilitation study, Washington.
Sec. 4035. Johnsonville Dam, Johnsonville, Wisconsin.
Sec. 4036. Debris removal.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 5001. Lakes program.
Sec. 5002. Estuary restoration.
Sec. 5003. Environmental infrastructure.
Sec. 5004. Alaska.
Sec. 5005. California.
Sec. 5006. Conveyance of Oakland Inner Harbor Tidal Canal property.
Sec. 5007. Stockton, California.
Sec. 5008. Rio Grande environmental management program, Colorado, New Mexico, and Texas.
Sec. 5009. Delmarva conservation corridor, Delaware and Maryland.
Sec. 5010. Susquehanna, Delaware, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia.
Sec. 5011. Anacostia River, District of Columbia and Maryland.
Sec. 5012. Big Creek, Georgia, watershed management and restoration program.
Sec. 5013. Metropolitan North Georgia Water Planning District.
Sec. 5014. Idaho, Montana, rural Nevada, New Mexico, rural Utah, and Wyoming.
Sec. 5015. Chicago Sanitary and Ship Canal Dispersal Barriers project, Illinois.
Sec. 5016. Missouri River and tributaries, mitigation, recovery and restoration, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wyoming.
Sec. 5017. Southeast Louisiana region, Louisiana.
Sec. 5018. Mississippi.
Sec. 5019. St. Mary Project, Blackfeet Reservation, Montana.
Sec. 5020. Lower Platte River watershed restoration, Nebraska.
Sec. 5021. North Carolina.
Sec. 5022. Ohio River Basin environmental management.
Sec. 5023. Statewide comprehensive water planning, Oklahoma.
Sec. 5024. Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and terrestrial wildlife habitat restoration, South Dakota.
Sec. 5025. Texas.
Sec. 5026. Connecticut River dams, Vermont.

TITLE VI—PROJECT DEAUTHORIZATIONS

Sec. 6001. Little Cove Creek, Glencoe, Alabama.
Sec. 6002. Goleta and Vicinity, California.
Sec. 6003. Bridgeport Harbor, Connecticut.
Sec. 6004. Inland Waterway from Delaware River to Chesapeake Bay, Part II, installation of fender protection for bridges, Delaware and Maryland.
Sec. 6005. Shingle Creek Basin, Florida.
Sec. 6006. Illinois Waterway, South Fork of the South Branch of the Chicago River, Illinois.

Sec. 6007. Brevoort, Indiana.
Sec. 6008. Middle Wabash, Greenfield Bayou, Indiana.
Sec. 6009. Lake George, Hobart, Indiana.
Sec. 6010. Green Bay Levee and Drainage District No. 2, Iowa.
Sec. 6011. Muscatine Harbor, Iowa.
Sec. 6012. Big South Fork National River and recreational area, Kentucky and Tennessee.
Sec. 6013. Eagle Creek Lake, Kentucky.
Sec. 6014. Hazard, Kentucky.
Sec. 6015. West Kentucky Tributaries, Kentucky.
Sec. 6016. Bayou Cocodrie and Tributaries, Louisiana.
Sec. 6017. Bayou LaFourche and LaFourche Jump, Louisiana.
Sec. 6018. Eastern Rapides and South-Central Avoyelles Parishes, Louisiana.
Sec. 6019. Fort Livingston, Grand Terre Island, Louisiana.
Sec. 6020. Gulf Intercoastal Waterway, Lake Borgne and Chef Menteur, Louisiana.
Sec. 6021. Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas.
Sec. 6022. Casco Bay, Portland, Maine.
Sec. 6023. Northeast Harbor, Maine.
Sec. 6024. Penobscot River, Bangor, Maine.
Sec. 6025. Saint John River Basin, Maine.
Sec. 6026. Tenants Harbor, Maine.
Sec. 6027. Falmouth Harbor, Massachusetts.
Sec. 6028. Island End River, Massachusetts.
Sec. 6029. Mystic River, Massachusetts.
Sec. 6030. Grand Haven Harbor, Michigan.
Sec. 6031. Greenville Harbor, Mississippi.
Sec. 6032. Platte River flood and related streambank erosion control, Nebraska.
Sec. 6033. Epping, New Hampshire.
Sec. 6034. New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey.
Sec. 6035. Eisenhower and Snell Locks, New York.
Sec. 6036. Olcott Harbor, Lake Ontario, New York.
Sec. 6037. Outer Harbor, Buffalo, New York.
Sec. 6038. Sugar Creek Basin, North Carolina and South Carolina.
Sec. 6039. Cleveland Harbor 1958 Act, Ohio.
Sec. 6040. Cleveland Harbor 1960 Act, Ohio.
Sec. 6041. Cleveland Harbor, uncompleted portion of Cut #4, Ohio.
Sec. 6042. Columbia River, Seafarers Memorial, Hammond, Oregon.
Sec. 6043. Tioga-Hammond Lakes, Pennsylvania.
Sec. 6044. Tamaqua, Pennsylvania.
Sec. 6045. Narragansett Town Beach, Narragansett, Rhode Island.
Sec. 6046. Quonset Point-Davisville, Rhode Island.
Sec. 6047. Arroyo Colorado, Texas.
Sec. 6048. Cypress Creek-Structural, Texas.
Sec. 6049. East Fork Channel Improvement, Increment 2, East Fork of the Trinity River, Texas.
Sec. 6050. Falfurrias, Texas.
Sec. 6051. Pecan Bayou Lake, Texas.
Sec. 6052. Lake of the Pines, Texas.
Sec. 6053. Tennessee Colony Lake, Texas.
Sec. 6054. City Waterway, Tacoma, Washington.
Sec. 6055. Kanawha River, Charleston, West Virginia.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 1001. PROJECT AUTHORIZATIONS.

Except as otherwise provided in this section, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) HAINES HARBOR, ALASKA.—The project for navigation, Haines Harbor, Alaska: Report of the Chief of Engineers dated December 20, 2004, at a total cost of $14,040,000, with an estimated Federal cost of $11,232,000 and an estimated non-Federal cost of $2,808,000.

(2) TANQUE VERDE CREEK, ARIZONA.—The project for ecosystem restoration, Tanque Verde Creek, Arizona: Report of the Chief of Engineers dated July 22, 2003, at a total cost of $5,906,000, with an estimated Federal cost of $3,836,000 and an estimated non-Federal cost of $2,070,000.

(3) SALT RIVER (VA SHLYAY AKIMEL), MARICOPA COUNTY, ARIZONA.—

(A) IN GENERAL.—The project for ecosystem restoration, Salt River (Va Shlyay Akimel), Arizona: Report of the Chief of Engineers dated January 3, 2005, at a total cost of $162,100,000, with an estimated Federal cost of $105,200,000 and an estimated non-Federal cost of $56,900,000.

(B) COORDINATION WITH FEDERAL RECLAMATION PROJECTS.—The Secretary, to the maximum extent practicable, shall coordinate the development and construction of the project described in subparagraph (A) with each Federal reclamation project located in the Salt River Basin to address statutory requirements and the operations of those projects.

(4) MAY BRANCH, FORT SMITH, ARKANSAS.—The project for flood damage reduction, May Branch, Fort Smith, Arkansas: Report of the Chief of Engineers dated December 19, 2006, at a total cost of $30,850,000, with an estimated Federal cost of $15,010,000 and an estimated non-Federal cost of $15,840,000.

(5) HAMILTON CITY, CALIFORNIA.—The project for flood damage reduction and ecosystem restoration, Hamilton City, California: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $52,400,000, with an estimated Federal cost of $34,100,000 and estimated non-Federal cost of $18,300,000.

(6) IMPERIAL BEACH, CALIFORNIA.—The project for storm damage reduction, Imperial Beach, California: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $13,700,000, with an estimated Federal cost of $8,521,000 and an estimated non-Federal cost of $5,179,000, and at an estimated total cost of $42,500,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $21,250,000 and an estimated non-Federal cost of $21,250,000.

(7) MATILIJA DAM, VENTURA COUNTY, CALIFORNIA.—The project for ecosystem restoration, Matilija Dam and Ventura River Watershed, Ventura County, California: Report of the Chief of Engineers dated December 20, 2004, at a total cost of $144,500,000, with an estimated Federal cost of $$89,700,000 and an estimated non-Federal cost of $54,800,000.

(8) MIDDLE CREEK, LAKE COUNTY, CALIFORNIA.—The project for flood damage reduction and ecosystem restoration, Middle Creek, Lake County, California: Report of the Chief of Engineers dated November 29, 2004, at a total cost of $45,200,000, with an estimated Federal cost of $29,500,000 and an estimated non-Federal cost of $15,700,000.

(9) NAPA RIVER SALT MARSH, CALIFORNIA.—

(A) IN GENERAL.—The project for ecosystem restoration, Napa River Salt Marsh, California: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $134,500,000, with an estimated Federal cost of $87,500,000 and an estimated non-Federal cost of $47,000,000.

(B) ADMINISTRATION.—In carrying out the project authorized by this paragraph, the Secretary shall—

(i) construct a recycled water pipeline extending from the Sonoma Valley County Sanitation District Waste Water Treatment Plant and the Napa Sanitation District Waste Water Treatment Plant to the project; and

(ii) restore or enhance Salt Ponds 1, 1A, 2, and 3.

(10) SOUTH PLATTE RIVER, DENVER, COLORADO.—The project for ecosystem restoration, Denver County Reach, South Platte River, Denver, Colorado: Report of the Chief of Engineers dated May 16, 2003, at a total cost of $20,100,000, with an estimated Federal cost of $13,065,000 and an estimated non-Federal cost of $7,035,000.

(11) COMPREHENSIVE EVERGLADES RESTORATION PLAN, CENTRAL AND SOUTHERN FLORIDA, SITE 1.—The project for ecosystem restoration, Comprehensive Everglades restoration plan, central and southern Florida, Site 1 impoundment project, Palm Beach County, Florida: Report of the Chief of Engineers dated December 19, 2006, at a total cost of $80,840,000, with an estimated Federal cost of $40,420,000 and an estimated non-Federal cost of $40,420,000.

(12) INDIAN RIVER LAGOON, SOUTH FLORIDA.—

(A) IN GENERAL.—The Secretary may carry out the project for ecosystem restoration, water supply, flood control, and protection of water quality, Indian River Lagoon, south Florida, at a total cost of $1,365,000,000, with an estimated first Federal cost of $682,500,000 and an estimated first non-Federal cost of $682,500,000, in accordance with section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680) and the recommendations of the report of the Chief of Engineers dated August 6, 2004.

(B) DEAUTHORIZATIONS.—As of the date of enactment of this Act, the following projects are not authorized:

(i) The uncompleted portions of the project authorized by section 601(b)(2)(C)(i) of the Water Resources Development Act of 2000 (114 Stat. 2682), C–44 Basin Storage Reservoir of the Comprehensive Everglades Restoration Plan, at a total cost of $147,800,000, with an estimated Federal cost of $73,900,000 and an estimated non-Federal cost of $73,900,000.

(ii) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483; 82 Stat. 740), Martin County, Florida, modifications to Central and South Florida Project, as contained in Senate Document 101, 90th Congress, 2d Session, at a total cost of $15,471,000, with an estimated Federal cost of $8,073,000 and an estimated non-Federal cost of $7,398,000.

(iii) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483; 82 Stat. 740), East Coast Backpumping, St. Lucie–Martin County, Spillway Structure S–311 of the Central and South Florida Project, as contained in House Document 369, 90th Congress, 2d Session, at a total cost of $77,118,000, with an estimated Federal cost of $55,124,000 and an estimated non-Federal cost of $21,994,000.

(13) MIAMI HARBOR, MIAMI, FLORIDA.—The project for navigation, Miami Harbor, Miami, Florida: Report of the Chief of Engineers dated April 25, 2005, at a total cost of $125,270,000, with an estimated Federal cost of $75,140,000 and an estimated non-Federal cost of $50,130,000.

(14) PICAYUNE STRAND, FLORIDA.—The project for ecosystem restoration, Picayune Strand, Florida: Report of the Chief of Engineers dated September 15, 2005, at a total cost of $375,330,000 with an estimated Federal

cost of $187,665,000 and an estimated non-Federal cost of $187,665,000.

(15) EAST ST. LOUIS AND VICINITY, ILLINOIS.—The project for ecosystem restoration and recreation, East St. Louis and Vicinity, Illinois: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $208,260,000, with an estimated Federal cost of $134,910,000 and an estimated non-Federal cost of $73,350,000.

(16) PEORIA RIVERFRONT, ILLINOIS.—The project for ecosystem restoration, Peoria Riverfront, Illinois: Report of the Chief of Engineers dated July 28, 2003, at a total cost of $18,220,000, with an estimated Federal cost of $11,840,000 and an estimated non-Federal cost of $6,380,000.

(17) WOOD RIVER LEVEE SYSTEM, ILLINOIS.—The project for flood damage reduction, Wood River, Illinois: Report of the Chief of Engineers dated July 18, 2006, at a total cost of $17,220,000, with an estimated Federal cost of $11,193,000 and an estimated non-Federal cost of $6,027,000.

(18) DES MOINES AND RACCOON RIVERS, DES MOINES, IOWA.—The project for flood damage reduction, Des Moines and Raccoon Rivers, Des Moines, Iowa: Report of the Chief of Engineers dated March 28, 2006, at a total cost of $10,780,000, with an estimated Federal cost of $6,967,000 and an estimated non-Federal cost of $3,813,000.

(19) BAYOU SORREL LOCK, LOUISIANA.—The project for navigation, Bayou Sorrel Lock, Louisiana: Report of the Chief of Engineers dated January 3, 2005, at a total cost of $9,680,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(20) MORGANZA TO THE GULF OF MEXICO, LOUISIANA.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana: Reports of the Chief of Engineers dated August 23, 2002, and July 22, 2003, at a total cost of $886,700,000 with an estimated Federal cost of $576,355,000 and an estimated non-Federal cost of $310,345,000.

(B) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of the Houma Navigation Canal lock complex and the Gulf Intracoastal Waterway floodgate features that provide for inland waterway transportation shall be a Federal responsibility, in accordance with section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2212; Public Law 99–662).

(21) PORT OF IBERIA, LOUISIANA.—The project for navigation, Port of Iberia, Louisiana: Report of the Chief of Engineers dated December 31, 2006, at a total cost of $131,250,000, with an estimated Federal cost of $105,315,000 and an estimated non-Federal cost of $25,935,000, except that the Secretary, in consultation with Vermillion and Iberia Parishes, Louisiana, is directed to use available dredged material and rock placement on the south bank of the Gulf Intracoastal Waterway and the west bank of the Freshwater Bayou Channel to provide incidental storm surge protection.

(22) POPLAR ISLAND EXPANSION, MARYLAND.—The project for the beneficial use of dredged material at Poplar Island, Maryland, authorized by section 537 of the Water Resources Development Act of 1996 (110 Stat. 3776), and modified by section 318 of the Water Resources Development Act of 2000 (114 Stat. 2678), is further modified to authorize the Secretary to construct the expansion of the project in accordance with the Report of the Chief of Engineers dated March 31, 2006, at an additional total cost of $260,000,000, with an estimated Federal cost of $195,000,000 and an estimated non-Federal cost of $65,000,000.

(23) SMITH ISLAND, MARYLAND.—The project for ecosystem restoration, Smith Island, Maryland: Report of the Chief of Engineers dated October 29, 2001, at a total cost of $15,580,000, with an estimated Federal cost of $10,127,000 and an estimated non-Federal cost of $5,453,000.

(24) ROSEAU RIVER, ROSEAU, MINNESOTA.—The project for flood damage reduction, Roseau River, Roseau, Minnesota: Report of the Chief of Engineers dated December 19, 2006, at a total cost of $25,100,000, with an estimated Federal cost of $13,820,000 and an estimated non-Federal cost of $11,280,000.

(25) MISSISSIPPI COASTAL IMPROVEMENT PROJECT, HANCOCK, HARRISON, AND JACKSON COUNTIES, MISSISSIPPI.—The project for hurricane and storm damage reduction and ecosystem restoration, Mississippi coastal improvement project, Hancock, Harrison, and Jackson Counties, Mississippi: Report of the Chief of Engineers dated December 31, 2006, at a total cost of $107,690,000, with an estimated Federal cost of $70,000,000 and an estimated non-Federal cost of $37,690,000.

(26) ARGENTINE, EAST BOTTOMS, FAIRFAX-JERSEY CREEK, AND NORTH KANSAS LEVEES UNITS, MISSOURI RIVER AND TRIBUTARIES AT KANSAS CITIES, MISSOURI AND KANSAS.—The project for flood damage reduction, Argentine, East Bottoms, Fairfax-Jersey Creek, and North Kansas Levees units, Missouri River and tributaries at Kansas Cities, Missouri and Kansas: Report of the Chief of Engineers dated December 19, 2006, at a total cost of $65,430,000, with an estimated Federal cost of $42,530,000 and an estimated non-Federal cost of $22,900,000.

(27) SWOPE PARK INDUSTRIAL AREA, MISSOURI.—The project for flood damage reduction, Swope Park Industrial Area, Missouri: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $16,980,000, with an estimated Federal cost of $11,037,000 and an estimated non-Federal cost of $5,943,000.

(28) GREAT EGG HARBOR INLET TO TOWNSENDS INLET, NEW JERSEY.—The project for hurricane and storm damage reduction, Great Egg Harbor Inlet to Townsends Inlet, New Jersey: Report of the Chief of Engineers dated October 24, 2006, at a total cost of $54,360,000, with an estimated Federal cost of $35,069,000 and an estimated non-Federal cost of $19,291,000, and at an estimated total cost of $202,500,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $101,250,000 and an estimated non-Federal cost of $101,250,000.

(29) HUDSON-RARITAN ESTUARY, LIBERTY STATE PARK, NEW JERSEY.—The project for environmental restoration, Hudson Raritan Estuary, Liberty State Park, New Jersey: Report of the Chief of Engineers dated August 25, 2006, at a total cost of $34,100,000, with an estimated Federal cost of $22,200,000 and an estimated non-Federal cost of $11,900,000.

(30) MANASQUAN TO BARNEGAT INLETS, NEW JERSEY.—The project for hurricane and storm damage reduction, Manasquan to Barnegat Inlets, New Jersey: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $71,900,000, with an estimated Federal cost of $46,735,000 and an estimated non-Federal cost of $25,165,000, and at an estimated total cost of $119,680,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $59,840,000 and an estimated non-Federal cost of $59,840,000.

(31) RARITAN BAY AND SANDY HOOK BAY, UNION BEACH, NEW JERSEY.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Union Beach, New Jersey: Report of the Chief of Engineers dated January 4, 2006, at a total cost of $115,000,000, with an estimated Federal cost of $74,800,000 and an estimated non-Federal cost of $40,200,000, and at an estimated total cost of $6,500,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $3,250,000 and an estimated non-Federal cost of $3,250,000.

(32) SOUTH RIVER, NEW JERSEY.—The project for hurricane and storm damage reduction and ecosystem restoration, South River, New Jersey: Report of the Chief of Engineers dated July 22, 2003, at a total cost of $122,300,000, with an estimated Federal cost of $79,500,000 and an estimated non-Federal cost of $42,800,000.

(33) SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO.—The project for flood damage reduction, Southwest Valley, Albuquerque, New Mexico: Report of the Chief of Engineers dated November 29, 2004, at a total cost of $24,840,000, with an estimated Federal cost of $16,150,000 and an estimated non-Federal cost of $8,690,000.

(34) MONTAUK POINT, NEW YORK.—The project for hurricane and storm damage reduction, Montauk Point, New York: Report of the Chief of Engineers dated March 31, 2006, at a total cost of $14,600,000, with an estimated Federal cost of $7,300,000 and an estimated non-Federal cost of $7,300,000.

(35) HOCKING RIVER BASIN, MONDAY CREEK, OHIO.—

(A) IN GENERAL.—The project for ecosystem restoration, Hocking River Basin, Monday Creek, Ohio: Report of the Chief of Engineers dated August 24, 2006, at a total cost of $20,980,000, with an estimated Federal cost of $13,440,000 and an estimated non-Federal cost of $7,540,000.

(B) WAYNE NATIONAL FOREST.—

(i) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, may construct other project features on property that is located in the Wayne National Forest, Ohio, owned by the United States and managed by the Forest Service as described in the report of the Corps of Engineers entitled ''Hocking River Basin, Ohio, Monday Creek Sub-Basin Ecosystem Restoration Project Feasibility Report and Environmental Assessment''.

(ii) COST.—Each project feature carried out on Federal land shall be designed, constructed, operated, and maintained at full Federal expense.

(iii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph $1,270,000.

(36) BLOOMSBURG, PENNSYLVANIA.—The project for flood damage reduction, Bloomsburg, Pennsylvania: Report of the Chief of Engineers dated January 25, 2006, at a total cost of $44,500,000, with an estimated Federal cost of $28,925,000 and an estimated non-Federal cost of $15,575,000

(37) PAWLEYS ISLAND, SOUTH CAROLINA.—The project for hurricane and storm damage reduction, Pawleys Island, South Carolina: Report of the Chief of Engineers dated December 19, 2006, at a total cost of $8,980,000, with an estimated Federal cost of $5,840,000 and an estimated non-Federal cost of $3,140,000, and at an estimated total cost of $21,200,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $10,600,000 and an estimated non-Federal cost of $10,600,000.

(38) CORPUS CHRISTI SHIP CHANNEL, CORPUS CHRISTI, TEXAS.—

(A) IN GENERAL.—The project for navigation and ecosystem restoration, Corpus Christi Ship Channel, Texas, Channel Improvement Project: Report of the Chief of Engineers dated June 2, 2003, at a total cost of $188,110,000, with an estimated Federal cost of $87,810,000 and an estimated non-Federal cost of $100,300,000.

(B) NAVIGATIONAL SERVITUDE.—In carrying out the project under subparagraph (A), the Secretary shall enforce navigational servitude in the Corpus Christi Ship Channel, including, at the sole expense of the owner of the facility, the removal or relocation of any facility obstructing the project.

(39) GULF INTRACOASTAL WATERWAY, BRAZOS RIVER TO PORT O'CONNOR, MATAGORDA BAY REROUTE, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, Brazos River to Port O'Connor, Matagorda Bay Re-Route, Texas: Report of the Chief of Engineers dated December 24, 2002, at a total cost of $17,280,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(40) GULF INTRACOASTAL WATERWAY, HIGH ISLAND TO BRAZOS RIVER, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, Sabine River to Corpus Christi, Texas: Report of the Chief of Engineers dated April 16, 2004, at a total cost of $14,450,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(41) LOWER COLORADO RIVER BASIN PHASE I, TEXAS.—The project for flood damage reduction and ecosystem restoration, Lower Colorado River Basin Phase I, Texas: Report of the Chief of Engineers dated December 31, 2006, at a total cost of $110,730,000, with an estimated Federal cost of $69,640,000 and an estimated non-Federal cost of $41,090,000.

(42) CRANEY ISLAND EASTWARD EXPANSION, VIRGINIA.—The project for navigation, Craney Island Eastward Expansion, Virginia: Report of the Chief of Engineers dated October 24, 2006, at a total cost of $712,103,000, with an estimated Federal cost of $31,229,000 and an estimated non-Federal cost of $680,874,000.

(43) DEEP CREEK, CHESAPEAKE, VIRGINIA.—The project for the Atlantic Intracoastal Waterway Bridge Replacement, Deep Creek, Chesapeake, Virginia: Report of the Chief of Engineers dated March 3, 2003, at a total cost of $37,200,000.

(44) CHEHALIS RIVER, CENTRALIA, WASHINGTON.—The project for flood damage reduction, Centralia, Washington, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4126)—

(A) is modified to be carried out at a total cost of $123,770,000, with a Federal cost of $74,740,000, and a non-Federal cost of $49,030,000; and

(B) shall be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the final report of the Chief of Engineers dated September 27, 2004.

SEC. 1002. ENHANCED NAVIGATION CAPACITY IMPROVEMENTS AND ECOSYSTEM RESTORATION PLAN FOR UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.

(a) DEFINITIONS.—In this section:

(1) PLAN.—The term ''Plan'' means the project for navigation and ecosystem improvements for the Upper Mississippi River and Illinois Waterway System: Report of the Chief of Engineers dated December 15, 2004.

(2) UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.—The term ''Upper Mississippi River and Illinois Waterway System'' means the projects for navigation and ecosystem restoration authorized by Congress for—

(A) the segment of the Mississippi River from the confluence with the Ohio River, River Mile 0.0, to Upper St. Anthony Falls Lock in Minneapolis-St. Paul, Minnesota, River Mile 854.0; and

(B) the Illinois Waterway from its confluence with the Mississippi River at Grafton, Illinois, River Mile 0.0, to T.J. O'Brien Lock in Chicago, Illinois, River Mile 327.0.

(b) AUTHORIZATION OF CONSTRUCTION OF NAVIGATION IMPROVEMENTS.—

(1) SMALL SCALE AND NONSTRUCTURAL MEASURES.—

(A) IN GENERAL.—The Secretary shall, in general conformance with the Plan—

(i) construct mooring facilities at Locks 12, 14, 18, 20, 22, 24, and LaGrange Lock;

(ii) provide switchboats at Locks 20 through 25; and

(iii) conduct development and testing of an appointment scheduling system.

(B) AUTHORIZATION OF APPROPRIATIONS.—The total cost of the projects authorized under this paragraph shall be $256,000,000. The costs of construction of the projects shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund. Such sums shall remain available until expended.

(2) NEW LOCKS.—

(A) IN GENERAL.—The Secretary shall, in general conformance with the Plan, construct new 1,200-foot locks at Locks 20, 21, 22, 24, and 25 on the Upper Mississippi River and at LaGrange Lock and Peoria Lock on the Illinois Waterway.

(B) MITIGATION.—The Secretary shall conduct mitigation for the new locks and small scale and nonstructural measures authorized under paragraphs (1) and (2).

(C) CONCURRENCE.—The mitigation required under subparagraph (B) for the projects authorized under paragraphs (1) and (2), including any acquisition of lands or interests in lands, shall be undertaken or acquired concurrently with lands and interests for the projects authorized under paragraphs (1) and (2), and physical construction required for the purposes of mitigation shall be undertaken concurrently with the physical construction of such projects.

(D) AUTHORIZATION OF APPROPRIATIONS.—The total cost of the projects authorized under this paragraph shall be $1,948,000,000. The costs of construction on the projects shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund. Such sums shall remain available until expended.

(c) ECOSYSTEM RESTORATION AUTHORIZATION.—

(1) OPERATION.—To ensure the environmental sustainability of the existing Upper Mississippi River and Illinois Waterway System, the Secretary shall modify, consistent with requirements to avoid adverse effects on navigation, the operation of the Upper Mississippi River and Illinois Waterway System to address the cumulative environmental impacts of operation of the system and improve the ecological integrity of the Upper Mississippi River and Illinois River.

(2) ECOSYSTEM RESTORATION PROJECTS.—

(A) IN GENERAL.—The Secretary shall carry out, consistent with requirements to avoid adverse effects on navigation, ecosystem restoration projects to attain and maintain the sustainability of the ecosystem of the Upper Mississippi River and Illinois River in accordance with the general framework outlined in the Plan.

(B) PROJECTS INCLUDED.—Ecosystem restoration projects may include, but are not limited to—

(i) island building;

(ii) construction of fish passages;

(iii) floodplain restoration;

(iv) water level management (including water drawdown);

(v) backwater restoration;

(vi) side channel restoration;

(vii) wing dam and dike restoration and modification;

(viii) island and shoreline protection;

(ix) topographical diversity;

(x) dam point control;

(xi) use of dredged material for environmental purposes;

(xii) tributary confluence restoration;

(xiii) spillway, dam, and levee modification to benefit the environment;

(xiv) land easement authority; and

(xv) land acquisition.

(C) COST SHARING.—

(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the Federal share of the cost of carrying out an ecosystem restoration project under this paragraph shall be 65 percent.

(ii) EXCEPTION FOR CERTAIN RESTORATION PROJECTS.—In the case of a project under this subparagraph for ecosystem restoration, the Federal share of the cost of carrying out the project shall be 100 percent if the project—

(I) is located below the ordinary high water mark or in a connected backwater;

(II) modifies the operation or structures for navigation; or

(III) is located on federally owned land.

(iii) SAVINGS CLAUSE.—Nothing in this paragraph affects the applicability of section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

(iv) NONGOVERNMENTAL ORGANIZATIONS.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5(b)), for any project carried out under this section, a non-Federal sponsor may include a nonprofit entity, with the consent of the affected local government.

(D) LAND ACQUISITION.—The Secretary may acquire land or an interest in land for an ecosystem restoration project from a willing owner through conveyance of—

(i) fee title to the land; or

(ii) a flood plain conservation easement.

(3) ECOSYSTEM RESTORATION PRECONSTRUCTION ENGINEERING AND DESIGN.—

(A) RESTORATION DESIGN.—Before initiating the construction of any individual ecosystem restoration project, the Secretary shall—

(i) establish ecosystem restoration goals and identify specific performance measures designed to demonstrate ecosystem restoration;

(ii) establish the without-project condition or baseline for each performance indicator; and

(iii) for each separable element of the ecosystem restoration, identify specific target goals for each performance indicator.

(B) OUTCOMES.—Performance measures identified under subparagraph (A)(i) should comprise specific measurable environmental outcomes, such as changes in water quality, hydrology, or the well-being of indicator species the population and distribution of which are representative of the abundance and diversity of ecosystem-dependent aquatic and terrestrial species.

(C) RESTORATION DESIGN.—Restoration design carried out as part of ecosystem restoration shall include a monitoring plan for the performance measures identified under subparagraph (A)(i), including—

(i) a timeline to achieve the identified target goals; and

(ii) a timeline for the demonstration of project completion.

(4) SPECIFIC PROJECTS AUTHORIZATION.—

(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection $1,717,000,000, of which not more than $245,000,000 shall be available for projects described in paragraph (2)(B)(ii) and not more than $48,000,000 shall be available for projects

described in paragraph (2)(B)(x). Such sums shall remain available until expended.

(B) LIMITATION ON AVAILABLE FUNDS.—Of the amounts made available under subparagraph (A), not more than $35,000,000 for each fiscal year shall be available for land acquisition under paragraph (2)(D).

(C) INDIVIDUAL PROJECT LIMIT.—Other than for projects described in clauses (ii) and (x) of paragraph (2)(B), the total cost of any single project carried out under this subsection shall not exceed $25,000,000.

(5) IMPLEMENTATION REPORTS.—

(A) IN GENERAL.—Not later than June 30, 2008, and every 5 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an implementation report that—

(i) includes baselines, milestones, goals, and priorities for ecosystem restoration projects; and

(ii) measures the progress in meeting the goals.

(B) ADVISORY PANEL.—

(i) IN GENERAL.—The Secretary shall appoint and convene an advisory panel to provide independent guidance in the development of each implementation report under subparagraph (A).

(ii) PANEL MEMBERS.—Panel members shall include—

(I) 1 representative of each of the State resource agencies (or a designee of the Governor of the State) from each of the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin;

(II) 1 representative of the Department of Agriculture;

(III) 1 representative of the Department of Transportation;

(IV) 1 representative of the United States Geological Survey;

(V) 1 representative of the United States Fish and Wildlife Service;

(VI) 1 representative of the Environmental Protection Agency;

(VII) 1 representative of affected landowners;

(VIII) 2 representatives of conservation and environmental advocacy groups; and

(IX) 2 representatives of agriculture and industry advocacy groups.

(iii) CHAIRPERSON.—The Secretary shall serve as chairperson of the advisory panel.

(iv) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Panel or any working group established by the Advisory Panel.

(6) RANKING SYSTEM.—

(A) IN GENERAL.—The Secretary, in consultation with the Advisory Panel, shall develop a system to rank proposed projects.

(B) PRIORITY.—The ranking system shall give greater weight to projects that restore natural river processes, including those projects listed in paragraph (2)(B).

(d) COMPARABLE PROGRESS.—

(1) IN GENERAL.—As the Secretary conducts pre-engineering, design, and construction for projects authorized under this section, the Secretary shall—

(A) select appropriate milestones; and

(B) determine, at the time of such selection, whether the projects are being carried out at comparable rates.

(2) NO COMPARABLE RATE.—If the Secretary determines under paragraph (1)(B) that projects authorized under this subsection are not moving toward completion at a comparable rate, annual funding requests for the projects will be adjusted to ensure that the projects move toward completion at a comparable rate in the future.

SEC. 1003. LOUISIANA COASTAL AREA ECOSYSTEM RESTORATION, LOUISIANA.

(a) IN GENERAL.—The Secretary may carry out a program for ecosystem restoration, Louisiana Coastal Area, Louisiana, substantially in accordance with the report of the Chief of Engineers, dated January 31, 2005.

(b) PRIORITIES.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary shall give priority to—

(A) any portion of the program identified in the report described in subsection (a) as a critical restoration feature;

(B) any Mississippi River diversion project that—

(i) protects a major population area of the Pontchartrain, Pearl, Breton Sound, Barataria, or Terrebonne Basin; and

(ii) produces an environmental benefit to the coastal area of the State of Louisiana; and

(C) any barrier island, or barrier shoreline, project that—

(i) is carried out in conjunction with a Mississippi River diversion project; and

(ii) protects a major population area.

(c) MODIFICATIONS.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary is authorized to make modifications as necessary to the 5 near-term critical ecosystem restoration features identified in the report referred to in subsection (a), due to the impact of Hurricanes Katrina and Rita on the project areas.

(2) INTEGRATION.—The Secretary shall ensure that the modifications under paragraph (1) are fully integrated with the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(3) CONSTRUCTION.—

(A) IN GENERAL.—The Secretary is authorized to construct the 5 near-term critical ecosystem restoration features, as modified under this subsection.

(B) REPORTS.—Before beginning construction of the projects, the Secretary shall submit a report documenting any modifications to the 5 near-term critical projects, including cost changes, to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(4) APPLICABILITY OF OTHER PROVISIONS.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall not apply to the 5 near-term critical projects authorized by this subsection.

(d) DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary is authorized to conduct a demonstration program within the applicable project area to evaluate new technologies and the applicability of the technologies to the program.

(2) COST LIMITATION.—The cost of an individual project under this subsection shall be not more than $25,000,000.

(e) BENEFICIAL USE OF DREDGED MATERIAL.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary is authorized to use such sums as are necessary to conduct a program for the beneficial use of dredged material.

(2) CONSIDERATION.—In carrying out the program under subsection (a), the Secretary shall consider the beneficial use of sediment from the Illinois River System for wetlands restoration in wetlands-depleted watersheds.

(f) REPORTS.—

(1) IN GENERAL.—Not later than December 31, 2008, the Secretary shall submit to Congress feasibility reports—

(A) on the features included in table 3 of the report referred to in subsection (a); and

(B) that are consistent with the estimates in the table.

(2) PROJECTS IDENTIFIED IN REPORTS.—

(A) CONSTRUCTION.—The Secretary is authorized to construct the projects identified in the reports substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers, if a favorable report of the Chief is completed by not later than December 31, 2010.

(B) REQUIREMENT.—No appropriations shall be made to construct any project under this subsection if the report under paragraph (1) has not been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(g) NONGOVERNMENTAL ORGANIZATIONS.—

(1) IN GENERAL.—A nongovernmental organization shall be eligible to contribute all or a portion of the non-Federal share of the cost of a project under this section.

(2) USE OF FUNDS FROM OTHER PROGRAMS.—The non-Federal interest for a study or project conducted under this section may use, and the Secretary shall accept, funds provided by a Federal agency under any other Federal program, to satisfy, in whole or in part, the non-Federal share of the study or project, if the head of the Federal agency certifies that the funds may be used for that purpose.

(h) COMPREHENSIVE PLAN.—

(1) IN GENERAL.—The Secretary, in coordination with the Governor of the State of Louisiana, shall—

(A) develop a plan for protecting, preserving, and restoring the coastal Louisiana ecosystem;

(B) not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, submit to Congress the plan, or an update of the plan; and

(C) ensure that the plan is fully integrated with the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(2) INCLUSIONS.—The comprehensive plan shall include a description of—

(A) the framework of a long-term program that provides for the comprehensive protection, conservation, and restoration of the wetlands, estuaries (including the Barataria-Terrebonne estuary), barrier islands, shorelines, and related land and features of the coastal Louisiana ecosystem, including protection of a critical resource, habitat, or infrastructure from the effects of a coastal storm, a hurricane, erosion, or subsidence;

(B) the means by which a new technology, or an improved technique, can be integrated into the program under subsection (a);

(C) the role of other Federal agencies and programs in carrying out the program under subsection (a); and

(D) specific, measurable ecological success criteria by which success of the comprehensive plan shall be measured.

(3) CONSIDERATION.—In developing the comprehensive plan, the Secretary shall consider the advisability of integrating into the program under subsection (a)—

(A) a related Federal or State project carried out on the date on which the plan is developed;

(B) an activity in the Louisiana Coastal Area; or

(C) any other project or activity identified in—

(i) the Mississippi River and Tributaries program;

(ii) the Louisiana Coastal Wetlands Conservation Plan;

(iii) the Louisiana Coastal Zone Management Plan;

(iv) the plan of the State of Louisiana entitled ''Coast 2050: Toward a Sustainable Coastal Louisiana''; or

(v) the Comprehensive Master Coastal Protection Plan authorized and defined by Act 8 of the First Extraordinary Session of the Louisiana State Legislature, 2005.

(i) TASK FORCE.—

(1) ESTABLISHMENT.—There is established a task force to be known as the ''Coastal Louisiana Ecosystem Protection and Restoration Task Force'' (referred to in this subsection as the ''Task Force'').

(2) MEMBERSHIP.—The Task Force shall consist of the following members (or, in the case of the head of a Federal agency, a designee at the level of Assistant Secretary or an equivalent level):

(A) The Secretary.

(B) The Secretary of the Interior.

(C) The Secretary of Commerce.

(D) The Administrator of the Environmental Protection Agency.

(E) The Secretary of Agriculture.

(F) The Secretary of Transportation.

(G) The Secretary of Energy.

(H) The Secretary of Homeland Security.

(I) 3 representatives of the State of Louisiana appointed by the Governor of that State.

(3) DUTIES.—The Task Force shall make recommendations to the Secretary regarding—

(A) policies, strategies, plans, programs, projects, and activities for addressing conservation, protection, restoration, and maintenance of the coastal Louisiana ecosystem;

(B) financial participation by each agency represented on the Task Force in conserving, protecting, restoring, and maintaining the coastal Louisiana ecosystem, including recommendations—

(i) that identify funds from current agency missions and budgets; and

(ii) for coordinating individual agency budget requests; and

(C) the comprehensive plan under subsection (h).

(4) WORKING GROUPS.—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.—The Secretary shall establish a council, to be known as the ''Louisiana Water Resources Council'', which shall serve as the exclusive peer review panel for activities conducted by the Corps of Engineers in the areas in the State of Louisiana declared as major disaster areas in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) in response to Hurricane Katrina or Rita of 2005, in accordance with the requirements of section 2007.

(o) EXTERNAL REVIEW.—The Secretary shall enter into a contract with the National Academy of Science to perform an external review of the demonstration program under subsection (d), and the results of the review shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(p) NEW ORLEANS AND VICINITY.—

(1) IN GENERAL.—The Secretary is authorized—

(A) to raise levee heights as necessary, and to otherwise enhance the Lake Pontchartrain and Vicinity Project and the West Bank and Vicinity Project to provide the levels of protection necessary to achieve the certification required for participation in the National Flood Insurance Program under the base flood elevations current at the time of the construction;

(B) to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals, including installing pumps and closure structures at or near the lakefront at Lake Pontchartrain;

(C) to armor critical elements of the New Orleans hurricane and storm damage reduction system;

(D) to improve and otherwise modify the Inner Harbor Navigation Canal to increase the reliability of the flood protection system for the city of New Orleans;

(E) to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the New Orleans to Venice Hurricane Protection Project;

(F) to reinforce or replace flood walls in the existing Lake Pontchartrain and Vicinity Project and the existing West Bank and Vicinity Project to improve performance of the flood protection systems;

(G) to perform onetime storm-proofing of interior pump stations to ensure the operability of the stations during hurricanes, storms, and high-water events;

(H) to repair, replace, modify, and improve non-Federal levees and associated protection measures in Terrebonne Parish; and

(I) to reduce the risk of storm damage to the greater New Orleans metropolitan area by restoring the surrounding wetlands through—

(i) measures to begin to reverse wetland losses in areas affected by navigation, oil and gas exploration and extraction, and other channels; and

(ii) modification of the Caernarvon Freshwater Diversion structure or its operations.

(2) FUNDING AUTHORITY.—An activity under paragraph (1) shall be carried out in accordance with the cost-sharing requirements of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 418).

(3) CONDITIONS.—

(A) IN GENERAL.—The Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a notice in any case in which an estimate for the expenditure of funds on any project or activity described in paragraph (1) exceeds the amount specified for that project or activity in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 418).

(B) APPROPRIATIONS LIMITATION.—No appropriation in excess of an amount equal to 25 percent more than the amount specified for a

project or activity in that Act shall be made until an increase in the level of expenditure has been approved by resolutions adopted by the Committees referred to in subparagraph (A).

(q) LAROSE TO GOLDEN MEADOW.—

(1) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing any modification required to the project for flood damage reduction, Larose to Golden Meadow, Louisiana, to achieve the certification necessary for participation in the National Flood Insurance Program.

(2) MODIFICATIONS.—The Secretary is authorized to carry out a modification described in paragraph (1) if—

(A) the Secretary submits a recommendation for authorization of the modification in the report under paragraph (1); and

(B) the total cost of the modification does not exceed $90,000,000.

(3) REQUIREMENT.—No appropriation shall be made to construct any modification under this subsection if the report under paragraph (1) has not been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(r) CONSOLIDATION.—

(1) IN GENERAL.—The Secretary may consolidate the flood damage reduction projects in Lower Jefferson Parish, Louisiana, that have been identified for implementation under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) as of the date of enactment of this Act.

(2) TOTAL COST.—The Secretary may implement the consolidated project referred to in paragraph (1) if the total cost of the consolidated project does not exceed $100,000,000.

(s) MISSISSIPPI RIVER GULF OUTLET.—

(1) DEAUTHORIZATION.—

(A) IN GENERAL.—The navigation channel portion of the project for navigation, Mississippi River Gulf outlet, authorized by the Act of March 29, 1956 (70 Stat. 65, chapter 112; 100 Stat. 4177; 110 Stat. 3717), which extends from the Gulf of Mexico to Mile 60 at the southern bank of the Gulf Intracoastal Waterway, is not authorized.

(B) SCOPE.—Subparagraph (A) does not modify or deauthorize the Inner Harbor Navigation Canal Replacement Project authorized by the Act referred to in that subparagraph.

(2) PLAN FOR CLOSURE AND RESTORATION.—

(A) IN GENERAL.—The Secretary shall carry out a study and implement a project to physically modify the Mississippi River Gulf outlet and to restore the areas affected by the Mississippi River Gulf outlet, subject to the conditions and recommendations in a final report of the Chief of Engineers, if a favorable report of the Chief is completed by not later than 180 days after the date of enactment of this Act.

(B) INCORPORATION OF RECOMMENDATIONS.—The plan shall incorporate the recommendations of the Interim Mississippi River Gulf Outlet Deep-Draft De-Authorization Report submitted to Congress in December 2006.

(3) REPORT TO CONGRESS.—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 on the project described in paragraph (2).

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for the costs of carrying out the study and developing the report of the Chief of Engineers required by this subsection, which shall be carried out at Federal expense.

(t) HURRICANE AND STORM DAMAGE REDUCTION.—With respect to the projects identified in the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247), the Secretary shall—

(1) to the maximum extent practicable, submit specific project recommendations in any report developed under that Act; and

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

SEC. 1004. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) CACHE RIVER BASIN, GRUBBS, ARKANSAS.—Project for flood damage reduction, Cache River Basin, Grubbs, Arkansas.

(2) BIBB COUNTY AND THE CITY OF MACON LEVEE, GEORGIA.—Project for flood damage reduction, Bibb County and the City of Macon Levee, Georgia.

(3) FORT WAYNE AND VICINITY, INDIANA.—Project for flood control, St. Mary's River, Fort Wayne and Vicinity, Indiana.

(4) SALEM, MASSACHUSETTS.—Project for flood damage reduction, Salem, Massachusetts.

(5) CROW RIVER, ROCKFORD, MINNESOTA.—Project for flood damage reduction, Crow River, Rockford, Minnesota.

(6) SOUTH BRANCH OF THE WILD RICE RIVER, BORUP, MINNESOTA.—Project for flood damage reduction, South Branch of the Wild Rice River, Borup, Minnesota.

(7) CHEYENNE, WYOMING.—Project for flood control, Capitol Basin, Cheyenne, Wyoming.

SEC. 1005. SMALL PROJECTS FOR NAVIGATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) BARROW HARBOR, ALASKA.—Project for navigation, Barrow Harbor, Alaska.

(2) NOME HARBOR, ALASKA.—Project for navigation, Nome Harbor, Alaska.

(3) OLD HARBOR, ALASKA.—Project for navigation, Old Harbor, Alaska.

(4) LITTLE ROCK PORT, ARKANSAS.—Project for navigation, Little Rock Port, Arkansas River, Arkansas.

(5) EAST BASIN, MASSACHUSETTS.—Project for navigation, East Basin, Cape Cod Canal, Sandwich, Massachusetts.

(6) LYNN HARBOR, MASSACHUSETTS.—Project for navigation, Lynn Harbor, Lynn, Massachusetts.

(7) MERRIMACK RIVER, MASSACHUSETTS.—Project for navigation, Merrimack River, Haverhill, Massachusetts.

(8) OAK BLUFFS HARBOR, MASSACHUSETTS.—Project for navigation, Oak Bluffs Harbor, Oak Bluffs, Massachusetts.

(9) WOODS HOLE GREAT HARBOR, MASSACHUSETTS.—Project for navigation, Woods Hole Great Harbor, Falmouth, Massachusetts.

(10) AU SABLE RIVER, MICHIGAN.—Project for navigation, Au Sable River in the vicinity of Oscoda, Michigan.

(11) CLINTON RIVER, MICHIGAN.—Project for navigation, Clinton River, Michigan.

(12) ONTONAGON RIVER, MICHIGAN.—Project for navigation, Ontonagon River, Ontonagon, Michigan.

(13) TRAVERSE CITY, MICHIGAN.—Project for navigation, Traverse City, Michigan.

(14) SEBEWAING RIVER, MICHIGAN.—Project for navigation, Sebewaing River, Michigan.

(15) TOWER HARBOR, MINNESOTA.—Project for navigation, Tower Harbor, Tower, Minnesota.

(16) OUTER CHANNEL AND INNER HARBOR, MENOMINEE HARBOR, MICHIGAN AND WISCONSIN.—Project for navigation, Outer Channel and Inner Harbor, Menominee Harbor, Michigan and Wisconsin.

(17) MIDDLE BASS ISLAND STATE PARK, MIDDLE BASS ISLAND, OHIO.—Project for navigation, Middle Bass Island State Park, Middle Bass Island, Ohio.

(18) MILWAUKEE HARBOR, WISCONSIN.—Project for navigation, Milwaukee Harbor, Milwaukee, Wisconsin.

SEC. 1006. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) BLACK LAKE, ALASKA.—Project for aquatic ecosystem restoration, Black Lake, Alaska, at the head of the Chignik Watershed.

(2) SAN DIEGO RIVER, CALIFORNIA.—Project for aquatic ecosystem restoration, San Diego River, California, including efforts to address invasive aquatic plant species.

(3) SUISON MARSH, SAN PABLO BAY, CALIFORNIA.—Project for aquatic ecosystem restoration, San Pablo Bay, California.

(4) CHATTAHOOCHEE FALL-LINE, GEORGIA.—Project for aquatic ecosystem restoration, Chattahoochee Fall-Line, Georgia.

(5) MILL POND, LITTLETON, MASSACHUSETTS.—Project for aquatic ecosystem restoration, Mill Pond, Littleton, Massachusetts.

(6) MILFORD POND, MILFORD, MASSACHUSETTS.—Project for aquatic ecosystem restoration, Milford Pond, Milford, Massachusetts.

(7) PINE TREE BROOK, MILTON, MASSACHUSETTS.—Project for aquatic ecosystem restoration, Pine Tree Brook, Milton, Massachusetts.

(8) CLINTON RIVER, MICHIGAN.—Project for aquatic ecosystem restoration, Clinton River, Michigan.

(9) CALDWELL COUNTY, NORTH CAROLINA.—Project for aquatic ecosystem restoration, Caldwell County, North Carolina.

(10) MECKLENBERG COUNTY, NORTH CAROLINA.—Project for aquatic ecosystem restoration, Mecklenberg County, North Carolina.

(11) JOHNSON CREEK, GRESHAM, OREGON.—Project for aquatic ecosystem restoration, Johnson Creek, Gresham, Oregon.

(12) BLACKSTONE RIVER, RHODE ISLAND.—Project for aquatic ecosystem restoration, Blackstone River, Rhode Island.

(13) COLLEGE LAKE, LYNCHBURG, VIRGINIA.—Project for aquatic ecosystem restoration, College Lake, Lynchburg, Virginia.

SEC. 1007. SMALL PROJECTS TO PREVENT OR MITIGATE DAMAGE CAUSED BY NAVIGATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i):

(1) Tybee Island, Georgia.

(2) Burns Waterway Harbor, Indiana.

SEC. 1008. SMALL PROJECTS FOR AQUATIC PLANT CONTROL.

The Secretary is authorized to carry out a project for aquatic nuisance plant control in

the Republican River Basin, Nebraska, under section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610).

TITLE II—GENERAL PROVISIONS

Subtitle A—Provisions

SEC. 2001. CREDIT FOR IN-KIND CONTRIBUTIONS.

Section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) is amended—

(1) by striking ''SEC. 221'' and inserting the following:

''SEC. 221. WRITTEN AGREEMENT REQUIREMENT FOR WATER RESOURCES PROJECTS.'';

and

(2) by striking subsection (a) and inserting the following:

''(a) COOPERATION OF NON-FEDERAL INTEREST.—

''(1) IN GENERAL.—After December 31, 1970, the construction of any water resources project, or an acceptable separable element thereof, by the Secretary of the Army, acting through the Chief of Engineers, or by a non-Federal interest where such interest will be reimbursed for such construction under any provision of law, shall not be commenced until each non-Federal interest has entered into a written partnership agreement with the district engineer for the district in which the project will be carried out under which each party agrees to carry out its responsibilities and requirements for implementation or construction of the project or the appropriate element of the project, as the case may be; except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest and are less than $25,000.

''(2) LIQUIDATED DAMAGES.—An agreement described in paragraph (1) may include a provision for liquidated damages in the event of a failure of 1 or more parties to perform.

''(3) OBLIGATION OF FUTURE APPROPRIATIONS.—In any such agreement entered into by a State, or a body politic of the State which derives its powers from the State constitution, or a governmental entity created by the State legislature, the agreement may reflect that it does not obligate future appropriations for such performance and payment when obligating future appropriations would be inconsistent with constitutional or statutory limitations of the State or a political subdivision of the State.

''(4) CREDIT FOR IN-KIND CONTRIBUTIONS.—

''(A) IN GENERAL.—An agreement under paragraph (1) shall provide that the Secretary shall credit toward the non-Federal share of the cost of the project, including a project implemented under general continuing authority, the value of in-kind contributions made by the non-Federal interest, including—

''(i) the costs of planning (including data collection), design, management, mitigation, construction, and construction services that are provided by the non-Federal interest for implementation of the project;

''(ii) the value of materials or services provided before execution of an agreement for the project, including efforts on constructed elements incorporated into the project; and

''(iii) materials and services provided after an agreement is executed.

''(B) CONDITION.—The Secretary shall credit an in-kind contribution under subparagraph (A) if the Secretary determines that the property or service provided as an in-kind contribution is integral to the project.

''(C) LIMITATIONS.—Credit authorized for a project—

''(i) shall not exceed the non-Federal share of the cost of the project;

''(ii) shall not alter any other requirement that a non-Federal interest provide land, an easement or right-of-way, or an area for disposal of dredged material for the project; and

''(iii) shall not exceed the actual and reasonable costs of the materials, services, or other things provided by the non-Federal interest, as determined by the Secretary.''.

SEC. 2002. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

Section 234 of the Water Resources Development Act of 1996 (33 U.S.C. 2323a) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Secretary may engage in activities (including contracting) in support of other Federal agencies, international organizations, or foreign governments to address problems of national significance to the United States.'';

(2) in subsection (b), by striking ''Secretary of State'' and inserting ''Department of State''; and

(3) in subsection (d)—

(A) by striking ''$250,000 for fiscal year 2001'' and inserting ''$1,000,000 for fiscal year 2007 and each fiscal year thereafter''; and

(B) by striking ''or international organizations'' and inserting '', international organizations, or foreign governments''.

SEC. 2003. TRAINING FUNDS.

(a) IN GENERAL.—The Secretary may include individuals from the non-Federal interest, including the private sector, in training classes and courses offered by the Corps of Engineers in any case in which the Secretary determines that it is in the best interest of the Federal Government to include those individuals as participants.

(b) EXPENSES.—

(1) IN GENERAL.—An individual from a non-Federal interest attending a training class or course described in subsection (a) shall pay the full cost of the training provided to the individual.

(2) PAYMENTS.—Payments made by an individual for training received under subsection (a), up to the actual cost of the training—

(A) may be retained by the Secretary;

(B) shall be credited to an appropriation or account used for paying training costs; and

(C) shall be available for use by the Secretary, without further appropriation, for training purposes.

(3) EXCESS AMOUNTS.—Any payments received under paragraph (2) that are in excess of the actual cost of training provided shall be credited as miscellaneous receipts to the Treasury of the United States.

SEC. 2004. FISCAL TRANSPARENCY REPORT.

(a) IN GENERAL.—On the third Tuesday of January of each year beginning January 2008, the Chief of Engineers shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the expenditures for the preceding fiscal year and estimated expenditures for the current fiscal year.

(b) CONTENTS.—In addition to the information described in subsection (a), the report shall contain a detailed accounting of the following information:

(1) With respect to general construction, information on—

(A) projects currently under construction, including—

(i) allocations to date;

(ii) the number of years remaining to complete construction;

(iii) the estimated annual Federal cost to maintain that construction schedule; and

(iv) a list of projects the Corps of Engineers expects to complete during the current fiscal year; and

(B) projects for which there is a signed cost-sharing agreement and completed planning, engineering, and design, including—

(i) the number of years the project is expected to require for completion; and

(ii) estimated annual Federal cost to maintain that construction schedule.

(2) With respect to operation and maintenance of the inland and intracoastal waterways under section 206 of Public Law 95–502 (33 U.S.C. 1804)—

(A) the estimated annual cost to maintain each waterway for the authorized reach and at the authorized depth; and

(B) the estimated annual cost of operation and maintenance of locks and dams to ensure navigation without interruption.

(3) With respect to general investigations and reconnaissance and feasibility studies—

(A) the number of active studies;

(B) the number of completed studies not yet authorized for construction;

(C) the number of initiated studies; and

(D) the number of studies expected to be completed during the fiscal year.

(4) Funding received and estimates of funds to be received for interagency and international support activities under section 318(a) of the Water Resources Development Act of 1990 (33 U.S.C. 2323(a)).

(5) Recreation fees and lease payments.

(6) Hydropower and water storage fees.

(7) Deposits into the Inland Waterway Trust Fund and the Harbor Maintenance Trust Fund.

(8) Other revenues and fees collected.

(9) With respect to permit applications and notifications, a list of individual permit applications and nationwide permit notifications, including—

(A) the date on which each permit application is filed;

(B) the date on which each permit application is determined to be complete; and

(C) the date on which the Corps of Engineers grants, withdraws, or denies each permit.

(10) With respect to the project backlog, a list of authorized projects for which no funds have been allocated for the 5 preceding fiscal years, including, for each project—

(A) the authorization date;

(B) the last allocation date;

(C) the percentage of construction completed;

(D) the estimated cost remaining until completion of the project; and

(E) a brief explanation of the reasons for the delay.

SEC. 2005. PLANNING.

(a) MATTERS TO BE ADDRESSED IN PLANNING.—Section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281) is amended—

(1) by striking ''Enhancing'' and inserting the following:

''(a) IN GENERAL.—Enhancing''; and

(2) by adding at the end the following:

''(b) ASSESSMENTS.—For all feasibility reports completed after December 31, 2005, the Secretary shall assess whether—

''(1) the water resource project and each separable element is cost-effective; and

''(2) the water resource project complies with Federal, State, and local laws (including regulations) and public policies.''.

(b) PLANNING PROCESS IMPROVEMENTS.—The Chief of Engineers—

(1) shall, not later than 2 years after the date on which the feasibility study cost sharing agreement is signed for a project, subject to the availability of appropriations—

(A) complete the feasibility study for the project; and

(B) sign the report of the Chief of Engineers for the project;

(2) may, with the approval of the Secretary, extend the deadline established under

paragraph (1) for not to exceed 4 years, for a complex or controversial study; and

(3)(A) shall adopt a risk analysis approach to project cost estimates; and

(B) not later than 1 year after the date of enactment of this Act, shall—

(i) issue procedures for risk analysis for cost estimation; and

(ii) submit to Congress a report that includes suggested amendments to section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280).

(c) CALCULATION OF BENEFITS AND COSTS FOR FLOOD DAMAGE REDUCTION PROJECTS.—A feasibility study for a project for flood damage reduction shall include, as part of the calculation of benefits and costs—

(1) a calculation of the residual risk of flooding following completion of the proposed project;

(2) a calculation of the residual risk of loss of human life and residual risk to human safety following completion of the proposed project; and

(3) a calculation of any upstream or downstream impacts of the proposed project.

(d) CENTERS OF SPECIALIZED PLANNING EXPERTISE.—

(1) ESTABLISHMENT.—The Secretary may establish centers of expertise to provide specialized planning expertise for water resource projects to be carried out by the Secretary in order to enhance and supplement the capabilities of the districts of the Corps of Engineers.

(2) DUTIES.—A center of expertise established under this subsection shall—

(A) provide technical and managerial assistance to district commanders of the Corps of Engineers for project planning, development, and implementation;

(B) provide peer reviews of new major scientific, engineering, or economic methods, models, or analyses that will be used to support decisions of the Secretary with respect to feasibility studies;

(C) provide support for external peer review panels convened by the Secretary; and

(D) carry out such other duties as are prescribed by the Secretary.

(e) COMPLETION OF CORPS OF ENGINEERS REPORTS.—

(1) ALTERNATIVES.—

(A) IN GENERAL.—Feasibility and other studies and assessments of water resource problems and projects shall include recommendations for alternatives—

(i) that, as determined by the non-Federal interests for the projects, promote integrated water resources management; and

(ii) for which the non-Federal interests are willing to provide the non-Federal share for the studies or assessments.

(B) SCOPE AND PURPOSES.—The scope and purposes of studies and assessments described in subparagraph (A) shall not be constrained by budgetary or other policy as a result of the inclusion of alternatives described in that subparagraph.

(C) REPORTS OF CHIEF OF ENGINEERS.—The reports of the Chief of Engineers shall be based solely on the best technical solutions to water resource needs and problems.

(2) REPORT COMPLETION.—The completion of a report of the Chief of Engineers for a project—

(A) shall not be delayed while consideration is being given to potential changes in policy or priority for project consideration; and

(B) shall be submitted, on completion, to—

(i) the Committee on Environment and Public Works of the Senate; and

(ii) the Committee on Transportation and Infrastructure of the House of Representatives.

(f) COMPLETION REVIEW.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 90 days after the date of completion of a report of the Chief of Engineers that recommends to Congress a water resource project, the Secretary shall—

(A) review the report; and

(B) provide any recommendations of the Secretary regarding the water resource project to Congress.

(2) PRIOR REPORTS.—Not later than 90 days after the date of enactment of this Act, with respect to any report of the Chief of Engineers recommending a water resource project that is complete prior to the date of enactment of this Act, the Secretary shall complete review of, and provide recommendations to Congress for, the report in accordance with paragraph (1).

SEC. 2006. WATER RESOURCES PLANNING COORDINATING COMMITTEE.

(a) ESTABLISHMENT.—The President shall establish a Water Resources Planning Coordinating Committee (referred to in this subsection as the ''Coordinating Committee'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Coordinating Committee shall be composed of the following members (or a designee of the member):

(A) The Secretary of the Interior.

(B) The Secretary of Agriculture.

(C) The Secretary of Health and Human Services.

(D) The Secretary of Housing and Urban Development.

(E) The Secretary of Transportation.

(F) The Secretary of Energy.

(G) The Secretary of Homeland Security.

(H) The Secretary of Commerce.

(I) The Administrator of the Environmental Protection Agency.

(J) The Chairperson of the Council on Environmental Quality.

(2) CHAIRPERSON AND EXECUTIVE DIRECTOR.—The President shall appoint—

(A) 1 member of the Coordinating Committee to serve as Chairperson of the Coordinating Committee for a term of 2 years; and

(B) an Executive Director to supervise the activities of the Coordinating Committee.

(3) FUNCTION.—The function of the Coordinating Committee shall be to carry out the duties and responsibilities set forth under this section.

(c) NATIONAL WATER RESOURCES PLANNING AND MODERNIZATION POLICY.—It is the policy of the United States that all water resources projects carried out by the Corps of Engineers shall—

(1) reflect national priorities;

(2) seek to avoid the unwise use of floodplains;

(3) minimize vulnerabilities in any case in which a floodplain must be used;

(4) protect and restore the functions of natural systems; and

(5) mitigate any unavoidable damage to natural systems.

(d) WATER RESOURCE PRIORITIES REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Coordinating Committee, in collaboration with the Secretary, shall submit to the President and Congress a report describing the vulnerability of the United States to damage from flooding and related storm damage, including—

(A) the risk to human life;

(B) the risk to property; and

(C) the comparative risks faced by different regions of the United States.

(2) INCLUSIONS.—The report under paragraph (1) shall include—

(A) an assessment of the extent to which programs in the United States relating to flooding address flood risk reduction priorities;

(B) the extent to which those programs may be unintentionally encouraging development and economic activity in floodprone areas;

(C) recommendations for improving those programs with respect to reducing and responding to flood risks; and

(D) proposals for implementing the recommendations.

(e) MODERNIZING WATER RESOURCES PLANNING GUIDELINES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary and the Coordinating Committee shall, in collaboration with each other, review and propose updates and revisions to modernize the planning principles and guidelines, regulations, and circulars by which the Corps of Engineers analyzes and evaluates water projects. In carrying out the review, the Coordinating Committee and the Secretary shall consult with the National Academy of Sciences for recommendations regarding updating planning documents.

(2) PROPOSED REVISIONS.—In conducting a review under paragraph (1), the Coordinating Committee and the Secretary shall consider revisions to improve water resources project planning through, among other things—

(A) requiring the use of modern economic principles and analytical techniques, credible schedules for project construction, and current discount rates as used by other Federal agencies;

(B) eliminating biases and disincentives to providing projects to low-income communities, including fully accounting for the prevention of loss of life under section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281);

(C) eliminating biases and disincentives that discourage the use of nonstructural approaches to water resources development and management, and fully accounting for the flood protection and other values of healthy natural systems;

(D) promoting environmental restoration projects that reestablish natural processes;

(E) assessing and evaluating the impacts of a project in the context of other projects within a region or watershed;

(F) analyzing and incorporating lessons learned from recent studies of Corps of Engineers programs and recent disasters such as Hurricane Katrina and the Great Midwest Flood of 1993;

(G) encouraging wetlands conservation; and

(H) ensuring the effective implementation of the policies of this Act.

(3) PUBLIC PARTICIPATION.—The Coordinating Committee and the Secretary shall solicit public and expert comments regarding any revision proposed under paragraph (2).

(4) REVISION OF PLANNING GUIDANCE.—

(A) IN GENERAL.—Not later than 180 days after the date on which a review under paragraph (1) is completed, the Secretary, after providing notice and an opportunity for public comment in accordance with subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act''), shall implement such proposed updates and revisions to the planning principles and guidelines, regulations, and circulars of the Corps of Engineers under paragraph (2) as the Secretary determines to be appropriate.

(B) EFFECT.—Effective beginning on the date on which the Secretary implements the first update or revision under paragraph (1), subsections (a) and (b) of section 80 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–17) shall not apply to the Corps of Engineers.

(5) REPORT.—

(A) IN GENERAL.—The Secretary shall submit to the Committees on Environment and Public Works and Appropriations of the Senate, and to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives, a report describing any revision of planning guidance under paragraph (4).

(B) PUBLICATION.—The Secretary shall publish the report under subparagraph (A) in the Federal Register.

SEC. 2007. INDEPENDENT PEER REVIEW.

(a) DEFINITIONS.—In this section:

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

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

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

(c) SOUND PROJECT PLANNING.—

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

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

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

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

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

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

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

(2) PROJECT PLANNING REVIEW PANELS.—

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

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

(i) economic and environmental assumptions and projections;

(ii) project evaluation data;

(iii) economic or environmental analyses;

(iv) engineering analyses;

(v) formulation of alternative plans;

(vi) methods for integrating risk and uncertainty;

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

(viii) any related biological opinions.

(C) PROJECT PLANNING REVIEW RECORD.—

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

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

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

(D) DEADLINES FOR PROJECT PLANNING REVIEWS.—

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

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

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

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

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

(d) SAFETY ASSURANCE.—

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

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

(B) that uses innovative materials or techniques;

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

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

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

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

causing unnecessary delays in construction activities.

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

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

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

(e) EXPENSES.—

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

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

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

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

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

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

SEC. 2008. MITIGATION FOR FISH AND WILDLIFE LOSSES.

(a) COMPLETION OF MITIGATION.—Section 906(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(a)) is amended by adding at the following:

''(3) COMPLETION OF MITIGATION.—In any case in which it is not technically practicable to complete mitigation by the last day of construction of the project or separable element of the project because of the nature of the mitigation to be undertaken, the Secretary shall complete the required mitigation as expeditiously as practicable, but in no case later than the last day of the first fiscal year beginning after the last day of construction of the project or separable element of the project.''.

(b) USE OF CONSOLIDATED MITIGATION.—Section 906(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(b)) is amended by adding at the end the following:

''(3) USE OF CONSOLIDATED MITIGATION.—

''(A) IN GENERAL.—If the Secretary determines that other forms of compensatory mitigation are not practicable or are less environmentally desirable, the Secretary may purchase available credits from a mitigation bank or conservation bank that is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigations Banks (60 Fed. Reg. 58605) or other applicable Federal laws (including regulations).

''(B) SERVICE AREA.—To the maximum extent practicable, the service area of the mitigation bank or conservation bank shall be in the same watershed as the affected habitat.

''(C) RESPONSIBILITY RELIEVED.—Purchase of credits from a mitigation bank or conservation bank for a water resources project relieves the Secretary and the non-Federal interest from responsibility for monitoring or demonstrating mitigation success.''.

(c) MITIGATION REQUIREMENTS.—Section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking ''to the Congress unless such report contains'' and inserting ''to Congress, and shall not select a project alternative in any final record of decision, environmental impact statement, or environmental assessment, unless the proposal, record of decision, environmental impact statement, or environmental assessment contains''; and

(B) in the second sentence, by inserting '', and other habitat types are mitigated to not less than in-kind conditions'' after ''mitigated in-kind''; and

(2) by adding at the end the following:

''(3) MITIGATION REQUIREMENTS.—

''(A) IN GENERAL.—To mitigate losses to flood damage reduction capabilities and fish and wildlife resulting from a water resources project, the Secretary shall ensure that the mitigation plan for each water resources project complies fully with the mitigation standards and policies established pursuant to section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344).

''(B) INCLUSIONS.—A specific mitigation plan for a water resources project under paragraph (1) shall include, at a minimum—

''(i) a plan for monitoring the implementation and ecological success of each mitigation measure, including a designation of the entities that will be responsible for the monitoring;

''(ii) the criteria for ecological success by which the mitigation will be evaluated and determined to be successful;

''(iii) land and interests in land to be acquired for the mitigation plan and the basis for a determination that the land and interests are available for acquisition;

''(iv) a description of—

''(I) the types and amount of restoration activities to be conducted; and

''(II) the resource functions and values that will result from the mitigation plan; and

''(v) a contingency plan for taking corrective actions in cases in which monitoring demonstrates that mitigation measures are not achieving ecological success in accordance with criteria under clause (ii).

''(4) DETERMINATION OF SUCCESS.—

''(A) IN GENERAL.—A mitigation plan under this subsection shall be considered to be successful at the time at which the criteria under paragraph (3)(B)(ii) are achieved under the plan, as determined by monitoring under paragraph (3)(B)(i).

''(B) CONSULTATION.—In determining whether a mitigation plan is successful under subparagraph (A), the Secretary shall consult annually with appropriate Federal agencies and each State in which the applicable project is located on at least the following:

''(i) The ecological success of the mitigation as of the date on which the report is submitted.

''(ii) The likelihood that the mitigation will achieve ecological success, as defined in the mitigation plan.

''(iii) The projected timeline for achieving that success.

''(iv) Any recommendations for improving the likelihood of success.

''(C) REPORTING.—Not later than 60 days after the date of completion of the annual consultation, the Federal agencies consulted shall, and each State in which the project is located may, submit to the Secretary a report that describes the results of the consultation described in (B).

''(D) ACTION BY SECRETARY.—The Secretary shall respond in writing to the substance and recommendations contained in each report under subparagraph (C) by not later than 30 days after the date of receipt of the report.

''(5) MONITORING.—Mitigation monitoring shall continue until it has been demonstrated that the mitigation has met the ecological success criteria.''.

(d) STATUS REPORT.—

(1) IN GENERAL.—Concurrent with the submission of the President to Congress of the request of the President for appropriations for the Civil Works Program for a fiscal year, the Secretary shall submit to the Committee on the Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the status of construction of projects that require mitigation under section 906 of Water Resources Development Act 1986 (33 U.S.C. 2283) and the status of that mitigation.

(2) PROJECTS INCLUDED.—The status report shall include the status of—

(A) all projects that are under construction as of the date of the report;

(B) all projects for which the President requests funding for the next fiscal year; and

(C) all projects that have completed construction, but have not completed the mitigation required under section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

(e) MITIGATION TRACKING SYSTEM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a recordkeeping system to track, for each water resources project undertaken by the Secretary and for each permit issued under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344)—

(A) the quantity and type of wetland and any other habitat type affected by the project, project operation, or permitted activity;

(B) the quantity and type of mitigation measures required with respect to the project, project operation, or permitted activity;

(C) the quantity and type of mitigation measures that have been completed with respect to the project, project operation, or permitted activity; and

(D) the status of monitoring of the mitigation measures carried out with respect to the project, project operation, or permitted activity.

(2) REQUIREMENTS.—The recordkeeping system under paragraph (1) shall—

(A) include information relating to the impacts and mitigation measures relating to projects described in paragraph (1) that occur after November 17, 1986; and

(B) be organized by watershed, project, permit application, and zip code.

(3) AVAILABILITY OF INFORMATION.—The Secretary shall make information contained in the recordkeeping system available to the public on the Internet.

SEC. 2009. STATE TECHNICAL ASSISTANCE.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) by striking ''SEC. 22. (a) The Secretary'' and inserting the following:

''SEC. 22. PLANNING ASSISTANCE TO STATES.

''(a) FEDERAL-STATE COOPERATION.—

''(1) COMPREHENSIVE PLANS.—The Secretary'';

(2) in subsection (a), by adding at the end the following:

''(2) TECHNICAL ASSISTANCE.—

''(A) IN GENERAL.—At the request of a governmental agency or non-Federal interest, the Secretary may provide, at Federal expense, technical assistance to the agency or non-Federal interest in managing water resources.

''(B) TYPES OF ASSISTANCE.—Technical assistance under this paragraph may include provision and integration of hydrologic, economic, and environmental data and analyses.'';

(3) in subsection (b)(1), by striking ''this section'' each place it appears and inserting ''subsection (a)(1)'';

(4) in subsection (b)(2), by striking ''up to ½ of the'' and inserting ''the'';

(5) in subsection (c)—

(A) by striking ''(c) There is'' and inserting the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) FEDERAL AND STATE COOPERATION.—There is'';

(B) in paragraph (1) (as designated by subparagraph (A)), by striking ''the provisions of this section except that not more than $500,000 shall be expended in any one year in any one State.'' and inserting ''subsection (a)(1).''; and

(C) by adding at the end the following:

''(2) TECHNICAL ASSISTANCE.—There is authorized to be appropriated to carry out subsection (a)(2) $5,000,000 for each fiscal year, of which not more than $2,000,000 for each fiscal year may be used by the Secretary to enter into cooperative agreements with nonprofit organizations and State agencies to provide assistance to rural and small communities.''; and

(6) by adding at the end the following:

''(e) ANNUAL SUBMISSION.—For each fiscal year, based on performance criteria developed by the Secretary, the Secretary shall list in the annual civil works budget submitted to Congress the individual activities proposed for funding under subsection (a)(1) for the fiscal year.''.

SEC. 2010. ACCESS TO WATER RESOURCE DATA.

(a) IN GENERAL.—The Secretary, acting through the Chief of Engineers, shall carry out a program to provide public access to water resource and related water quality data in the custody of the Corps of Engineers.

(b) DATA.—Public access under subsection (a) shall—

(1) include, at a minimum, access to data generated in water resource project development and regulation under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(2) appropriately employ geographic information system technology and linkages to water resource models and analytical techniques.

(c) PARTNERSHIPS.—To the maximum extent practicable, in carrying out activities under this section, the Secretary shall develop partnerships, including cooperative agreements with State, tribal, and local governments and other Federal agencies.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000 for each fiscal year.

SEC. 2011. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.

(a) IN GENERAL.—Section 211(e)(6) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13(e)(6)) is amended by adding at the end following:

''(E) BUDGET PRIORITY.—

''(i) IN GENERAL.—Budget priority for projects under this section shall be proportionate to the percentage of project completion.

''(ii) COMPLETED PROJECT.—A completed project shall have the same priority as a project with a contractor on site.''.

(b) CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.—Section 211(f) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) is amended by adding at the end the following:

''(9) THORNTON RESERVOIR, COOK COUNTY, ILLINOIS.—An element of the project for flood control, Chicagoland Underflow Plan, Illinois.

''(10) BUFFALO BAYOU, TEXAS.—The project for flood control, Buffalo Bayou, Texas, authorized by the first section of the Act of June 20, 1938 (52 Stat. 804, chapter 535) (commonly known as the 'River and Harbor Act of 1938') and modified by section 3a of the Act of August 11, 1939 (53 Stat. 1414, chapter 699) (commonly known as the 'Flood Control Act of 1939'), except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such project.

''(11) HALLS BAYOU, TEXAS.—The Halls Bayou element of the project for flood control, Buffalo Bayou and tributaries, Texas, authorized by section 101(a)(21) of the Water Resources Development Act of 1990 (33 U.S.C. 2201 note), except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such project.

''(12) MENOMONEE RIVER WATERSHED, WISCONSIN.—The project for the Menomonee River Watershed, Wisconsin, including—

''(A) the Underwood Creek diversion facility project (Milwaukee County Grounds); and

''(B) the Greater Milwaukee Rivers watershed project.''.

SEC. 2012. REGIONAL SEDIMENT MANAGEMENT.

(a) IN GENERAL.—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended to read as follows:

''SEC. 204. REGIONAL SEDIMENT MANAGEMENT.

''(a) IN GENERAL.—In connection with sediment obtained through the construction, operation, or maintenance of an authorized Federal water resources project, the Secretary, acting through the Chief of Engineers, shall develop Regional Sediment Management plans and carry out projects at locations identified in the plan prepared under subsection (e), or identified jointly by the non-Federal interest and the Secretary, for use in the construction, repair, modification, or rehabilitation of projects associated with Federal water resources projects, for—

''(1) the protection of property;

''(2) the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands; and

''(3) the transport and placement of suitable sediment

''(b) SECRETARIAL FINDINGS.—Subject to subsection (c), projects carried out under subsection (a) may be carried out in any case in which the Secretary finds that—

''(1) the environmental, economic, and social benefits of the project, both monetary and nonmonetary, justify the cost of the project; and

''(2) the project would not result in environmental degradation.

''(c) DETERMINATION OF PLANNING AND PROJECT COSTS.—

''(1) IN GENERAL.—In consultation and cooperation with the appropriate Federal, State, regional, and local agencies, the Secretary, acting through the Chief of Engineers, shall develop at Federal expense plans and projects for regional management of sediment obtained in conjunction with construction, operation, and maintenance of Federal water resources projects.

''(2) COSTS OF CONSTRUCTION.—

''(A) IN GENERAL.—Costs associated with construction of a project under this section or identified in a Regional Sediment Management plan shall be limited solely to construction costs that are in excess of those costs necessary to carry out the dredging for construction, operation, or maintenance of an authorized Federal water resources project in the most cost-effective way, consistent with economic, engineering, and environmental criteria.

''(B) COST SHARING.—The determination of any non-Federal share of the construction cost shall be based on the cost sharing as specified in subsections (a) through (d) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), for the type of Federal water resource project using the dredged resource.

''(C) TOTAL COST.—Total Federal costs associated with construction of a project under this section shall not exceed $5,000,000 without Congressional approval.

''(3) OPERATION, MAINTENANCE, REPLACEMENT, AND REHABILITATION COSTS.—Operation, maintenance, replacement, and rehabilitation costs associated with a project are a non-Federal sponsor responsibility.

''(d) SELECTION OF SEDIMENT DISPOSAL METHOD FOR ENVIRONMENTAL PURPOSES.—

''(1) IN GENERAL.—In developing and carrying out a Federal water resources project involving the disposal of material, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least-cost option if the Secretary determines that the incremental costs of the disposal method are reasonable in relation to the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion.

''(2) FEDERAL SHARE.—The Federal share of such incremental costs shall be determined in accordance with subsection (c).

''(e) STATE AND REGIONAL PLANS.—The Secretary, acting through the Chief of Engineers, may—

''(1) cooperate with any State in the preparation of a comprehensive State or regional coastal sediment management plan within the boundaries of the State;

''(2) encourage State participation in the implementation of the plan; and

''(3) submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out the plan.

''(f) PRIORITY AREAS.—In carrying out this section, the Secretary shall give priority to regional sediment management projects in the vicinity of—

''(1) Fire Island Inlet, Suffolk County, New York;

''(2) Fletcher Cove, California;

''(3) Delaware River Estuary, New Jersey and Pennsylvania; and

''(4) Toledo Harbor, Lucas County, Ohio.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 during each fiscal year, to remain available until expended, for the Federal costs identified under subsection (c), of which up to $5,000,000 shall be used for the development of regional sediment management plans as provided in subsection (e).

''(h) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.''.

(b) REPEAL.—

(1) IN GENERAL.—Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is repealed.

(2) EXISTING PROJECTS.—The Secretary, acting through the Chief of Engineers, may complete any project being carried out under section 145 on the day before the date of enactment of this Act.

SEC. 2013. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Section 3 of the Act entitled ''An Act authorizing Federal participation in the cost of protecting the shores of

publicly owned property'', approved August 13, 1946 (33 U.S.C. 426g), is amended to read as follows:

"SEC. 3. STORM AND HURRICANE RESTORATION AND IMPACT MINIMIZATION PROGRAM.

''(a) CONSTRUCTION OF SMALL SHORE AND BEACH RESTORATION AND PROTECTION PROJECTS.—

''(1) IN GENERAL.—The Secretary may carry out construction of small shore and beach restoration and protection projects not specifically authorized by Congress that otherwise comply with the first section of this Act if the Secretary determines that such construction is advisable.

''(2) LOCAL COOPERATION.—The local cooperation requirement under the first section of this Act shall apply to a project under this section.

''(3) COMPLETENESS.—A project under this section—

''(A) shall be complete; and

''(B) shall not commit the United States to any additional improvement to ensure the successful operation of the project, except for participation in periodic beach nourishment in accordance with—

''(i) the first section of this Act; and

''(ii) the procedure for projects authorized after submission of a survey report.

''(b) NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.—

''(1) IN GENERAL.—The Secretary, acting through the Chief of Engineers, shall conduct a national shoreline erosion control development and demonstration program (referred to in this section as the 'program').

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—The program shall include provisions for—

''(i) projects consisting of planning, design, construction, and adequate monitoring of prototype engineered and native and naturalized vegetative shoreline erosion control devices and methods;

''(ii) detailed engineering and environmental reports on the results of each project carried out under the program; and

''(iii) technology transfers, as appropriate, to private property owners, State and local entities, nonprofit educational institutions, and nongovernmental organizations.

''(B) DETERMINATION OF FEASIBILITY.—A project under this section shall not be carried out until the Secretary, acting through the Chief of Engineers, determines that the project is feasible.

''(C) EMPHASIS.—A project carried out under the program shall emphasize, to the maximum extent practicable—

''(i) the development and demonstration of innovative technologies;

''(ii) efficient designs to prevent erosion at a shoreline site, taking into account the lifecycle cost of the design, including cleanup, maintenance, and amortization;

''(iii) new and enhanced shore protection project design and project formulation tools the purposes of which are to improve the physical performance, and lower the lifecycle costs, of the projects;

''(iv) natural designs, including the use of native and naturalized vegetation or temporary structures that minimize permanent structural alterations to the shoreline;

''(v) the avoidance of negative impacts to adjacent shorefront communities;

''(vi) the potential for long-term protection afforded by the technology; and

''(vii) recommendations developed from evaluations of the program established under the Shoreline Erosion Control Demonstration Act of 1974 (42 U.S.C. 1962–5 note; 88 Stat. 26), including—

''(I) adequate consideration of the subgrade;

''(II) proper filtration;

''(III) durable components;

''(IV) adequate connection between units; and

''(V) consideration of additional relevant information.

''(D) SITES.—

''(i) IN GENERAL.—Each project under the program shall be carried out at—

''(I) a privately owned site with substantial public access; or

''(II) a publicly owned site on open coast or in tidal waters.

''(ii) SELECTION.—The Secretary, acting through the Chief of Engineers, shall develop criteria for the selection of sites for projects under the program, including criteria based on—

''(I) a variety of geographic and climatic conditions;

''(II) the size of the population that is dependent on the beaches for recreation or the protection of private property or public infrastructure;

''(III) the rate of erosion;

''(IV) significant natural resources or habitats and environmentally sensitive areas; and

''(V) significant threatened historic structures or landmarks.

''(3) CONSULTATION.—The Secretary, acting through the Chief of Engineers, shall carry out the program in consultation with—

''(A) the Secretary of Agriculture, particularly with respect to native and naturalized vegetative means of preventing and controlling shoreline erosion;

''(B) Federal, State, and local agencies;

''(C) private organizations;

''(D) the Coastal Engineering Research Center established by the first section of Public Law 88–172 (33 U.S.C. 426–1); and

''(E) applicable university research facilities.

''(4) COMPLETION OF DEMONSTRATION.—After carrying out the initial construction and evaluation of the performance and lifecycle cost of a demonstration project under this section, the Secretary, acting through the Chief of Engineers, may—

''(A) at the request of a non-Federal interest of the project, amend the agreement for a federally-authorized shore protection project in existence on the date on which initial construction of the demonstration project is complete to incorporate the demonstration project as a feature of the shore protection project, with the future cost of the demonstration project to be determined by the cost-sharing ratio of the shore protection project; or

''(B) transfer all interest in and responsibility for the completed demonstration project to the non-Federal or other Federal agency interest of the project.

''(5) AGREEMENTS.—The Secretary, acting through the Chief of Engineers, may enter into an agreement with the non-Federal or other Federal agency interest of a project under this section—

''(A) to share the costs of construction, operation, maintenance, and monitoring of a project under the program;

''(B) to share the costs of removing a project or project element constructed under the program, if the Secretary determines that the project or project element is detrimental to private property, public infrastructure, or public safety; or

''(C) to specify ownership of a completed project that the Chief of Engineers determines will not be part of a Corps of Engineers project.

''(6) REPORT.—Not later than December 31 of each year beginning after the date of enactment of this paragraph, the Secretary shall prepare and submit to the Committee on Environment and Public works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

''(A) the activities carried out and accomplishments made under the program during the preceding year; and

''(B) any recommendations of the Secretary relating to the program.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary may expend, from any appropriations made available to the Secretary for the purpose of carrying out civil works, not more than $30,000,000 during any fiscal year to pay the Federal share of the costs of construction of small shore and beach restoration and protection projects or small projects under the program.

''(2) LIMITATION.—The total amount expended for a project under this section shall—

''(A) be sufficient to pay the cost of Federal participation in the project (including periodic nourishment as provided for under the first section of this Act), as determined by the Secretary; and

''(B) be not more than $3,000,000.''.

(b) REPEAL.—Section 5 the Act entitled ''An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property'', approved August 13, 1946 (33 U.S.C. 426e et seq.; 110 Stat. 3700) is repealed.

SEC. 2014. SHORE PROTECTION PROJECTS.

(a) IN GENERAL.—In accordance with the Act of July 3, 1930 (33 U.S.C. 426), and notwithstanding administrative actions, it is the policy of the United States to promote shore protection projects and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach renourishment for a period of 50 years, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises.

(b) PREFERENCE.—In carrying out the policy, preference shall be given to—

(1) areas in which there has been a Federal investment of funds; and

(2) areas with respect to which the need for prevention or mitigation of damage to shores and beaches is attributable to Federal navigation projects or other Federal activities.

(c) APPLICABILITY.—The Secretary shall apply the policy to each shore protection and beach renourishment project (including shore protection and beach renourishment projects in existence on the date of enactment of this Act).

SEC. 2015. COST SHARING FOR MONITORING.

(a) IN GENERAL.—Costs incurred for monitoring for an ecosystem restoration project shall be cost-shared—

(1) in accordance with the formula relating to the applicable original construction project; and

(2) for a maximum period of 10 years.

(b) AGGREGATE LIMITATION.—Monitoring costs for an ecosystem restoration project—

(1) shall not exceed in the aggregate, for a 10-year period, an amount equal to 5 percent of the cost of the applicable original construction project; and

(2) after the 10-year period, shall be 100 percent non-Federal.

SEC. 2016. ECOSYSTEM RESTORATION BENEFITS.

For each of the following projects, the Corps of Engineers shall include ecosystem restoration benefits in the calculation of benefits for the project:

(1) Grayson's Creek, California.

(2) Seven Oaks, California.

(3) Oxford, California.

(4) Walnut Creek, California.

(5) Wildcat Phase II, California.

SEC. 2017. FUNDING TO EXPEDITE THE EVALUATION AND PROCESSING OF PERMITS.

Section 214 of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594, 117 Stat. 1836, 119 Stat. 2169, 120 Stat. 318, 120 Stat. 3197) is amended by striking subsection (c).

SEC. 2018. ELECTRONIC SUBMISSION OF PERMIT APPLICATIONS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall implement a program to allow electronic submission of permit applications for permits under the jurisdiction of the Corps of Engineers.

(b) LIMITATIONS.—This section does not preclude the submission of a hard copy, as required.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000.

SEC. 2019. IMPROVEMENT OF WATER MANAGEMENT AT CORPS OF ENGINEERS RESERVOIRS.

(a) IN GENERAL.—As part of the operation and maintenance, by the Corps of Engineers, of reservoirs in operation as of the date of enactment of this Act, the Secretary shall carry out the measures described in subsection (c) to support the water resource needs of project sponsors and any affected State, local, or tribal government for authorized project purposes.

(b) COOPERATION.—The Secretary shall carry out the measures described in subsection (c) in cooperation and coordination with project sponsors and any affected State, local, or tribal government.

(c) MEASURES.—In carrying out this section, the Secretary may—

(1) conduct a study to identify unused, underused, or additional water storage capacity at reservoirs;

(2) review an operational plan and identify any change to maximize an authorized project purpose to improve water storage capacity and enhance efficiency of releases and withdrawal of water;

(3) improve and update data, data collection, and forecasting models to maximize an authorized project purpose and improve water storage capacity and delivery to water users; and

(4) conduct a sediment study and implement any sediment management or removal measure.

(d) REVENUES FOR SPECIAL CASES.—

(1) COSTS OF WATER SUPPLY STORAGE.—In the case of a reservoir operated or maintained by the Corps of Engineers on the date of enactment of this Act, the storage charge for a future contract or contract renewal for the first cost of water supply storage at the reservoir shall be the lesser of the estimated cost of purposes foregone, replacement costs, or the updated cost of storage.

(2) REALLOCATION.—In the case of a water supply that is reallocated from another project purpose to municipal or industrial water supply, the joint use costs for the reservoir shall be adjusted to reflect the reallocation of project purposes.

(3) CREDIT FOR AFFECTED PROJECT PURPOSES.—In the case of a reallocation that adversely affects hydropower generation, the Secretary shall defer to the Administrator of the respective Power Marketing Administration to calculate the impact of such a reallocation on the rates for hydroelectric power.

(e) SAVINGS CLAUSE.—Nothing in this section affects any authority in existence on the date of enactment of this Act under—

(1) the Water Supply Act of 1958 (72 Stat 319);

(2) the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 887, chapter 665);

(3) the Water Resources Development Act of 1986 (100 Stat. 4082); or

(4) section 322 of the Water Resource Development Act of 1990 (33 U.S.C. 2324).

SEC. 2020. FEDERAL HOPPER DREDGES.

Section 3(c)(7)(B) of the Act of August 11, 1888 (33 U.S.C. 622; 25 Stat. 423), is amended by adding at the end the following: ''This subparagraph shall not apply to the Federal hopper dredges Essayons and Yaquina of the Corps of Engineers.''.

SEC. 2021. EXTRAORDINARY RAINFALL EVENTS.

In the State of Louisiana, extraordinary rainfall events such as Hurricanes Katrina and Rita, which occurred during calendar year 2005, and Hurricane Andrew, which occurred during calendar year 1992, shall not be considered in making a determination with respect to the ordinary high water mark for purposes of carrying out section 10 of the Act of March 3, 1899 (33 U.S.C. 403) (commonly known as the ''Rivers and Harbors Act'').

SEC. 2022. WILDFIRE FIREFIGHTING.

Section 309 of Public Law 102–154 (42 U.S.C. 1856a–1; 105 Stat. 1034) is amended by inserting ''the Secretary of the Army,'' after ''the Secretary of Energy,''.

SEC. 2023. NONPROFIT ORGANIZATIONS AS SPONSORS.

Section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)) is amended—

(1) by striking ''A non-Federal interest shall be'' and inserting the following:

''(1) IN GENERAL.—In this section, the term 'non-Federal interest' means''; and

(2) by adding at the end the following:

''(2) INCLUSIONS.—The term 'non-Federal interest' includes a nonprofit organization acting with the consent of the affected unit of government.''.

SEC. 2024. PROJECT ADMINISTRATION.

(a) PROJECT TRACKING.—The Secretary shall assign a unique tracking number to each water resources project under the jurisdiction of the Secretary, to be used by each Federal agency throughout the life of the project.

(b) REPORT REPOSITORY.—

(1) IN GENERAL.—The Secretary shall maintain at the Library of Congress a copy of each final feasibility study, final environmental impact statement, final reevaluation report, record of decision, and report to Congress prepared by the Corps of Engineers.

(2) AVAILABILITY TO PUBLIC.—

(A) IN GENERAL.—Each document described in paragraph (1) shall be made available to the public for review, and an electronic copy of each document shall be made permanently available to the public through the Internet website of the Corps of Engineers.

(B) COST.—The Secretary shall charge the requestor for the cost of duplication of the requested document.

SEC. 2025. PROGRAM ADMINISTRATION.

Sections 101, 106, and 108 of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2252–2254), are repealed.

SEC. 2026. EXTENSION OF SHORE PROTECTION PROJECTS.

(a) IN GENERAL.—Before the date on which the applicable period for Federal financial participation in a shore protection project terminates, the Secretary, acting through the Chief of Engineers, is authorized to review the shore protection project to determine whether it would be feasible to extend the period of Federal financial participation relating to the project.

(b) REPORT.—The Secretary shall submit to Congress a report describing the results of each review conducted under subsection (a).

SEC. 2027. TRIBAL PARTNERSHIP PROGRAM.

Section 203 of the Water Resources Development Act of 2000 (33 U.S.C. 2269) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting ''carry out water-related planning activities and'' after ''the Secretary may''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' at the end;

(ii) by redesignating subparagraph (B) as subparagraph (C); and

(iii) by inserting after subparagraph (A) the following:

''(B) watershed assessments and planning activities.''; and

(2) in subsection (e), by striking ''2006'' and inserting ''2012''.

Subtitle B—Continuing Authorities Projects

SEC. 2031. NAVIGATION ENHANCEMENTS FOR WATERBORNE TRANSPORTATION.

Section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is amended—

(1) by striking ''SEC. 107. (a) That the Secretary of the Army is hereby authorized to'' and inserting the following:

''SEC. 107. NAVIGATION ENHANCEMENTS FOR WATERBORNE TRANSPORTATION.

''(a) IN GENERAL.—The Secretary of the Army may'';

(2) in subsection (b)—

(A) by striking ''(b) Not more'' and inserting the following:

''(b) ALLOTMENT.—Not more''; and

(B) by striking ''$4,000,000'' and inserting ''$7,000,000'';

(3) in subsection (c), by striking ''(c) Local'' and inserting the following:

''(c) LOCAL CONTRIBUTIONS.—Local'';

(4) in subsection (d), by striking ''(d) Non-Federal'' and inserting the following:

''(d) NON-FEDERAL SHARE.—Non-Federal'';

(5) in subsection (e), by striking ''(e) Each'' and inserting the following:

''(e) COMPLETION.—Each''; and

(6) in subsection (f), by striking ''(f) This'' and inserting the following:

''(f) APPLICABILITY.—This''.

SEC. 2032. PROTECTION AND RESTORATION DUE TO EMERGENCIES AT SHORES AND STREAMBANKS.

Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended by striking ''$1,000,000'' and inserting ''$1,500,000''.

SEC. 2033. RESTORATION OF THE ENVIRONMENT FOR PROTECTION OF AQUATIC AND RIPARIAN ECOSYSTEMS PROGRAM.

Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 206. RESTORATION OF THE ENVIRONMENT FOR PROTECTION OF AQUATIC AND RIPARIAN ECOSYSTEMS PROGRAM.'';

(2) in subsection (a), by striking ''an aquatic'' and inserting ''a freshwater aquatic''; and

(3) in subsection (e), by striking ''$25,000,000'' and inserting ''$30,000,000''.

SEC. 2034. ENVIRONMENTAL MODIFICATION OF PROJECTS FOR IMPROVEMENT AND RESTORATION OF ECOSYSTEMS PROGRAM.

Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 1135. ENVIRONMENTAL MODIFICATION OF PROJECTS FOR IMPROVEMENT AND RESTORATION OF ECOSYSTEMS PROGRAM.'';

and

(2) in subsection (h), by striking ''$25,000,000'' and inserting ''$30,000,000''.

SEC. 2035. PROJECTS TO ENHANCE ESTUARIES AND COASTAL HABITATS.

(a) IN GENERAL.—The Secretary may carry out an estuary habitat restoration project if the Secretary determines that the project—

(1) will improve the elements and features of an estuary (as defined in section 103 of the Estuaries and Clean Waters Act of 2000 (33 U.S.C. 2902));

(2) is in the public interest; and

(3) is cost-effective.

(b) COST SHARING.—The non-Federal share of the cost of construction of any project under this section—

(1) shall be 35 percent; and

(2) shall include the costs of all land, easements, rights-of-way, and necessary relocations.

(c) AGREEMENTS.—Construction of a project under this section shall commence only after a non-Federal interest has entered into a binding agreement with the Secretary to pay—

(1) the non-Federal share of the costs of construction required under subsection (b); and

(2) in accordance with regulations promulgated by the Secretary, 100 percent of the costs of any operation, maintenance, replacement, or rehabilitation of the project.

(d) LIMITATION.—Not more than $5,000,000 in Federal funds may be allocated under this section for a project at any 1 location.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2008 through 2011.

SEC. 2036. REMEDIATION OF ABANDONED MINE SITES.

Section 560 of the Water Resources Development Act of 1999 (33 U.S.C. 2336; 113 Stat. 354–355) is amended—

(1) by striking subsection (f);

(2) by redesignating subsections (a) through (e) as subsections (b) through (f), respectively;

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

''(a) DEFINITION OF NON-FEDERAL INTEREST.—In this section, the term 'non-Federal interest' includes, with the consent of the affected local government, nonprofit entities, notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b).'';

(4) in subsection (b) (as redesignated by paragraph (2))—

(A) by inserting '', and construction'' before ''assistance''; and

(B) by inserting '', including, with the consent of the affected local government, nonprofit entities,'' after ''non-Federal interests'';

(5) in paragraph (3) of subsection (c) (as redesignated by paragraph (2))—

(A) by inserting ''physical hazards and'' after ''adverse''; and

(B) by striking ''drainage from'';

(6) in subsection (d) (as redesignated by paragraph (2)), by striking ''50'' and inserting ''25''; and

(7) by adding at the end the following:

''(g) OPERATION AND MAINTENANCE.—The non-Federal share of the costs of operation and maintenance for a project carried out under this section shall be 100 percent.

''(h) NO EFFECT ON LIABILITY.—The provision of assistance under this section shall not relieve from liability any person that would otherwise be liable under Federal or State law for damages, response costs, natural resource damages, restitution, equitable relief, or any other relief.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, for each of fiscal years 2008 through 2011, $20,000,000, to remain available until expended.''.

SEC. 2037. SMALL PROJECTS FOR THE REHABILITATION AND REMOVAL OF DAMS.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary may carry out a small dam removal or rehabilitation project if the Secretary determines that the project will improve the quality of the environment or is in the public interest.

(2) PRIORITY PROJECTS.—In carrying out this section, the Secretary shall give priority to carrying out the following small dam removal or rehabilitation projects:

(A) Mountain Park, Georgia.

(B) Keith Creek, Rockford, Illinois.

(C) Mount Zion Mill Pond Dam, Fulton County, Indiana.

(D) Hamilton Dam, Flint River, Michigan.

(E) Ingham Spring Dam, Solebury Township, Pennsylvania.

(F) Stillwater Lake Dam, Monroe County, Pennsylvania.

(b) COST SHARING.—A non-Federal interest shall provide 35 percent of the cost of the removal or remediation of any project carried out under this section, including provision of all land, easements, rights-of-way, and necessary relocations.

(c) AGREEMENTS.—Construction of a project under this section shall be commenced only after a non-Federal interest has entered into a binding agreement with the Secretary to pay—

(1) the non-Federal share of the costs of construction required by this section; and

(2) 100 percent of any operation and maintenance cost.

(d) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be allotted under this section for a project at any single location.

(e) FUNDING.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2008 through 2011.

SEC. 2038. REMOTE, MARITIME-DEPENDENT COMMUNITIES.

(a) IN GENERAL.—The Secretary shall develop eligibility criteria for Federal participation in navigation projects located in economically disadvantaged communities that are—

(1) dependent on water transportation for subsistence; and

(2) located in—

(A) remote areas of the United States;

(B) American Samoa;

(C) Guam;

(D) the Commonwealth of the Northern Mariana Islands;

(E) the Commonwealth of Puerto Rico; or

(F) the United States Virgin Islands.

(b) ADMINISTRATION.—The criteria developed under this section—

(1) shall—

(A) provide for economic expansion; and

(B) identify opportunities for promoting economic growth; and

(2) shall not require project justification solely on the basis of National Economic Development benefits received.

SEC. 2039. AGREEMENTS FOR WATER RESOURCE PROJECTS.

(a) PARTNERSHIP AGREEMENTS.—Section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) is amended—

(1) by redesignating subsection (e) as subsection (g); and

(2) by inserting after subsection (d) the following:

''(e) PUBLIC HEALTH AND SAFETY.—If the Secretary determines that a project needs to be continued for the purpose of public health and safety—

''(1) the non-Federal interest shall pay the increased projects costs, up to an amount equal to 20 percent of the original estimated project costs and in accordance with the statutorily-determined cost share; and

''(2) notwithstanding the statutorily-determined Federal share, the Secretary shall pay all increased costs remaining after payment of 20 percent of the increased costs by the non-Federal interest under paragraph (1).

''(f) LIMITATION.—Nothing in subsection (a) limits the authority of the Secretary to ensure that a partnership agreement meets the requirements of law and policies of the Secretary in effect on the date of execution of the partnership agreement.''.

(b) LOCAL COOPERATION.—Section 912(b) of the Water Resources Development Act of 1986 (100 Stat. 4190) is amended—

(1) in paragraph (2)—

(A) in the first sentence, by striking ''shall'' and inserting ''may''; and

(B) by striking the second sentence; and

(2) in paragraph (4)—

(A) in the first sentence—

(i) by striking ''injunction, for'' and inserting ''injunction and payment of liquidated damages, for''; and

(ii) by striking ''to collect a civil penalty imposed under this section,''; and

(B) in the second sentence, by striking ''any civil penalty imposed under this section,'' and inserting ''any liquidated damages,''.

(c) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a) and (b) shall apply only to partnership agreements entered into after the date of enactment of this Act.

(2) EXCEPTION.—Notwithstanding paragraph (1), the district engineer for the district in which a project is located may amend the partnership agreement for the project entered into on or before the date of enactment of this Act—

(A) at the request of a non-Federal interest for a project; and

(B) if construction on the project has not been initiated as of the date of enactment of this Act.

(d) REFERENCES.—

(1) COOPERATION AGREEMENTS.—Any reference in a law, regulation, document, or other paper of the United States to a cooperation agreement or project cooperation agreement shall be considered to be a reference to a partnership agreement or a project partnership agreement, respectively.

(2) PARTNERSHIP AGREEMENTS.—Any reference to a partnership agreement or project partnership agreement in this Act (other than in this section) shall be considered to be a reference to a cooperation agreement or a project cooperation agreement, respectively.

SEC. 2040. PROGRAM NAMES.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking ''SEC. 205. That the'' and inserting the following:

''SEC. 205. PROJECTS TO ENHANCE REDUCTION OF FLOODING AND OBTAIN RISK MINIMIZATION.

''The''.

Subtitle C—National Levee Safety Program

SEC. 2051. SHORT TITLE.

This subtitle may be cited as the ''National Levee Safety Program Act of 2007''.

SEC. 2052. DEFINITIONS.

In this subtitle:

(1) ASSESSMENT.—The term ''assessment'' means the periodic engineering evaluation of a levee by a registered professional engineer to—

(A) review the engineering features of the levee; and

(B) develop a risk-based performance evaluation of the levee, taking into consideration potential consequences of failure or overtopping of the levee.

(2) COMMITTEE.—The term ''Committee'' means the National Levee Safety Committee established by section 2053(a).

(3) INSPECTION.—The term ''inspection'' means an annual review of a levee to verify whether the owner or operator of the levee is

conducting required operation and maintenance in accordance with established levee maintenance standards.

(4) LEVEE.—The term ''levee'' means an embankment (including a floodwall) that—

(A) is designed, constructed, or operated for the purpose of flood or storm damage reduction;

(B) reduces the risk of loss of human life or risk to the public safety; and

(C) is not otherwise defined as a dam by the Federal Guidelines for Dam Safety.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

(6) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(7) STATE LEVEE SAFETY AGENCY.—The term ''State levee safety agency'' means the State agency that has regulatory authority over the safety of any non-Federal levee in a State.

(8) UNITED STATES.—The term ''United States'', when used in a geographical sense, means all of the States.

SEC. 2053. NATIONAL LEVEE SAFETY COMMITTEE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a National Levee Safety Committee, consisting of representatives of Federal agencies and State, tribal, and local governments, in accordance with this subsection.

(2) FEDERAL AGENCIES.—

(A) IN GENERAL.—The head of each Federal agency and the head of the International Boundary Waters Commission may designate a representative to serve on the Committee.

(B) ACTION BY SECRETARY.—The Secretary shall ensure, to the maximum extent practicable, that—

(i) each Federal agency that designs, owns, operates, or maintains a levee is represented on the Committee; and

(ii) each Federal agency that has responsibility for emergency preparedness or response activities is represented on the Committee.

(3) TRIBAL, STATE, AND LOCAL GOVERNMENTS.—

(A) IN GENERAL.—The Secretary shall appoint 8 members to the Committee—

(i) 3 of whom shall represent tribal governments affected by levees, based on recommendations of tribal governments;

(ii) 3 of whom shall represent State levee safety agencies, based on recommendations of Governors of the States; and

(iii) 2 of whom shall represent local governments, based on recommendations of Governors of the States.

(B) REQUIREMENT.—In appointing members under subparagraph (A), the Secretary shall ensure broad geographic representation, to the maximum extent practicable.

(4) CHAIRPERSON.—The Secretary shall serve as Chairperson of the Committee.

(5) OTHER MEMBERS.—The Secretary, in consultation with the Committee, may invite to participate in meetings of the Committee, as appropriate, 1 or more of the following:

(A) Representatives of the National Laboratories.

(B) Levee safety experts.

(C) Environmental organizations.

(D) Members of private industry.

(E) Any other individual or entity, as the Committee determines to be appropriate.

(b) DUTIES.—

(1) IN GENERAL.—The Committee shall—

(A) advise the Secretary in implementing the national levee safety program under section 2054;

(B) support the establishment and maintenance of effective programs, policies, and guidelines to enhance levee safety for the protection of human life and property throughout the United States; and

(C) support coordination and information exchange between Federal agencies and State levee safety agencies that share common problems and responsibilities relating to levee safety, including planning, design, construction, operation, emergency action planning, inspections, maintenance, regulation or licensing, technical or financial assistance, research, and data management.

(c) POWERS.—

(1) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Committee may secure directly from a Federal agency such information as the Committee considers to be necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Committee, the head of a Federal agency shall provide the information to the Committee.

(2) CONTRACTS.—The Committee may enter into any contract the Committee determines to be necessary to carry out a duty of the Committee.

(d) WORKING GROUPS.—

(1) IN GENERAL.—The Secretary may establish working groups to assist the Committee in carrying out this section.

(2) MEMBERSHIP.—A working group under paragraph (1) shall be composed of—

(A) members of the Committee; and

(B) any other individual, as the Secretary determines to be appropriate.

(e) COMPENSATION OF MEMBERS.—

(1) FEDERAL EMPLOYEES.—A member of the Committee who is an officer or employee of the United States shall serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States.

(2) OTHER MEMBERS.—A member of the Committee who is not an officer or employee of the United States shall serve without compensation.

(f) TRAVEL EXPENSES.—

(1) REPRESENTATIVES OF FEDERAL AGENCIES.—To the extent amounts are made available in advance in appropriations Acts, a member of the Committee who represents a Federal agency shall be reimbursed with appropriations for travel expenses by the agency of the member, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from home or regular place of business of the member in the performance of services for the Committee.

(2) OTHER INDIVIDUALS.—To the extent amounts are made available in advance in appropriations Acts, a member of the Committee who represents a State levee safety agency, a member of the Committee who represents the private sector, and a member of a working group created under subsection (d) shall be reimbursed for travel expenses by the Secretary, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter 1 of chapter 57 of title 5, United States Code, while away from home or regular place of business of the member in performance of services for the Committee.

(g) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

SEC. 2054. NATIONAL LEVEE SAFETY PROGRAM.

(a) IN GENERAL.—The Secretary, in consultation with the Committee and State levee safety agencies, shall establish and maintain a national levee safety program.

(b) PURPOSES.—The purposes of the program under this section are—

(1) to ensure that new and existing levees are safe through the development of technologically and economically feasible programs and procedures for hazard reduction relating to levees;

(2) to encourage appropriate engineering policies and procedures to be used for levee site investigation, design, construction, operation and maintenance, and emergency preparedness;

(3) to encourage the establishment and implementation of effective levee safety programs in each State;

(4) to develop and support public education and awareness projects to increase public acceptance and support of State levee safety programs;

(5) to develop technical assistance materials for Federal and State levee safety programs;

(6) to develop methods of providing technical assistance relating to levee safety to non-Federal entities; and

(7) to develop technical assistance materials, seminars, and guidelines to improve the security of levees in the United States.

(c) STRATEGIC PLAN.—In carrying out the program under this section, the Secretary, in coordination with the Committee, shall prepare a strategic plan—

(1) to establish goals, priorities, and target dates to improve the safety of levees in the United States;

(2) to cooperate and coordinate with, and provide assistance to, State levee safety agencies, to the maximum extent practicable;

(3) to share information among Federal agencies, State and local governments, and private entities relating to levee safety; and

(4) to provide information to the public relating to risks associated with levee failure or overtopping.

(d) FEDERAL GUIDELINES.—

(1) IN GENERAL.—In carrying out the program under this section, the Secretary, in coordination with the Committee, shall establish Federal guidelines relating to levee safety.

(2) INCORPORATION OF FEDERAL ACTIVITIES.—The Federal guidelines under paragraph (1) shall incorporate, to the maximum extent practicable, any activity carried out by a Federal agency as of the date on which the guidelines are established.

(e) INCORPORATION OF EXISTING ACTIVITIES.—The program under this section shall incorporate, to the maximum extent practicable—

(1) any activity carried out by a State or local government, or a private entity, relating to the construction, operation, or maintenance of a levee; and

(2) any activity carried out by a Federal agency to support an effort by a State levee safety agency to develop and implement an effective levee safety program.

(f) INVENTORY OF LEVEES.—The Secretary shall develop, maintain, and periodically publish an inventory of levees in the United States, including the results of any levee assessment conducted under this section and inspection.

(g) ASSESSMENTS OF LEVEES.—

(1) IN GENERAL.—Except as provided in paragraph (2), as soon as practicable after the date of enactment of this Act, the Secretary shall conduct an assessment of each levee in the United States that protects human life or the public safety to determine the potential for a failure or overtopping of the levee that would pose a risk of loss of human life or a risk to the public safety.

(2) EXCEPTION.—The Secretary may exclude from assessment under paragraph (1) any non-Federal levee the failure or overtopping of which would not pose a risk of loss of human life or a risk to the public safety.

(3) PRIORITIZATION.—In determining the order in which to assess levees under paragraph (1), the Secretary shall give priority to levees the failure or overtopping of which would constitute the highest risk of loss of human life or a risk to the public safety, as determined by the Secretary.

(4) DETERMINATION.—In assessing levees under paragraph (1), the Secretary shall take into consideration the potential of a levee to fail or overtop because of—

(A) hydrologic or hydraulic conditions;

(B) storm surges;

(C) geotechnical conditions;

(D) inadequate operating procedures;

(E) structural, mechanical, or design deficiencies; or

(F) other conditions that exist or may occur in the vicinity of the levee.

(5) STATE PARTICIPATION.—On request of a State levee safety agency, with respect to any levee the failure of which would affect the State, the Secretary shall—

(A) provide information to the State levee safety agency relating to the construction, operation, and maintenance of the levee; and

(B) allow an official of the State levee safety agency to participate in the assessment of the levee.

(6) REPORT.—As soon as practicable after the date on which a levee is assessed under this section, the Secretary shall provide to the Governor of the State in which the levee is located a notice describing the results of the assessment, including—

(A) a description of the results of the assessment under this subsection;

(B) a description of any hazardous condition discovered during the assessment; and

(C) on request of the Governor, information relating to any remedial measure necessary to mitigate or avoid any hazardous condition discovered during the assessment.

(7) SUBSEQUENT ASSESSMENTS.—

(A) IN GENERAL.—After the date on which a levee is initially assessed under this subsection, the Secretary shall conduct a subsequent assessment of the levee not less frequently than once every 5 years.

(B) STATE ASSESSMENT OF NON-FEDERAL LEVEES.—

(i) IN GENERAL.—Each State shall conduct assessments of non-Federal levees located within the State in accordance with the applicable State levee safety program.

(ii) AVAILABILITY OF INFORMATION.—Each State shall make the results of the assessments under clause (i) available for inclusion in the national inventory under subsection (f).

(iii) NON-FEDERAL LEVEES.—

(I) IN GENERAL.—On request of the Governor of a State, the Secretary may assess a non-Federal levee in the State.

(II) COST.—The State shall pay 100 percent of the cost of an assessment under subclause (I).

(III) FUNDING.—The Secretary may accept funds from any levee owner for the purposes of conducting engineering assessments to determine the performance and structural integrity of a levee.

(h) STATE LEVEE SAFETY PROGRAMS.—

(1) ASSISTANCE TO STATES.—In carrying out the program under this section, the Secretary shall provide funds to State levee safety agencies (or another appropriate State agency, as designated by the Governor of the State) to assist States in establishing, maintaining, and improving levee safety programs.

(2) APPLICATION.—

(A) IN GENERAL.—To receive funds under this subsection, a State levee safety agency shall submit to the Secretary an application in such time, in such manner, and containing such information as the Secretary may require.

(B) INCLUSION.—An application under subparagraph (A) shall include an agreement between the State levee safety agency and the Secretary under which the State levee safety agency shall, in accordance with State law—

(i) review and approve plans and specifications to construct, enlarge, modify, remove, or abandon a levee in the State;

(ii) perform periodic evaluations during levee construction to ensure compliance with the approved plans and specifications;

(iii) approve the construction of a levee in the State before the date on which the levee becomes operational;

(iv) assess, at least once every 5 years, all levees and reservoirs in the State the failure of which would cause a significant risk of loss of human life or risk to the public safety to determine whether the levees and reservoirs are safe;

(v) establish a procedure for more detailed and frequent safety evaluations;

(vi) ensure that assessments are led by a State-registered professional engineer with related experience in levee design and construction;

(vii) issue notices, if necessary, to require owners of levees to perform necessary maintenance or remedial work, improve security, revise operating procedures, or take other actions, including breaching levees;

(viii) contribute funds to—

(I) ensure timely repairs or other changes to, or removal of, a levee in order to reduce the risk of loss of human life and the risk to public safety; and

(II) if the owner of a levee does not take an action described in subclause (I), take appropriate action as expeditiously as practicable;

(ix) establish a system of emergency procedures and emergency response plans to be used if a levee fails or if the failure of a levee is imminent;

(x) identify—

(I) each levee the failure of which could be reasonably expected to endanger human life;

(II) the maximum area that could be flooded if a levee failed; and

(III) necessary public facilities that would be affected by the flooding; and

(xi) for the period during which the funds are provided, maintain or exceed the aggregate expenditures of the State during the 2 fiscal years preceding the fiscal year during which the funds are provided to ensure levee safety.

(3) DETERMINATION OF SECRETARY.—

(A) IN GENERAL.—Not later than 120 days after the date on which the Secretary receives an application under paragraph (2), the Secretary shall approve or disapprove the application.

(B) NOTICE OF DISAPPROVAL.—If the Secretary disapproves an application under subparagraph (A), the Secretary shall immediately provide to the State levee safety agency a written notice of the disapproval, including a description of—

(i) the reasons for the disapproval; and

(ii) changes necessary for approval of the application, if any.

(C) FAILURE TO DETERMINE.—If the Secretary fails to make a determination by the deadline under subparagraph (A), the application shall be considered to be approved.

(4) REVIEW OF STATE LEVEE SAFETY PROGRAMS.—

(A) IN GENERAL.—The Secretary, in conjunction with the Committee, may periodically review any program carried out using funds under this subsection.

(B) INADEQUATE PROGRAMS.—If the Secretary determines under a review under subparagraph (A) that a program is inadequate to reasonably protect human life and property, the Secretary shall, until the Secretary determines the program to be adequate—

(i) revoke the approval of the program; and

(ii) withhold assistance under this subsection.

(i) REPORTING.—Not later than 90 days after the end of each odd-numbered fiscal year, the Secretary, in consultation with the Committee, shall submit to Congress a report describing—

(1) the status of the program under this section;

(2) the progress made by Federal agencies during the 2 preceding fiscal years in implementing Federal guidelines for levee safety;

(3) the progress made by State levee safety agencies participating in the program; and

(4) recommendations for legislative or other action that the Secretary considers to be necessary, if any.

(j) RESEARCH.—The Secretary, in coordination with the Committee, shall carry out a program of technical and archival research to develop and support—

(1) improved techniques, historical experience, and equipment for rapid and effective levee construction, rehabilitation, and assessment or inspection;

(2) the development of devices for the continued monitoring of levee safety;

(3) the development and maintenance of information resources systems required to manage levee safety projects; and

(4) public policy initiatives and other improvements relating to levee safety engineering, security, and management.

(k) PARTICIPATION BY STATE LEVEE SAFETY AGENCIES.—In carrying out the levee safety program under this section, the Secretary shall—

(1) solicit participation from State levee safety agencies; and

(2) periodically update State levee safety agencies and Congress on the status of the program.

(l) LEVEE SAFETY TRAINING.—The Secretary, in consultation with the Committee, shall establish a program under which the Secretary shall provide training for State levee safety agency staff and inspectors to a State that has, or intends to develop, a State levee safety program, on request of the State.

(m) EFFECT OF SUBTITLE.—Nothing in this subtitle—

(1) creates any Federal liability relating to the recovery of a levee caused by an action or failure to act;

(2) relieves an owner or operator of a levee of any legal duty, obligation, or liability relating to the ownership or operation of the levee; or

(3) except as provided in subsection (g)(7)(B)(iii)(III), preempts any applicable Federal or State law.

SEC. 2055. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary—

(1) $20,000,000 to establish and maintain the inventory under section 2054(f);

(2) $42,000,000 to carry out levee safety assessments under section 2054(g);

(3) to provide funds for State levee safety programs under section 2054(h)—

(A) $15,000,000 for fiscal year 2007; and

(B) $5,000,000 for each of fiscal years 2008 through 2011;

(4) $2,000,000 to carry out research under section 2054(j);

(5) $1,000,000 to carry out levee safety training under section 2054(l); and

(6) $150,000 to provide travel expenses to members of the Committee under section 2053(f).

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 3001. ST. HERMAN AND ST. PAUL HARBORS, KODIAK, ALASKA.

The Secretary shall carry out, on an emergency basis, necessary removal of rubble,

sediment, and rock impeding the entrance to the St. Herman and St. Paul Harbors, Kodiak, Alaska, at a Federal cost of $2,000,000.

SEC. 3002. SITKA, ALASKA.

The Sitka, Alaska, element of the project for navigation, Southeast Alaska Harbors of Refuge, Alaska, authorized by section 101 of the Water Resources Development Act of 1992 (106 Stat. 4801), is modified to direct the Secretary to take such action as is necessary to correct design deficiencies in the Sitka Harbor Breakwater, at full Federal expense. The estimated cost is $6,300,000.

SEC. 3003. BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA.

(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. NOGALES WASH AND TRIBUTARIES FLOOD CONTROL PROJECT, ARIZONA.

The project for flood control, Nogales Wash and tributaries, Arizona, authorized by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606; 110 Stat. 3711; 114 Stat. 2600), is modified to authorize the Secretary to construct the project at a total cost of $25,410,000, with an estimated Federal cost of $22,930,000 and an estimated non-Federal cost of $2,480,000.

SEC. 3005. RIO DE FLAG, FLAGSTAFF, ARIZONA.

The project for flood damage reduction, Rio De Flag, Flagstaff, Arizona, authorized by section 101(b)(3) of the Water Resources Development Act of 2000 (114 Stat. 2576), is modified to authorize the Secretary to construct the project at a total cost of $54,100,000, with an estimated Federal cost of $35,000,000 and a non-Federal cost of $19,100,000.

SEC. 3006. TUCSON DRAINAGE AREA (TUCSON ARROYO), ARIZONA.

The project for flood damage reduction, environmental restoration, and recreation, Tucson Drainage Area (Tucson Arroyo), Arizona, authorized by section 101(a)(5) of the Water Resources Development Act of 1999 (113 Stat. 274), is modified to authorize the Secretary to construct the project at a total cost of $66,700,000, with an estimated Federal cost of $43,350,000 and an estimated non-Federal cost of $23,350,000.

SEC. 3007. AUGUSTA AND CLARENDON, ARKANSAS.

The Secretary may carry out rehabilitation of authorized and completed levees on the White River between Augusta and Clarendon, Arkansas, at a total estimated cost of $8,000,000, with an estimated Federal cost of $5,200,000 and an estimated non-Federal cost of $2,800,000.

SEC. 3008. EASTERN ARKANSAS ENTERPRISE COMMUNITY, ARKANSAS.

Federal assistance made available under the rural enterprise zone program of the Department of Agriculture may be used toward payment of the non-Federal share of the costs of the project described in section 219(c)(20) of the Water Resources Development Act of 1992 (106 Stat. 4835; 114 Stat. 2763A–219), if the funds are authorized to be used for the purpose of that project.

SEC. 3009. RED-OUACHITA RIVER BASIN LEVEES, ARKANSAS AND LOUISIANA.

(a) IN GENERAL.—Section 204 of the Flood Control Act of 1950 (64 Stat. 170) is amended in the matter under the heading ''RED-OUACHITA RIVER BASIN'' by striking ''at Calion, Arkansas'' and inserting ''improvements at Calion, Arkansas (including authorization for the comprehensive flood-control project for Ouachita River and tributaries, incorporating in the project all flood control, drainage, and power improvements in the basin above the lower end of the left bank Ouachita River levee)''.

(b) MODIFICATION.—Section 3 of the Act of August 18, 1941 (55 Stat. 642, chapter 377), is amended in the second sentence of subsection (a) in the matter under the heading ''LOWER MISSISSIPPI RIVER'' by inserting before the period at the end the following: ''*Provided*, That the Ouachita River Levees, Louisiana, authorized by the first section of the Act of May 15, 1928 (45 Stat. 534, chapter 569), shall remain as a component of the Mississippi River and Tributaries Project and afforded operation and maintenance responsibilities as directed in section 3 of that Act (45 Stat. 535)''.

SEC. 3010. ST. FRANCIS BASIN, ARKANSAS AND MISSOURI.

(a) IN GENERAL.—The project for flood control, St. Francis River Basin, Arkansas, and Missouri, authorized the Act of June 15, 1936 (49 Stat. 1508, chapter 548), as modified, is further modified to authorize the Secretary to undertake channel stabilization and sediment removal measures on the St. Francis River and tributaries as an integral part of the original project.

(b) NO SEPARABLE ELEMENT.—The measures undertaken under subsection (a) shall not be considered to be a separable element of the project.

SEC. 3011. ST. FRANCIS BASIN LAND TRANSFER, ARKANSAS AND MISSOURI.

(a) IN GENERAL.—The Secretary shall convey to the State of Arkansas, without monetary consideration and subject to subsection (b), all right, title, and interest to land within the State acquired by the Federal Government as mitigation land for the project for flood control, St. Francis Basin, Arkansas and Missouri Project, authorized by the Act of May 15, 1928 (33 U.S.C. 702a et seq.) (commonly known as the ''Flood Control Act of 1928'').

(b) TERMS AND CONDITIONS.—

(1) IN GENERAL.—The conveyance by the United States under this section shall be subject to—

(A) the condition that the State of Arkansas (including the successors and assigns of the State) agree to operate, maintain, and manage the land at no cost or expense to the United States and for fish and wildlife, recreation, and environmental purposes; and

(B) such other terms and conditions as the Secretary determines to be in the interest of the United States.

(2) REVERSION.—If the State (or a successor or assign of the State) ceases to operate, maintain, and manage the land in accordance with this subsection, all right, title, and interest in and to the property shall revert to the United States, at the option of the Secretary.

SEC. 3012. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, ARKANSAS AND OKLAHOMA.

(a) NAVIGATION CHANNEL.—The Secretary shall continue construction of the McClellan-Kerr Arkansas River Navigation System, Arkansas and Oklahoma, to operate and maintain the navigation channel to the authorized depth of the channel, in accordance with section 136 of the Energy and Water Development Appropriations Act, 2004 (Public Law 108–137; 117 Stat. 1842).

(b) MITIGATION.—

(1) IN GENERAL.—As mitigation for any incidental taking relating to the McClellan-Kerr Navigation System, the Secretary shall determine the need for, and construct modifications in, the structures and operations of the Arkansas River in the area of Tulsa County, Oklahoma, including the construction of low water dams and islands to provide nesting and foraging habitat for the interior least tern, in accordance with the study entitled ''Arkansas River Corridor Master Plan Planning Assistance to States''.

(2) COST SHARING.—The non-Federal share of the cost of a project under this subsection shall be 35 percent.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $12,000,000.

SEC. 3013. CACHE CREEK BASIN, CALIFORNIA.

(a) IN GENERAL.—The project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), is modified to direct the Secretary to mitigate the impacts of the new south levee of the Cache Creek settling basin on the storm drainage system of the city of Woodland, including all appurtenant features, erosion control measures, and environmental protection features.

(b) OBJECTIVES.—Mitigation under subsection (a) shall restore the pre-project capacity of the city (1,360 cubic feet per second) to release water to the Yolo Bypass, including—

(1) channel improvements;

(2) an outlet work through the west levee of the Yolo Bypass; and

(3) a new low flow cross channel to handle city and county storm drainage and settling basin flows (1,760 cubic feet per second) when the Yolo Bypass is in a low flow condition.

SEC. 3014. CALFED LEVEE STABILITY PROGRAM, CALIFORNIA.

In addition to funds made available pursuant to the Water Supply, Reliability, and Environmental Improvement Act (Public Law 108–361) to carry out section 103(f)(3)(D) of that Act (118 Stat. 1696), there is authorized to be appropriated to carry out projects described in that section $106,000,000, to remain available until expended.

SEC. 3015. HAMILTON AIRFIELD, CALIFORNIA.

The project for environmental restoration, Hamilton Airfield, California, authorized by section 101(b)(3) of the Water Resources Development Act of 1999 (113 Stat. 279), is modified to include the diked bayland parcel known as ''Bel Marin Keys Unit V'' at an estimated total cost of $221,700,000, with an estimated Federal cost of $166,200,000 and an estimated non-Federal cost of $55,500,000, as part of the project to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the final report of the Chief of Engineers dated July 19, 2004.

SEC. 3016. LA–3 DREDGED MATERIAL OCEAN DISPOSAL SITE DESIGNATION, CALIFORNIA.

Section 102(c)(4) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1412(c)(4)) is amended in the third sentence by striking ''January 1, 2003'' and inserting ''January 1, 2011''.

SEC. 3017. LARKSPUR FERRY CHANNEL, CALIFORNIA.

(a) REPORT.—The project for navigation, Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to direct the Secretary to prepare a limited reevaluation report to determine whether maintenance of the project is feasible.

(b) AUTHORIZATION OF PROJECT.—If the Secretary determines that maintenance of the project is feasible, the Secretary shall carry out the maintenance.

SEC. 3018. LLAGAS CREEK, CALIFORNIA.

The project for flood damage reduction, Llagas Creek, California, authorized by section 501(a) of the Water Resources Development Act of 1999 (113 Stat. 333), is modified to authorize the Secretary to complete the project, in accordance with the requirements of local cooperation as specified in section 5 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1005), at a total remaining cost of $105,000,000, with an estimated remaining Federal cost of $65,000,000 and an estimated remaining non-Federal cost of $40,000,000.

SEC. 3019. MAGPIE CREEK, CALIFORNIA.

The project for Magpie Creek, California, authorized by section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to direct the Secretary to apply the cost-sharing requirements of section 103(b) of the Water Resources Development Act of 1986 (100 Stat. 4085) for the portion of the project consisting of land acquisition to preserve and enhance existing floodwater storage.

SEC. 3020. PETALUMA RIVER, PETALUMA, CALIFORNIA.

The project for flood damage reduction, Petaluma River, Petaluma, California, authorized by section 112 of the Water Resources Development Act of 2000 (114 Stat. 2587), is modified to authorize the Secretary to construct the project at a total cost of $41,500,000, with an estimated Federal cost of $26,975,000 and an estimated non-Federal cost of $14,525,000.

SEC. 3021. PINE FLAT DAM FISH AND WILDLIFE HABITAT, CALIFORNIA.

(a) COOPERATIVE PROGRAM.—

(1) IN GENERAL.—The Secretary shall participate with appropriate State and local agencies in the implementation of a cooperative program to improve and manage fisheries and aquatic habitat conditions in Pine Flat Reservoir and in the 14-mile reach of the Kings River immediately below Pine Flat Dam, California, in a manner that—

(A) provides for long-term aquatic resource enhancement; and

(B) avoids adverse effects on water storage and water rights holders.

(2) GOALS AND PRINCIPLES.—The cooperative program described in paragraph (1) shall be carried out—

(A) substantially in accordance with the goals and principles of the document entitled ''Kings River Fisheries Management Program Framework Agreement'' and dated May 29, 1999, between the California Department of Fish and Game and the Kings River Water Association and the Kings River Conservation District; and

(B) in cooperation with the parties to that agreement.

(b) PARTICIPATION BY SECRETARY.—

(1) IN GENERAL.—In furtherance of the goals of the agreement described in subsection (a)(2), the Secretary shall participate in the planning, design, and construction of projects and pilot projects on the Kings River and its tributaries to enhance aquatic habitat and water availability for fisheries purposes (including maintenance of a trout fishery) in accordance with flood control operations, water rights, and beneficial uses in existence as of the date of enactment of this Act.

(2) PROJECTS.—Projects referred to in paragraph (1) may include—

(A) projects to construct or improve pumping, conveyance, and storage facilities to enhance water transfers; and

(B) projects to carry out water exchanges and create opportunities to use floodwater within and downstream of Pine Flat Reservoir.

(c) NO AUTHORIZATION OF CERTAIN DAM-RELATED PROJECTS.—Nothing in this section authorizes any project for the raising of Pine Flat Dam or the construction of a multilevel intake structure at Pine Flat Dam.

(d) USE OF EXISTING STUDIES.—In carrying out this section, the Secretary shall use, to the maximum extent practicable, studies in existence on the date of enactment of this Act, including data and environmental documentation in the document entitled ''Final Feasibility Report and Report of the Chief of Engineers for Pine Flat Dam Fish and Wildlife Habitat Restoration'' and dated July 19, 2002.

(e) COST SHARING.—

(1) PROJECT PLANNING, DESIGN, AND CONSTRUCTION.—The Federal share of the cost of planning, design, and construction of a project under subsection (b) shall be 65 percent.

(2) NON-FEDERAL SHARE.—

(A) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary shall credit toward the non-Federal share of the cost of construction of any project under subsection (b) the value, regardless of the date of acquisition, of any land, easements, rights-of-way, dredged material disposal areas, or relocations provided by the non-Federal interest for use in carrying out the project.

(B) FORM.—The non-Federal interest may provide not more than 50 percent of the non-Federal share required under this clause in the form of services, materials, supplies, or other in-kind contributions.

(f) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

SEC. 3022. REDWOOD CITY NAVIGATION PROJECT, CALIFORNIA.

The Secretary may dredge the Redwood City Navigation Channel, California, on an annual basis, to maintain the authorized depth of –30 mean lower low water.

SEC. 3023. SACRAMENTO AND AMERICAN RIVERS FLOOD CONTROL, CALIFORNIA.

(a) CREDIT FOR NON-FEDERAL WORK.—

(1) IN GENERAL.—The Secretary shall provide credit to the Sacramento Area Flood Control Agency, in the amount of $20,503,000, for the nonreimbursed Federal share of costs incurred by the Agency in connection with the project for flood control and recreation, Sacramento and American Rivers, California (Natomas Levee features), authorized by section 9159 of the Department of Defense Appropriations Act, 1993 (106 Stat. 1944).

(2) ALLOCATION OF CREDIT.—The Secretary shall allocate the amount to be credited under paragraph (1) toward the non-Federal share of such projects as are requested by the Sacramento Area Flood Control Agency.

(3) NO REIMBURSEMENT.—An amount credited under this subsection shall not be available for reimbursement.

(b) PROJECT FOR FLOOD CONTROL.—

(1) IN GENERAL.—The project for flood control, American and Sacramento Rivers, California, authorized by section 101(a)(6)(A) of the Water Resources Development Act of 1999 (113 Stat. 274), as modified by section 128 of the Energy and Water Development Appropriations Act, 2006 (119 Stat. 2259), is further modified to authorize the Secretary to construct the auxiliary spillway generally in accordance with the Post Authorization Change Report, American River Watershed Project (Folsom Dam Modification and Folsom Dam Raise Projects), dated March 2007, at a total cost of $683,000,000, with an estimated Federal cost of $444,000,000 and an estimated non-Federal cost of $239,000,000.

(2) DAM SAFETY.—Nothing in this section limits the authority of the Secretary of the Interior to carry out dam safety activities in connection with the auxiliary spillway in accordance with the Bureau of Reclamation Safety of Dams Program.

(3) TRANSFER OF FUNDS.—

(A) IN GENERAL.—The Secretary and the Secretary of the Interior are authorized to transfer between the Department of the Army and the Department of the Interior appropriated amounts and other available funds (including funds contributed by non-Federal interests) for the purpose of planning, design, and construction of the auxiliary spillway.

(B) TERMS AND CONDITIONS.—Any transfer made pursuant to this subsection shall be subject to such terms and conditions as may be agreed on by the Secretary and the Secretary of the Interior.

SEC. 3024. SACRAMENTO RIVER BANK PROTECTION PROJECT, CALIFORNIA.

Section 202 of the River Basin Monetary Authorization Act of 1974 (88 Stat. 49) is amended by striking ''and the monetary authorization'' and all that follows through the end of the section and inserting ''except that the lineal feet in the second phase shall be increased from 405,000 lineal feet to 485,000 lineal feet.''.

SEC. 3025. CONDITIONAL DECLARATION OF NONNAVIGABILITY, PORT OF SAN FRANCISCO, CALIFORNIA.

(a) CONDITIONAL DECLARATION OF NONNAVIGABILITY.—If the Secretary determines, in consultation with appropriate Federal and non-Federal entities, that projects proposed to be carried out by non-Federal entities within the portions of the San Francisco, California, waterfront described in subsection (b) are in the public interest, the portions shall be declared not to be navigable water of the United States for the purposes of section 9 of the Act of March 3, 1899 (33 U.S.C. 401), and the General Bridge Act of 1946 (33 U.S.C. 525 et seq.).

(b) PORTIONS OF WATERFRONT.—The portions of the San Francisco, California, waterfront referred to in subsection (a) are those that are, or will be, bulkheaded, filled, or otherwise occupied by permanent structures and that are located as follows: beginning at the intersection of the northeasterly prolongation of the portion of the northwesterly line of Bryant Street lying between Beale Street and Main Street with the southwesterly line of Spear Street, which intersection lies on the line of jurisdiction of the San Francisco Port Commission; following thence southerly along said line of jurisdiction as described in the State of California Harbor and Navigation Code Section 1770, as amended in 1961, to its intersection with the easterly line of Townsend Street along a line that is parallel and distant 10 feet from the existing southern boundary of Pier 40 to its point of intersection with the United States Government pier-head line; thence northerly along said pier-head line to its intersection with a line parallel with, and distant 10 feet easterly from, the existing easterly boundary line of Pier 30–32; thence northerly along said parallel line and its northerly prolongation, to a point of intersection with a line parallel with, and distant 10 feet northerly from, the existing northerly boundary of Pier 30–32, thence westerly along last said parallel line to its intersection with the United States Government pier-head line; to the northwesterly line of Bryan Street northwesterly; thence southwesterly along said northwesterly line of Bryant Street to the point of beginning.

(c) REQUIREMENT THAT AREA BE IMPROVED.—If, by the date that is 20 years after the date of enactment of this Act, any portion of the San Francisco, California, waterfront described in subsection (b) has not been

bulkheaded, filled, or otherwise occupied by 1 or more permanent structures, or if work in connection with any activity carried out pursuant to applicable Federal law requiring a permit, including sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401), is not commenced by the date that is 5 years after the date of issuance of such a permit, the declaration of nonnavigability for the portion under this section shall cease to be effective.

SEC. 3026. SALTON SEA RESTORATION, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) SALTON SEA AUTHORITY.—The term ''Salton Sea Authority'' means the Joint Powers Authority established under the laws of the State of California by a joint power agreement signed on June 2, 1993.

(2) SALTON SEA SCIENCE OFFICE.—The term ''Salton Sea Science Office'' means the Office established by the United States Geological Survey and currently located in La Quinta, California.

(b) PILOT PROJECTS.—

(1) IN GENERAL.—

(A) REVIEW.—The Secretary shall review the preferred restoration concept plan approved by the Salton Sea Authority to determine whether the pilot projects are economically justified, technically sound, environmentally acceptable, and meet the objectives of the Salton Sea Reclamation Act (Public Law 105–372).

(B) IMPLEMENTATION.—If the Secretary determines that the pilot projects meet the requirements of subparagraph (A), the Secretary may enter into an agreement with the Salton Sea Authority and, in consultation with the Salton Sea Science Office, carry out pilot projects for improvement of the environment in the area of the Salton Sea, except that the Secretary shall be a party to each contract for construction under this subsection.

(2) LOCAL PARTICIPATION.—In prioritizing pilot projects under this section, the Secretary shall—

(A) consult with the Salton Sea Authority and the Salton Sea Science Office; and

(B) consider the priorities of the Salton Sea Authority.

(3) COST SHARING.—Before carrying out a pilot project under this section, the Secretary shall enter into a written agreement with the Salton Sea Authority that requires the non-Federal interest to—

(A) pay 35 percent of the total costs of the pilot project;

(B) provide any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the pilot project; and

(C) hold the United States harmless from any claim or damage that may arise from carrying out the pilot project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (b) $30,000,000, of which not more than $5,000,000 may be used for any 1 pilot project under this section.

SEC. 3027. SANTA BARBARA STREAMS, LOWER MISSION CREEK, CALIFORNIA.

The project for flood damage reduction, Santa Barbara Streams, Lower Mission Creek, California, authorized by section 101(b)(8) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to authorize the Secretary to construct the project at a total cost of $30,000,000, with an estimated Federal cost of $15,000,000 and an estimated non-Federal cost of $15,000,000.

SEC. 3028. UPPER GUADALUPE RIVER, CALIFORNIA.

The project for flood damage reduction and recreation, Upper Guadalupe River, California, authorized by section 101(a)(9) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to authorize the Secretary to construct the project generally in accordance with the Upper Guadalupe River Flood Damage Reduction, San Jose, California, Limited Reevaluation Report, dated March, 2004, at a total cost of $244,500,000, with an estimated Federal cost of $130,600,000 and an estimated non-Federal cost of $113,900,000.

SEC. 3029. YUBA RIVER BASIN PROJECT, CALIFORNIA.

The project for flood damage reduction, Yuba River Basin, California, authorized by section 101(a)(10) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to authorize the Secretary to construct the project at a total cost of $107,700,000, with an estimated Federal cost of $70,000,000 and an estimated non-Federal cost of $37,700,000.

SEC. 3030. CHARLES HERVEY TOWNSHEND BREAKWATER, NEW HAVEN HARBOR, CONNECTICUT.

The western breakwater for the project for navigation, New Haven Harbor, Connecticut, authorized by the first section of the Act of September 19, 1890 (26 Stat. 426), shall be known and designated as the ''Charles Hervey Townshend Breakwater''.

SEC. 3031. ANCHORAGE AREA, NEW LONDON HARBOR, CONNECTICUT.

(a) IN GENERAL.—The portion of the project for navigation, New London Harbor, Connecticut, authorized by the Act of June 13, 1902 (32 Stat. 333), that consists of a 23-foot waterfront channel described in subsection (b), is deauthorized.

(b) DESCRIPTION OF CHANNEL.—The channel referred to in subsection (a) may be described as beginning at a point along the western limit of the existing project, N. 188, 802.75, E. 779, 462.81, thence running northeasterly about 1,373.88 feet to a point N. 189, 554.87, E. 780, 612.53, thence running southeasterly about 439.54 feet to a point N. 189, 319.88, E. 780, 983.98, thence running southwesterly about 831.58 feet to a point N. 188, 864.63, E. 780, 288.08, thence running southeasterly about 567.39 feet to a point N. 188, 301.88, E. 780, 360.49, thence running northwesterly about 1,027.96 feet to the point of origin.

SEC. 3032. NORWALK HARBOR, CONNECTICUT.

(a) IN GENERAL.—The portions of a 10-foot channel of the project for navigation, Norwalk Harbor, Connecticut, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1276) and described in subsection (b), are not authorized.

(b) DESCRIPTION OF PORTIONS.—The portions of the channel referred to in subsection (a) are as follows:

(1) RECTANGULAR PORTION.—An approximately rectangular-shaped section along the northwesterly terminus of the channel. The section is 35-feet wide and about 460-feet long and is further described as commencing at a point N. 104,165.85, E. 417,662.71, thence running south 24°06′55″ E. 395.00 feet to a point N. 103,805.32, E. 417,824.10, thence running south 00°38′06″ E. 87.84 feet to a point N. 103,717.49, E. 417,825.07, thence running north 24°06′55″ W. 480.00 feet, to a point N. 104,155.59, E. 417.628.96, thence running north 73°05′25″ E. 35.28 feet to the point of origin.

(2) PARALLELOGRAM-SHAPED PORTION.—An area having the approximate shape of a parallelogram along the northeasterly portion of the channel, southeast of the area described in paragraph (1), approximately 20 feet wide and 260 feet long, and further described as commencing at a point N. 103,855.48, E. 417,849.99, thence running south 33°07′30″ E. 133.40 feet to a point N. 103,743.76, E. 417,922.89, thence running south 24°07′04″ E. 127.75 feet to a point N. 103,627.16, E. 417,975.09, thence running north 33°07′30″ W. 190.00 feet to a point N. 103,786.28, E. 417,871.26, thence running north 17°05′15″ W. 72.39 feet to the point of origin.

(c) MODIFICATION.—The 10-foot channel portion of the Norwalk Harbor, Connecticut navigation project described in subsection (a) is modified to authorize the Secretary to realign the channel to include, immediately north of the area described in subsection (b)(2), a triangular section described as commencing at a point N. 103,968.35, E. 417,815.29, thence running S. 17°05′15″ east 118.09 feet to a point N. 103,855.48, E. 417,849.99, thence running N. 33°07′30″ west 36.76 feet to a point N. 103,886.27, E. 417,829.90, thence running N. 10°05′26″ west 83.37 feet to the point of origin.

SEC. 3033. ST. GEORGE'S BRIDGE, DELAWARE.

Section 102(g) of the Water Resources Development Act of 1990 (104 Stat. 4612) is amended by adding at the end the following: ''The Secretary shall assume ownership responsibility for the replacement bridge not later than the date on which the construction of the bridge is completed and the contractors are released of their responsibility by the State. In addition, the Secretary may not carry out any action to close or remove the St. George's Bridge, Delaware, without specific congressional authorization.''.

SEC. 3034. ADDITIONAL PROGRAM AUTHORITY, COMPREHENSIVE EVERGLADES RESTORATION, FLORIDA.

Section 601(c)(3) of the Water Resources Development Act of 2000 (114 Stat. 2684) is amended by adding at the end the following:

''(C) MAXIMUM COST OF PROGRAM AUTHORITY.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to the individual project funding limits in subparagraph (A) and the aggregate cost limits in subparagraph (B).''.

SEC. 3035. BREVARD COUNTY, FLORIDA.

(a) IN GENERAL.—The project for shoreline protection, Brevard County, Florida, authorized by section 418 of the Water Resources Development Act of 2000 (114 Stat. 2637), is amended by striking ''7.1-mile reach'' and inserting ''7.6-mile reach''.

(b) REFERENCES.—Any reference to a 7.1-mile reach with respect to the project described in subsection (a) shall be considered to be a reference to a 7.6-mile reach with respect to that project.

SEC. 3036. CRITICAL RESTORATION PROJECTS, EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION, FLORIDA.

Section 528(b)(3)(C) of the Water Resources Development Act of 1996 (110 Stat. 3769) is amended—

(1) in clause (i), by striking ''$75,000,000'' and all that follows and inserting ''$95,000,000.''; and

(2) by striking clause (ii) and inserting the following:

''(ii) FEDERAL SHARE.—

''(I) IN GENERAL.—Except as provided in subclause (II), the Federal share of the cost of carrying out a project under subparagraph (A) shall not exceed $25,000,000.

''(II) SEMINOLE WATER CONSERVATION PLAN.—The Federal share of the cost of carrying out the Seminole Water Conservation Plan shall not exceed $30,000,000.''.

SEC. 3037. LAKE OKEECHOBEE AND HILLSBORO AQUIFER PILOT PROJECTS, COMPREHENSIVE EVERGLADES RESTORATION, FLORIDA.

Section 601(b)(2)(B) of the Water Resources Development Act of 2000 (114 Stat. 2681) is amended by adding at the end the following:

''(v) HILLSBORO AND OKEECHOBEE AQUIFER, FLORIDA.—The pilot projects for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the Water Resources Development Act of 1999 (113 Stat. 276), shall be treated for the purposes of this section as being in the Plan and carried out in accordance with this section, except that costs of operation and maintenance of those projects shall remain 100 percent non-Federal.''.

SEC. 3038. LIDO KEY, SARASOTA COUNTY, FLORIDA.

The Secretary shall carry out the project for hurricane and storm damage reduction in Lido Key, Sarasota County, Florida, based on the report of the Chief of Engineers dated December 22, 2004, at a total cost of $14,809,000, with an estimated Federal cost of $9,088,000 and an estimated non-Federal cost of $5,721,000, and at an estimated total cost $63,606,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $31,803,000 and an estimated non-Federal cost of $31,803,000.

SEC. 3039. PORT SUTTON CHANNEL, TAMPA HARBOR, FLORIDA.

The project for navigation, Port Sutton Channel, Tampa Harbor, Florida, authorized by section 101(b)(12) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to authorize the Secretary to carry out the project at a total cost of $12,900,000.

SEC. 3040. TAMPA HARBOR, CUT B, TAMPA, FLORIDA.

The project for navigation, Tampa Harbor, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), is modified to authorize the Secretary to construct passing lanes in an area approximately 3.5 miles long and centered on Tampa Bay Cut B, if the Secretary determines that the improvements are necessary for navigation safety.

SEC. 3041. ALLATOONA LAKE, GEORGIA.

(a) LAND EXCHANGE.—

(1) IN GENERAL.—The Secretary may exchange land above 863 feet in elevation at Allatoona Lake, Georgia, identified in the Real Estate Design Memorandum prepared by the Mobile district engineer, April 5, 1996, and approved October 8, 1996, for land on the north side of Allatoona Lake that is required for wildlife management and protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—The basis for all land exchanges under this subsection shall be a fair market appraisal to ensure that land exchanged is of equal value.

(b) DISPOSAL AND ACQUISITION OF LAND, ALLATOONA LAKE, GEORGIA.—

(1) IN GENERAL.—The Secretary may—

(A) sell land above 863 feet in elevation at Allatoona Lake, Georgia, identified in the memorandum referred to in subsection (a)(1); and

(B) use the proceeds of the sale, without further appropriation, to pay costs associated with the purchase of land required for wildlife management and protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—

(A) WILLING SELLERS.—Land acquired under this subsection shall be by negotiated purchase from willing sellers only.

(B) BASIS.—The basis for all transactions under this subsection shall be a fair market value appraisal acceptable to the Secretary.

(C) SHARING OF COSTS.—Each purchaser of land under this subsection shall share in the associated environmental and real estate costs of the purchase, including surveys and associated fees in accordance with the memorandum referred to in subsection (a)(1).

(D) OTHER CONDITIONS.—The Secretary may impose on the sale and purchase of land under this subsection such other conditions as the Secretary determines to be appropriate.

(c) REPEAL.—Section 325 of the Water Resources Development Act of 1992 (106 Stat. 4849) is repealed.

SEC. 3042. DWORSHAK RESERVOIR IMPROVEMENTS, IDAHO.

(a) IN GENERAL.—The Secretary shall carry out additional general construction measures to allow for operation at lower pool levels to satisfy the recreation mission at Dworshak Dam, Idaho.

(b) IMPROVEMENTS.—In carrying out subsection (a), the Secretary shall provide for appropriate improvements to—

(1) facilities that are operated by the Corps of Engineers; and

(2) facilities that, as of the date of enactment of this Act, are leased, permitted, or licensed for use by others.

(c) COST SHARING.—The Secretary shall carry out this section through a cost-sharing program with Idaho State Parks and Recreation Department, with a total estimated project cost of $5,300,000, with an estimated Federal cost of $3,900,000 and an estimated non-Federal cost of $1,400,000.

SEC. 3043. LITTLE WOOD RIVER, GOODING, IDAHO.

The project for flood control, Gooding, Idaho, as constructed under the emergency conservation work program established under the Act of March 31, 1933 (16 U.S.C. 585 et seq.), is modified—

(1) to direct the Secretary to rehabilitate the Gooding Channel Project for the purposes of flood control and ecosystem restoration, if the Secretary determines that the rehabilitation and ecosystem restoration is feasible;

(2) to authorize and direct the Secretary to plan, design, and construct the project at a total cost of $9,000,000;

(3) to authorize the non-Federal interest to provide any portion of the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions;

(4) to authorize the non-Federal interest to use funds made available under any other Federal program toward the non-Federal share of the cost of the project if the use of the funds is permitted under the other Federal program; and

(5) to direct the Secretary, in calculating the non-Federal share of the cost of the project, to make a determination under section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) on the ability to pay of the non-Federal interest.

SEC. 3044. PORT OF LEWISTON, IDAHO.

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to property covered by each deed described in subsection (b)—

(1) the reversionary interests and use restrictions relating to port and industrial use purposes are extinguished;

(2) the restriction that no activity shall be permitted that will compete with services and facilities offered by public marinas is extinguished;

(3) the human habitation or other building structure use restriction is extinguished in each area in which the elevation is above the standard project flood elevation; and

(4) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is required.

(b) DEEDS.—The deeds referred to in subsection (a) are as follows:

(1) Auditor's Instrument No. 399218 of Nez Perce County, Idaho, 2.07 acres.

(2) Auditor's Instrument No. 487437 of Nez Perce County, Idaho, 7.32 acres.

(c) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects the remaining rights and interests of the Corps of Engineers for authorized project purposes with respect to property covered by deeds described in subsection (b).

SEC. 3045. CACHE RIVER LEVEE, ILLINOIS.

The Cache River Levee created for flood control at the Cache River, Illinois, and authorized by the Act of June 28, 1938 (52 Stat. 1215, chapter 795), is modified to add environmental restoration as a project purpose.

SEC. 3046. CHICAGO, ILLINOIS.

Section 425(a) of the Water Resources Development Act of 2000 (114 Stat. 2638) is amended by inserting ''Lake Michigan and'' before ''the Chicago River''.

SEC. 3047. CHICAGO RIVER, ILLINOIS.

The Federal navigation channel for the North Branch Channel portion of the Chicago River authorized by section 22 of the Act of March 3, 1899 (30 Stat. 1156, chapter 425), extending from 100 feet downstream of the Halsted Street Bridge to 100 feet upstream of the Division Street Bridge, Chicago, Illinois, is redefined to be no wider than 66 feet.

SEC. 3048. ILLINOIS RIVER BASIN RESTORATION.

Section 519 of the Water Resources Development Act of 2000 (114 Stat. 2654) is amended—

(1) in subsection (c)(3), by striking ''$5,000,000'' and inserting ''$20,000,000''; and

(2) by adding at the end the following:

''(h) COOPERATION.—In carrying out this section, the Secretary may enter into cooperative agreements, including with the State of Illinois, academic institutions, units of local governments, and soil and water conservation districts, to facilitate more efficient partnerships in developing and implementing the Illinois River Basin Restoration Program.''.

SEC. 3049. MISSOURI AND ILLINOIS FLOOD PROTECTION PROJECTS RECONSTRUCTION PILOT PROGRAM.

(a) DEFINITION OF RECONSTRUCTION.—In this section:

(1) IN GENERAL.—The term ''reconstruction'' means any action taken to address 1 or more major deficiencies of a project caused by long-term degradation of the foundation, construction materials, or engineering systems or components of the project, the results of which render the project at risk of not performing in compliance with the authorized purposes of the project.

(2) INCLUSIONS.—The term ''reconstruction'' includes the incorporation by the Secretary of current design standards and efficiency improvements in a project if the incorporation does not significantly change the authorized scope, function, or purpose of the project.

(b) PARTICIPATION BY SECRETARY.—The Secretary may participate in the reconstruction of flood control projects within Missouri and Illinois as a pilot program if the Secretary determines that such reconstruction is not required as a result of improper operation and maintenance by the non-Federal interest.

(c) COST SHARING.—

(1) IN GENERAL.—Costs for reconstruction of a project under this section shall be shared by the Secretary and the non-Federal interest in the same percentages as the costs of construction of the original project were shared.

(2) OPERATION, MAINTENANCE, AND REPAIR COSTS.—The costs of operation, maintenance, repair, and rehabilitation of a project carried out under this section shall be a non-Federal responsibility.

(d) CRITICAL PROJECTS.—In carrying out this section, the Secretary shall give priority to the following projects:

(1) Clear Creek Drainage and Levee District, Illinois.

(2) Fort Chartres and Ivy Landing Drainage District, Illinois.

(3) Wood River Drainage and Levee District, Illinois.

(4) City of St. Louis, Missouri.

(5) Missouri River Levee Drainage District, Missouri.

(e) ECONOMIC JUSTIFICATION.—Reconstruction efforts and activities carried out under this section shall not require economic justification.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000, to remain available until expended.

SEC. 3050. SPUNKY BOTTOM, ILLINOIS.

(a) IN GENERAL.—The project for flood control, Illinois and Des Plaines River Basin, between Beardstown, Illinois, and the mouth of the Illinois River, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1583, chapter 688), is modified to authorize ecosystem restoration as a project purpose.

(b) MODIFICATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), notwithstanding the limitation on the expenditure of Federal funds to carry out project modifications in accordance with section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), modifications to the project referred to in subsection (a) shall be carried out at Spunky Bottoms, Illinois, in accordance with subsection (a).

(2) FEDERAL SHARE.—Not more than $7,500,000 in Federal funds may be expended under this section to carry out modifications to the project referred to in subsection (a).

(3) POST-CONSTRUCTION MONITORING AND MANAGEMENT.—Of the Federal funds expended under paragraph (2), not less than $500,000 shall remain available for a period of 5 years after the date of completion of construction of the modifications for use in carrying out post-construction monitoring and adaptive management.

(c) EMERGENCY REPAIR ASSISTANCE.—Notwithstanding any modifications carried out under subsection (b), the project described in subsection (a) shall remain eligible for emergency repair assistance under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), without consideration of economic justification.

SEC. 3051. STRAWN CEMETERY, JOHN REDMOND LAKE, KANSAS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary, acting through the Tulsa District of the Corps of Engineers, shall transfer to Pleasant Township, Coffey County, Kansas, for use as the New Strawn Cemetery, all right, title, and interest of the United States in and to the land described in subsection (c).

(b) REVERSION.—If the land transferred under this section ceases at any time to be used as a nonprofit cemetery or for another public purpose, the land shall revert to the United States.

(c) DESCRIPTION.—The land to be conveyed under this section is a tract of land near John Redmond Lake, Kansas, containing approximately 3 acres and lying adjacent to the west line of the Strawn Cemetery located in the SE corner of the NE¼ of sec. 32, T. 20 S., R. 14 E., Coffey County, Kansas.

(d) CONSIDERATION.—

(1) IN GENERAL.—The conveyance under this section shall be at fair market value.

(2) COSTS.—All costs associated with the conveyance shall be paid by Pleasant Township, Coffey County, Kansas.

(e) OTHER TERMS AND CONDITIONS.—The conveyance under this section shall be subject to such other terms and conditions as the Secretary considers necessary to protect the interests of the United States.

SEC. 3052. MILFORD LAKE, MILFORD, KANSAS.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall convey at fair market value by quitclaim deed to the Geary County Fire Department, Milford, Kansas, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 7.4 acres located in Geary County, Kansas, for construction, operation, and maintenance of a fire station.

(b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the description of the real property referred to in subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(c) REVERSION.—If the Secretary determines that the property conveyed under subsection (a) ceases to be held in public ownership or to be used for any purpose other than a fire station, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

SEC. 3053. OHIO RIVER BASIN COMPREHENSIVE PLAN.

The Secretary is authorized to conduct a comprehensive, basin-wide plan of the Ohio River Basin to identify the investments and reinvestments in system components that would be necessary and advisable—

(1) to ensure protection of lives and property in the area of the Basin; and

(2) to sustain the purposes (including flood damage reduction, ecosystem restoration and protection, water supply, recreation, and related purposes) for which the Basin system was developed.

SEC. 3054. HICKMAN BLUFF STABILIZATION, KENTUCKY.

The project for Hickman Bluff, Kentucky, authorized by chapter II of title II of the Emergency Supplemental Appropriations and Rescissions for the Department of Defense to Preserve and Enhance Military Readiness Act of 1995 (109 Stat. 85), is modified to authorize the Secretary to repair and restore the project, at full Federal expense, with no further economic studies or analyses, at a total cost of not more than $250,000.

SEC. 3055. MCALPINE LOCK AND DAM, KENTUCKY AND INDIANA.

Section 101(a)(10) of the Water Resources Development Act of 1990 (104 Stat. 4606) is amended by striking ''$219,600,000'' each place it appears and inserting ''$430,000,000''.

SEC. 3056. PUBLIC ACCESS, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

(a) IN GENERAL.—The public access feature of the Atchafalaya Basin Floodway System, Louisiana project, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), is modified to authorize the Secretary to acquire from willing sellers the fee interest (exclusive of oil, gas, and minerals) of an additional 20,000 acres of land in the Lower Atchafalaya Basin Floodway for the public access feature of the Atchafalaya Basin Floodway System, Louisiana project.

(b) MODIFICATION.—

(1) IN GENERAL.—Subject to paragraph (2), effective beginning November 17, 1986, the public access feature of the Atchafalaya Basin Floodway System, Louisiana project, is modified to remove the $32,000,000 limitation on the maximum Federal expenditure for the first costs of the public access feature.

(2) FIRST COST.—The authorized first cost of $250,000,000 for the total project (as defined in section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142)) shall not be exceeded, except as authorized by section 902 of that Act (100 Stat. 4183).

(c) TECHNICAL AMENDMENT.—Section 315(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2603) is amended by inserting before the period at the end the following: ''and may include Eagle Point Park, Jeanerette, Louisiana, as 1 of the alternative sites''.

SEC. 3057. REGIONAL VISITOR CENTER, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

(a) PROJECT FOR FLOOD CONTROL.—Notwithstanding paragraph (3) of the report of the Chief of Engineers dated February 28, 1983 (relating to recreational development in the Lower Atchafalaya Basin Floodway), the Secretary shall carry out the project for flood control, Atchafalaya Basin Floodway System, Louisiana, authorized by chapter IV of title I of the Act of August 15, 1985 (Public Law 99–88; 99 Stat. 313; 100 Stat. 4142).

(b) VISITORS CENTER.—

(1) IN GENERAL.—The Secretary, acting through the Chief of Engineers and in consultation with the State of Louisiana, shall study, design, and construct a type A regional visitors center in the vicinity of Morgan City, Louisiana.

(2) COST SHARING.—

(A) IN GENERAL.—The cost of construction of the visitors center shall be shared in accordance with the recreation cost-share requirement under section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)).

(B) COST OF UPGRADING.—The non-Federal share of the cost of upgrading the visitors center from a type B to type A regional visitors center shall be 100 percent.

(3) AGREEMENT.—The project under this subsection shall be initiated only after the Secretary and the non-Federal interests enter into a binding agreement under which the non-Federal interests shall—

(A) provide any land, easement, right-of-way, or dredged material disposal area required for the project that is owned, claimed, or controlled by—

(i) the State of Louisiana (including agencies and political subdivisions of the State); or

(ii) any other non-Federal government entity authorized under the laws of the State of Louisiana;

(B) pay 100 percent of the cost of the operation, maintenance, repair, replacement, and rehabilitation of the project; and

(C) hold the United States free from liability for the construction, operation, maintenance, repair, replacement, and rehabilitation of the project, except for damages due to the fault or negligence of the United States or a contractor of the United States.

(4) DONATIONS.—In carrying out the project under this subsection, the Mississippi River Commission may accept the donation of cash or other funds, land, materials, and services from any non-Federal government entity or nonprofit corporation, as the Commission determines to be appropriate.

SEC. 3058. CALCASIEU RIVER AND PASS, LOUISIANA.

The project for the Calcasieu River and Pass, Louisiana, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 481), is modified to authorize the Secretary to provide $3,000,000 for each fiscal year, in a total amount of $15,000,000, for such rock bank protection of the Calcasieu River from mile 5 to mile 16 as the Chief of Engineers determines to be advisable to reduce maintenance dredging needs and facilitate protection of valuable disposal areas for the Calcasieu River and Pass, Louisiana.

SEC. 3059. EAST BATON ROUGE PARISH, LOUISIANA.

The project for flood damage reduction and recreation, East Baton Rouge Parish, Louisiana, authorized by section 101(a)(21) of the Water Resources Development Act of 1999

(113 Stat. 277), as amended by section 116 of the Consolidated Appropriations Resolution, 2003 (117 Stat. 140), is modified to authorize the Secretary to carry out the project substantially in accordance with the Report of the Chief of Engineers dated December 23, 1996, and the subsequent Post Authorization Change Report dated December 2004, at a total cost of $178,000,000.

SEC. 3060. MISSISSIPPI RIVER GULF OUTLET RELOCATION ASSISTANCE, LOUISIANA.

(a) PORT FACILITIES RELOCATION.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $75,000,000, to remain available until expended, to support the relocation of Port of New Orleans deep draft facilities from the Mississippi River Gulf Outlet (referred to in this section as the ''Outlet''), the Gulf Intercoastal Waterway, and the Inner Harbor Navigation Canal to the Mississippi River.

(2) ADMINISTRATION.—

(A) IN GENERAL.—Amounts appropriated pursuant to paragraph (1) shall be administered by the Assistant Secretary for Economic Development (referred to in this section as the ''Assistant Secretary'') pursuant to sections 209(c)(2) and 703 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2), 3233).

(B) REQUIREMENT.—The Assistant Secretary shall make amounts appropriated pursuant to paragraph (1) available to the Port of New Orleans to relocate to the Mississippi River within the State of Louisiana the port-owned facilities that are occupied by businesses in the vicinity that may be impacted due to the treatment of the Outlet under the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(b) REVOLVING LOAN FUND GRANTS.—There is authorized to be appropriated to the Assistant Secretary $85,000,000, to remain available until expended, to provide assistance pursuant to sections 209(c)(2) and 703 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2), 3233) to 1 or more eligible recipients to establish revolving loan funds to make loans for terms up to 20 years at or below market interest rates (including interest-free loans) to private businesses within the Port of New Orleans that may need to relocate to the Mississippi River within the State of Louisiana due to the treatment of the Outlet under the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(c) COORDINATION WITH SECRETARY.—The Assistant Secretary shall ensure that the programs described in subsections (a) and (b) are fully coordinated with the Secretary to ensure that facilities are relocated in a manner that is consistent with the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(d) ADMINISTRATIVE EXPENSES.—The Assistant Secretary may use up to 2 percent of the amounts made available under subsections (a) and (b) for administrative expenses.

SEC. 3061. RED RIVER (J. BENNETT JOHNSTON) WATERWAY, LOUISIANA.

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), and section 316 of the Water Resources Development Act of 2000 (114 Stat. 2604), is further modified—

(1) to authorize the Secretary to carry out the project at a total cost of $33,200,000;

(2) to permit the purchase of marginal farmland for reforestation (in addition to the purchase of bottomland hardwood); and

(3) to incorporate wildlife and forestry management practices to improve species diversity on mitigation land that meets habitat goals and objectives of the Corps of Engineers and the State of Louisiana.

SEC. 3062. CAMP ELLIS, SACO, MAINE.

The maximum amount of Federal funds that may be expended for the project being carried out under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) for the mitigation of shore damages attributable to the project for navigation, Camp Ellis, Saco, Maine, shall be $25,000,000.

SEC. 3063. ROCKLAND HARBOR, MAINE.

As of the date of enactment of this Act, the portion of the project for navigation, Rockland Harbor, Maine, authorized by the Act of June 3, 1896 (29 Stat. 202, chapter 314), consisting of a 14-foot channel located in Lermond Cove and beginning at a point with coordinates N. 99977.37, E. 340290.02, thence running easterly about 200.00 feet to a point with coordinates N. 99978.49, E. 340490.02, thence running northerly about 138.00 feet to a point with coordinates N. 100116.49, E. 340289.25, thence running westerly about 200.00 feet to a point with coordinates N. 100115.37, E. 340289.25, thence running southerly about 138.00 feet to the point of origin, is not authorized.

SEC. 3064. ROCKPORT HARBOR, MAINE.

(a) IN GENERAL.—The portion of the project for navigation, Rockport Harbor, Maine, authorized by the first section of the Act of August 11, 1888 (25 Stat. 400), located within the 12-foot anchorage described in subsection (b) is not authorized.

(b) DESCRIPTION OF ANCHORAGE.—The anchorage referred to in subsection (a) is more particularly described as—

(1) beginning at the westernmost point of the anchorage at N. 128800.00, E. 349311.00;

(2) thence running north 12 degrees, 52 minutes, 37.2 seconds, east 127.08 feet to a point at N. 128923.88, E349339.32;

(3) thence running north 17 degrees, 40 minutes, 13.0 seconds, east 338.61 feet to a point at N. 129246.51, E/ 349442.10;

(4) thence running south 89 degrees, 21 minutes, 21.0 seconds, east 45.36 feet to a point at N. 129246.00, E. 349487.46;

(5) thence running south 44 degrees, 13 minutes, 32.6 seconds, east 18.85 feet to a point at N. 129232.49, E. 349500.61;

(6) thence running south 17 degrees, 40 minutes 13.0 seconds, west 340.50 feet to a point at N. 128908.06, E. 349397.25;

(7) thence running south 12 degrees, 52 minutes, 37.2 seconds, west 235.41 feet to a point at N. 128678.57, E. 349344.79; and

(8) thence running north 15 degrees, 32 minutes, 59.3 seconds, west 126.04 feet to the point of origin.

SEC. 3065. SACO RIVER, MAINE.

The portion of the project for navigation, Saco River, Maine, authorized under section 107 of the River and Harbor Act of 1960 (74 Stat. 486), and described as a 6-foot deep, 10-acre maneuvering basin located at the head of navigation, is redesignated as an anchorage area.

SEC. 3066. UNION RIVER, MAINE.

The project for navigation, Union River, Maine, authorized by the first section of the Act of June 3, 1896 (29 Stat. 215, chapter 314), is modified by redesignating as an anchorage area that portion of the project consisting of a 6-foot turning basin and lying northerly of a line commencing at a point N. 315,975.13, E. 1,004,424.86, thence running N. 61° 27′ 20.71″ W. about 132.34 feet to a point N. 316,038.37, E. 1,004,308.61.

SEC. 3067. BALTIMORE HARBOR AND CHANNELS, MARYLAND AND VIRGINIA.

(a) IN GENERAL.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the project for navigation, Baltimore Harbor and Channels, Maryland and Virginia, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), shall remain authorized to be carried out by the Secretary.

(b) LIMITATION.—The project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period beginning on the date of enactment of this Act, unless, during that period, funds have been obligated for the construction (including planning and design) of the project.

SEC. 3068. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM, MARYLAND, PENNSYLVANIA, AND VIRGINIA.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 510 of the Water Resources Development Act of 1996 (110 Stat. 3759) is amended—

(1) in subsection (a)(1), by striking ''pilot'';

(2) in subsection (d)(2), by adding at the end the following:

''(C) IN-KIND SERVICES.—The non-Federal share of the project costs of a partnership agreement entered into under this section may include in-kind services.'';

(3) by striking subsection (f) and inserting the following:

''(f) PROJECTS.—The Secretary may carry out projects under this section in the States of Delaware, New York, Maryland, Pennsylvania, Virginia, and West Virginia, and the District of Columbia.''; and

(4) in subsection (i), by striking ''$10,000,000'' and inserting ''$30,000,000''.

(b) NONNATIVE OYSTER SPECIES.—The matter under the heading ''CONSTRUCTION, GENERAL'' under the heading ''CORPS OF ENGINEERS–CIVIL'' under the heading ''DEPARTMENT OF THE ARMY'' of title I of the Energy and Water Development Appropriations Act, 2004 (Public Law 108–137; 117 Stat. 1828) is amended in the twenty-first proviso by striking ''$2,000,000'' and inserting ''$3,500,000''.

SEC. 3069. FLOOD PROTECTION PROJECT, CUMBERLAND, MARYLAND.

Section 580(a) of the Water Resources Development Act of 1999 (113 Stat. 375) is amended—

(1) by striking ''$15,000,000'' and inserting ''$25,750,000'';

(2) by striking ''$9,750,000'' and inserting ''$16,378,000''; and

(3) by striking ''$5,250,000'' and inserting ''$9,012,000''.

SEC. 3070. AUNT LYDIA'S COVE, MASSACHUSETTS.

(a) DEAUTHORIZATION.—The portion of the project for navigation, Aunt Lydia's Cove, Massachusetts, authorized August 31, 1994, pursuant to section 107 of the Act of July 14, 1960 (33 U.S.C. 577) (commonly known as the ''River and Harbor Act of 1960''), consisting of the 8-foot deep anchorage in the cove described in subsection (b) is deauthorized.

(b) DESCRIPTION.—The portion of the project described in subsection (a) is more particularly described as the portion beginning at a point along the southern limit of the existing project, N. 254332.00, E. 1023103.96, thence running northwesterly about 761.60 feet to a point along the western limit of the existing project N. 255076.84, E. 1022945.07, thence running southwesterly about 38.11 feet to a point N. 255038.99, E. 1022940.60, thence running southeasterly about 267.07 feet to a point N. 254772.00, E.

1022947.00, thence running southeasterly about 462.41 feet to a point N. 254320.06, E. 1023044.84, thence running northeasterly about 60.31 feet to the point of origin.

SEC. 3071. FALL RIVER HARBOR, MASSACHUSETTS AND RHODE ISLAND.

(a) IN GENERAL.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the project for navigation, Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), shall remain authorized to be carried out by the Secretary, except that the authorized depth of that portion of the project extending riverward of the Charles M. Braga, Jr. Memorial Bridge, Fall River and Somerset, Massachusetts, shall not exceed 35 feet.

(b) FEASIBILITY.—The Secretary shall conduct a study to determine the feasibility of deepening that portion of the navigation channel of the navigation project for Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), seaward of the Charles M. Braga, Jr. Memorial Bridge Fall River and Somerset, Massachusetts.

(c) LIMITATION.—The project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period beginning on the date of enactment of this Act unless, during that period, funds have been obligated for construction (including planning and design) of the project.

SEC. 3072. NORTH RIVER, PEABODY, MASSACHUSETTS.

The Secretary shall expedite completion of the report for the project North River, Peabody, Massachusetts, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

SEC. 3073. ECORSE CREEK, MICHIGAN.

(a) IN GENERAL.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the project for flood control, Ecorse Creek, Wayne County, Michigan, authorized by section 101(a)(14) of the Water Resources Development Act of 1990 (104 Stat. 4607) shall remain authorized to be carried out by the Secretary.

(b) LIMITATION.—A project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period beginning on the date of enactment of this Act, unless, during that period, funds have been obligated for the construction (including planning and design) of the project.

SEC. 3074. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.

Section 426 of the Water Resources Development Act of 1999 (113 Stat. 326) is amended to read as follows:

"SEC. 426. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.

''(a) DEFINITIONS.—In this section:

''(1) MANAGEMENT PLAN.—The term 'management plan' means the management plan for the St. Clair River and Lake St. Clair, Michigan, that is in effect as of the date of enactment of this section.

''(2) PARTNERSHIP.—The term 'Partnership' means the partnership established by the Secretary under subsection (b)(1).

''(b) PARTNERSHIP.—

''(1) IN GENERAL.—The Secretary shall establish and lead a partnership of appropriate Federal agencies (including the Environmental Protection Agency) and the State of Michigan (including political subdivisions of the State)—

''(A) to promote cooperation among the Federal Government, State and local governments, and other involved parties in the management of the St. Clair River and Lake St. Clair watersheds; and

''(B) develop and implement projects consistent with the management plan.

''(2) COORDINATION WITH ACTIONS UNDER OTHER LAW.—

''(A) IN GENERAL.—Actions taken under this section by the Partnership shall be coordinated with actions to restore and conserve the St. Clair River and Lake St. Clair and watersheds taken under other provisions of Federal and State law.

''(B) NO EFFECT ON OTHER LAW.—Nothing in this section alters, modifies, or affects any other provision of Federal or State law.

''(c) IMPLEMENTATION OF ST. CLAIR RIVER AND LAKE ST. CLAIR MANAGEMENT PLAN.—

''(1) IN GENERAL.—The Secretary shall—

''(A) develop a St. Clair River and Lake St. Clair strategic implementation plan in accordance with the management plan;

''(B) provide technical, planning, and engineering assistance to non-Federal interests for developing and implementing activities consistent with the management plan;

''(C) plan, design, and implement projects consistent with the management plan; and

''(D) provide, in coordination with the Administrator of the Environmental Protection Agency, financial and technical assistance, including grants, to the State of Michigan (including political subdivisions of the State) and interested nonprofit entities for the planning, design, and implementation of projects to restore, conserve, manage, and sustain the St. Clair River, Lake St. Clair, and associated watersheds.

''(2) SPECIFIC MEASURES.—Financial and technical assistance provided under subparagraphs (B) and (C) of paragraph (1) may be used in support of non-Federal activities consistent with the management plan.

''(d) SUPPLEMENTS TO MANAGEMENT PLAN AND STRATEGIC IMPLEMENTATION PLAN.—In consultation with the Partnership and after providing an opportunity for public review and comment, the Secretary shall develop information to supplement—

''(1) the management plan; and

''(2) the strategic implementation plan developed under subsection (c)(1)(A).

''(e) COST SHARING.—

''(1) NON-FEDERAL SHARE.—The non-Federal share of the cost of technical assistance, or the cost of planning, design, construction, and evaluation of a project under subsection (c), and the cost of development of supplementary information under subsection (d)—

''(A) shall be 25 percent of the total cost of the project or development; and

''(B) may be provided through the provision of in-kind services.

''(2) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary shall credit the non-Federal sponsor for the value of any land, easements, rights-of-way, dredged material disposal areas, or relocations provided for use in carrying out a project under subsection (c).

''(3) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity.

''(4) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be non-Federal responsibilities.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.''.

SEC. 3075. DULUTH HARBOR, MINNESOTA.

(a) IN GENERAL.—Notwithstanding the cost limitation described in section 107(b) of the River and Harbor Act of 1960 (33 U.S.C. 577(b)), the Secretary shall carry out the project for navigation, Duluth Harbor, Minnesota, pursuant to the authority provided under that section at a total Federal cost of $9,000,000.

(b) PUBLIC ACCESS AND RECREATIONAL FACILITIES.—Section 321 of the Water Resources Development Act of 2000 (114 Stat. 2605) is amended by inserting '', and to provide public access and recreational facilities'' after ''including any required bridge construction''.

SEC. 3076. PROJECT FOR ENVIRONMENTAL ENHANCEMENT, MISSISSIPPI AND LOUISIANA ESTUARINE AREAS, MISSISSIPPI AND LOUISIANA.

(a) VIOLET DIVERSION PROJECT.—The Secretary shall redesign and implement the project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana, authorized by section 3(a)(8) of the Water Resources Development Act of 1988 (102 Stat. 4014), in lieu of diversion of freshwater at the Bonnet Carre Spillway using a diversion of water at or near Violet, Louisiana, if the following criteria can be met by the redesign:

(1) Achieve the salinity targets to at least the same extent as the diversion of freshwater at the Bonnet Carre Spillway for the Mississippi Sound identified in the feasibility study entitled ''Mississippi and Louisiana Estuarine areas: Freshwater Diversion to Lake Pontchartrain Basin and Mississippi Sound'' and dated 1984.

(2) Not delay the completion of the design and construction of the project beyond the dates identified in subsections (e) and (f).

(3) Not change the cost-share attributable to the Bonnet Carre Freshwater Diversion Project.

(b) DEFINITION.—For the purposes of this section, the term ''Bonnet Carre Freshwater Diversion Project'' is defined as the recommended alternative as described in the report of the Chief of Engineers for the project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana, May, 1986, and referenced in Public Law 104–303 and described in the Report to Congress on the Bonnet Carre Freshwater Diversion Project Status and Potential Options and Enhancement of December 1996.

(c) BONNET CARRE FRESHWATER DIVERSION PROJECT.—If the redesign in subsection (a) does not meet the criteria therein, the Secretary shall implement the Bonnet Carre Freshwater Diversion Project.

(d) NON-FEDERAL FINANCING REQUIREMENTS.—

(1) The States of Mississippi and Louisiana shall provide the funds needed during any fiscal year for meeting each State's respective non-Federal cost sharing requirements for the project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana, that fiscal year by making deposits of the necessary funds into an escrow account or into such other account as the Secretary determines to be acceptable. Any deposits required pursuant to this paragraph shall be made by the affected State within 30 days after receipt of notification from the Secretary that such funds are due.

(2) In the case of deposits required to be made by the State of Louisiana, the Secretary may not award any new contract or proceed to the next phase of any feature being carried out in the State of Louisiana pursuant to section 1003 if the State of Louisiana is not in compliance with paragraph (1).

(3) In the case of deposits required to be made by the State of Mississippi, the Secretary may not award any new contract or proceed to the next phase of any feature being carried out as a part of the project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and

Louisiana if the State of Mississippi is not in compliance with paragraph (1).

(4) The non-Federal share of project costs shall be allocated between the States of Mississippi and Louisiana as described in the Report to Congress on the Bonnet Carre Freshwater Diversion Project Status and Potential Options and Enhancement of December 1996.

(5) The modification of the project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana, by this section shall not reduce the percentage of the cost of the project that shall be paid by the Federal government as it was determined upon enactment of section 3(a)(8) of the Water Resources Development Act of 1988 (102 Stat. 4014).

(e) DESIGN SCHEDULE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall complete the design of the project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana, not later than 2 years after the date of enactment of this Act.

(2) MISSED DEADLINE.—If the Secretary does not complete the design described in paragraph (1) by such date, the Secretary shall assign such resources as available and necessary to complete the design and the Secretary's authority to expend funds for travel, official receptions, and official representations is suspended until such design is complete.

(f) CONSTRUCTION SCHEDULE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall complete construction of the project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana, not later than September 30, 2012.

(2) MISSED DEADLINE.—If the Secretary does not complete the construction described in paragraph (1) by such date, the Secretary shall assign such resources as available and necessary to complete the construction and the Secretary's authority to expend funds for travel, official receptions, and official representations is suspended until such construction is complete.

SEC. 3077. LAND EXCHANGE, PIKE COUNTY, MISSOURI.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means the 2 parcels of Corps of Engineers land totaling approximately 42 acres, located on Buffalo Island in Pike County, Missouri, and consisting of Government Tract Numbers MIS–7 and a portion of FM–46.

(2) NON-FEDERAL LAND.—The term ''non-Federal land'' means the approximately 42 acres of land, subject to any existing flowage easements situated in Pike County, Missouri, upstream and northwest, about 200 feet from Drake Island (also known as Grimes Island).

(b) LAND EXCHANGE.—Subject to subsection (c), on conveyance by S.S.S., Inc., to the United States of all right, title, and interest in and to the non-Federal land, the Secretary shall convey to S.S.S., Inc., all right, title, and interest of the United States in and to the Federal land.

(c) CONDITIONS.—

(1) DEEDS.—

(A) NON-FEDERAL LAND.—The conveyance of the non-Federal land to the Secretary shall be by a warranty deed acceptable to the Secretary.

(B) FEDERAL LAND.—The conveyance of the Federal land to S.S.S., Inc., shall be—

(i) by quitclaim deed; and

(ii) subject to any reservations, terms, and conditions that the Secretary determines to be necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(C) LEGAL DESCRIPTIONS.—The Secretary shall, subject to approval of S.S.S., Inc., provide a legal description of the Federal land and non-Federal land for inclusion in the deeds referred to in subparagraphs (A) and (B).

(2) REMOVAL OF IMPROVEMENTS.—

(A) IN GENERAL.—The Secretary may require the removal of, or S.S.S., Inc., may voluntarily remove, any improvements to the non-Federal land before the completion of the exchange or as a condition of the exchange.

(B) NO LIABILITY.—If S.S.S., Inc., removes any improvements to the non-Federal land under subparagraph (A)—

(i) S.S.S., Inc., shall have no claim against the United States relating to the removal; and

(ii) the United States shall not incur or be liable for any cost associated with the removal or relocation of the improvements.

(3) ADMINISTRATIVE COSTS.—The Secretary shall require S.S.S., Inc. to pay reasonable administrative costs associated with the exchange.

(4) CASH EQUALIZATION PAYMENT.—If the appraised fair market value, as determined by the Secretary, of the Federal land exceeds the appraised fair market value, as determined by the Secretary, of the non-Federal land, S.S.S., Inc., shall make a cash equalization payment to the United States.

(5) DEADLINE.—The land exchange under subsection (b) shall be completed not later than 2 years after the date of enactment of this Act.

SEC. 3078. L–15 LEVEE, MISSOURI.

The portion of the L–15 levee system that is under the jurisdiction of the Consolidated North County Levee District and situated along the right descending bank of the Mississippi River from the confluence of that river with the Missouri River and running upstream approximately 14 miles shall be considered to be a Federal levee for purposes of cost sharing under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n).

SEC. 3079. UNION LAKE, MISSOURI.

(a) IN GENERAL.—The Secretary shall offer to convey to the State of Missouri all right, title, and interest in and to approximately 205.50 acres of land described in subsection (b) purchased for the Union Lake Project that was deauthorized as of January 1, 1990 (55 Fed. Reg. 40906), in accordance with section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a(a)).

(b) LAND DESCRIPTION.—The land referred to in subsection (a) is described as follows:

(1) TRACT 500.—A tract of land situated in Franklin County, Missouri, being part of the SW¼ of sec. 7, and the NW¼ of the SW¼ of sec. 8, T. 42 N., R. 2 W. of the fifth principal meridian, consisting of approximately 112.50 acres.

(2) TRACT 605.—A tract of land situated in Franklin County, Missouri, being part of the N½ of the NE, and part of the SE of the NE of sec. 18, T. 42 N., R. 2 W. of the fifth principal meridian, consisting of approximately 93.00 acres.

(c) CONVEYANCE.—On acceptance by the State of Missouri of the offer by the Secretary under subsection (a), the land described in subsection (b) shall immediately be conveyed, in its current condition, by Secretary to the State of Missouri.

SEC. 3080. LOWER YELLOWSTONE PROJECT, MONTANA.

The Secretary may use funds appropriated to carry out the Missouri River recovery and mitigation program to assist the Bureau of Reclamation in the design and construction of the Lower Yellowstone project of the Bureau, Intake, Montana, for the purpose of ecosystem restoration.

SEC. 3081. YELLOWSTONE RIVER AND TRIBUTARIES, MONTANA AND NORTH DAKOTA.

(a) DEFINITION OF RESTORATION PROJECT.—In this section, the term ''restoration project'' means a project that will produce, in accordance with other Federal programs, projects, and activities, substantial ecosystem restoration and related benefits, as determined by the Secretary.

(b) PROJECTS.—The Secretary shall carry out, in accordance with other Federal programs, projects, and activities, restoration projects in the watershed of the Yellowstone River and tributaries in Montana, and in North Dakota, to produce immediate and substantial ecosystem restoration and recreation benefits.

(c) LOCAL PARTICIPATION.—In carrying out subsection (b), the Secretary shall—

(1) consult with, and consider the activities being carried out by—

(A) other Federal agencies;

(B) Indian tribes;

(C) conservation districts; and

(D) the Yellowstone River Conservation District Council; and

(2) seek the full participation of the State of Montana.

(d) COST SHARING.—Before carrying out any restoration project under this section, the Secretary shall enter into an agreement with the non-Federal interest for the restoration project under which the non-Federal interest shall agree—

(1) to provide 35 percent of the total cost of the restoration project, including necessary land, easements, rights-of-way, relocations, and disposal sites;

(2) to pay the non-Federal share of the cost of feasibility studies and design during construction following execution of a project cooperation agreement;

(3) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs incurred after the date of enactment of this Act that are associated with the restoration project; and

(4) to hold the United States harmless for any claim of damage that arises from the negligence of the Federal Government or a contractor of the Federal Government in carrying out the restoration project.

(e) FORM OF NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share of the cost of a restoration project carried out under this section may be provided in the form of in-kind credit for work performed during construction of the restoration project.

(f) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), with the consent of the applicable local government, a nonprofit entity may be a non-Federal interest for a restoration project carried out under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000.

SEC. 3082. WESTERN SARPY AND CLEAR CREEK, NEBRASKA.

The project for ecosystem restoration and flood damage reduction, Western Sarpy and Clear Creek, Nebraska, authorized by section 101(b)(21) of the Water Resources Development Act of 2000 (114 Stat. 2578), is modified to authorize the Secretary to construct the project at a total cost of $21,664,000, with an estimated Federal cost of $14,082,000 and an estimated non-Federal cost of $7,582,000.

SEC. 3083. LOWER TRUCKEE RIVER, MCCARRAN RANCH, NEVADA.

The maximum amount of Federal funds that may be expended for the project being

carried out, as of the date of enactment of this Act, under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) for environmental restoration of McCarran Ranch, Nevada, shall be $5,775,000.

SEC. 3084. COOPERATIVE AGREEMENTS, NEW MEXICO.

The Secretary may enter into cooperative agreements with any Indian tribe any land of which is located in the State of New Mexico and occupied by a flood control project that is owned and operated by the Corps of Engineers to assist in carrying out any operation or maintenance activity associated with the flood control project.

SEC. 3085. MIDDLE RIO GRANDE RESTORATION, NEW MEXICO.

(a) RESTORATION PROJECTS.—

(1) DEFINITION.—The term ''restoration project'' means a project that will produce, consistent with other Federal programs, projects, and activities, immediate and substantial ecosystem restoration and recreation benefits.

(2) PROJECTS.—The Secretary shall carry out restoration projects in the Middle Rio Grande from Cochiti Dam to the headwaters of Elephant Butte Reservoir, in the State of New Mexico.

(b) PROJECT SELECTION.—The Secretary shall select restoration projects in the Middle Rio Grande.

(c) LOCAL PARTICIPATION.—In carrying out subsection (b), the Secretary shall consult with, and consider the activities being carried out by—

(1) the Middle Rio Grande Endangered Species Act Collaborative Program; and

(2) the Bosque Improvement Group of the Middle Rio Grande Bosque Initiative.

(d) COST SHARING.—

(1) PROJECTS ON FEDERAL LAND.—Each restoration project under this section located on Federal land shall be carried out at full Federal expense.

(2) OTHER PROJECTS.—For any restoration project located on non-Federal land, before carrying out the restoration project under this section, the Secretary shall enter into an agreement with non-Federal interests that requires the non-Federal interests to—

(A) provide 35 percent of the total cost of the restoration projects including provisions for necessary lands, easements, rights-of-way, relocations, and disposal sites;

(B) pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs incurred after the date of the enactment of this Act that are associated with the restoration projects; and

(C) hold the United States harmless for any claim of damage that arises from the negligence of the Federal Government or a contractor of the Federal Government.

(e) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal interest for any project carried out under this section may include a nonprofit entity, with the consent of the local government.

(f) RECREATIONAL FEATURES.—

(1) IN GENERAL.—Subject to paragraph (2), any recreational feature included as part of a restoration project shall comprise not more than 30 percent of the cost of the restoration project.

(2) REQUIREMENT.—The cost of any recreational feature included as part of a restoration project in excess of the amount described in paragraph (1) shall be paid by the non-Federal interest.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 to carry out this section.

SEC. 3086. LONG ISLAND SOUND OYSTER RESTORATION, NEW YORK AND CONNECTICUT.

(a) IN GENERAL.—The Secretary shall plan, design, and construct projects to increase aquatic habitats within Long Island Sound and adjacent waters, including the construction and restoration of oyster beds and related shellfish habitat.

(b) COST SHARING.—The non-Federal share of the cost of activities carried out under this section shall be 25 percent and may be provided through in-kind services and materials.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 to carry out this section.

SEC. 3087. MAMARONECK AND SHELDRAKE RIVERS WATERSHED MANAGEMENT, NEW YORK.

(a) WATERSHED MANAGEMENT PLAN DEVELOPMENT.—

(1) IN GENERAL.—The Secretary, in consultation with the State of New York and local entities, shall develop watershed management plans for the Mamaroneck and Sheldrake River watershed for the purposes of evaluating existing and new flood damage reduction and ecosystem restoration.

(2) EXISTING PLANS.—In developing the watershed management plans, the Secretary shall use existing studies and plans, as appropriate.

(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in any eligible critical restoration project in the Mamaroneck and Sheldrake Rivers watershed in accordance with the watershed management plan developed under subsection (a).

(2) ELIGIBLE PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the project—

(A) meets the purposes described in the watershed management plan developed under subsection (a); and

(B) with respect to the Mamaroneck and Sheldrake Rivers watershed in New York, consists of flood damage reduction or ecosystem restoration—

(i) bank stabilization of the mainstem, tributaries, and streams;

(ii) wetland restoration;

(iii) soil and water conservation;

(iv) restoration of natural flows;

(v) restoration of stream stability;

(vi) structural and nonstructural flood damage reduction measures; or

(vii) any other project or activity the Secretary determines to be appropriate.

(c) COST SHARING.—The Federal share of the cost of implementing any project carried out under this section shall be 65 percent.

(d) NON-FEDERAL INTEREST.—A nonprofit organization may serve as the non-Federal interest for a project carried out under this section.

(e) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into 1 or more cooperative agreements to provide financial assistance to appropriate Federal, State, or local governments or nonprofit agencies, including assistance for the implementation of projects to be carried out under subsection (b).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000, to remain available until expended.

SEC. 3088. ORCHARD BEACH, BRONX, NEW YORK.

Section 554 of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended by striking ''$5,200,000'' and inserting ''$18,200,000''.

SEC. 3089. NEW YORK HARBOR, NEW YORK, NEW YORK.

Section 217 of the Water Resources Development Act of 1996 (33 U.S.C. 2326a) is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) the following:

''(c) DREDGED MATERIAL FACILITY.—

''(1) IN GENERAL.—The Secretary may enter into cost-sharing agreements with 1 or more non-Federal public interests with respect to a project, or group of projects within a geographic region, if appropriate, for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material, which may include effective sediment contaminant reduction technologies) using funds provided in whole or in part by the Federal Government.

''(2) PERFORMANCE.—One or more of the parties to the agreement may perform the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility.

''(3) MULTIPLE FEDERAL PROJECTS.—If appropriate, the Secretary may combine portions of separate Federal projects with appropriate combined cost-sharing between the various projects, if the facility serves to manage dredged material from multiple Federal projects located in the geographic region of the facility.

''(4) PUBLIC FINANCING.—

''(A) AGREEMENTS.—

''(i) SPECIFIED FEDERAL FUNDING SOURCES AND COST SHARING.—The cost-sharing agreement used shall clearly specify—

''(I) the Federal funding sources and combined cost-sharing when applicable to multiple Federal navigation projects; and

''(II) the responsibilities and risks of each of the parties related to present and future dredged material managed by the facility.

''(ii) MANAGEMENT OF SEDIMENTS.—

''(I) IN GENERAL.—The cost-sharing agreement may include the management of sediments from the maintenance dredging of Federal navigation projects that do not have partnerships agreements.

''(II) PAYMENTS.—The cost-sharing agreement may allow the non-Federal interest to receive reimbursable payments from the Federal Government for commitments made by the non-Federal interest for disposal or placement capacity at dredged material treatment, processing, contaminant reduction, or disposal facilities.

''(iii) CREDIT.—The cost-sharing agreement may allow costs incurred prior to execution of a partnership agreement for construction or the purchase of equipment or capacity for the project to be credited according to existing cost-sharing rules.

''(B) CREDIT.—

''(i) EFFECT ON EXISTING AGREEMENTS.—Nothing in this subsection supersedes or modifies an agreement in effect on the date of enactment of this paragraph between the Federal Government and any other non-Federal interest for the cost-sharing, construction, and operation and maintenance of a Federal navigation project.

''(ii) CREDIT FOR FUNDS.—Subject to the approval of the Secretary and in accordance with law (including regulations and policies) in effect on the date of enactment of this paragraph, a non-Federal public interest of a Federal navigation project may seek credit for funds provided for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility to the extent the facility is used to manage dredged material from the Federal navigation project.

''(iii) NON-FEDERAL INTEREST RESPONSIBILITIES.—The non-Federal interest shall—

''(I) be responsible for providing all necessary land, easement rights-of-way, or relocations associated with the facility; and

''(II) receive credit for those items.''; and

(3) in paragraphs (1) and (2)(A) of subsection (d) (as redesignated by paragraph (1))—

(A) by inserting ''and maintenance'' after ''operation'' each place it appears; and

(B) by inserting ''processing, treatment, or'' after ''dredged material'' the first place it appears in each of those paragraphs.

SEC. 3090. NEW YORK STATE CANAL SYSTEM.

Section 553 of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended by striking subsection (c) and inserting the following:

''(c) DEFINITION OF NEW YORK STATE CANAL SYSTEM.—In this section, the term 'New York State Canal System' means the 524 miles of navigable canal that comprise the New York State Canal System, including the Erie, Cayuga-Seneca, Oswego, and Champlain Canals and the historic alignments of these canals, including the cities of Albany, Rochester, and Buffalo.''.

SEC. 3091. SUSQUEHANNA RIVER AND UPPER DELAWARE RIVER WATERSHED MANAGEMENT, NEW YORK.

(a) WATERSHED MANAGEMENT PLAN DEVELOPMENT.—

(1) IN GENERAL.—The Secretary, in consultation with the State of New York, the Delaware or Susquehanna River Basin Commission, as appropriate, and local entities, shall develop watershed management plans for the Susquehanna River watershed in New York State and the Upper Delaware River watershed for the purposes of evaluating existing and new flood damage reduction and ecosystem restoration.

(2) EXISTING PLANS.—In developing the watershed management plans, the Secretary shall use existing studies and plans, as appropriate.

(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in any eligible critical restoration project in the Susquehanna River or Upper Delaware Rivers in accordance with the watershed management plan developed under subsection (a).

(2) ELIGIBLE PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the project—

(A) meets the purposes described in the watershed management plan developed under subsection (a); and

(B) with respect to the Susquehanna River or Upper Delaware River watershed in New York, consists of flood damage reduction or ecosystem restoration through—

(i) bank stabilization of the mainstem, tributaries, and streams;

(ii) wetland restoration;

(iii) soil and water conservation;

(iv) restoration of natural flows;

(v) restoration of stream stability;

(vi) structural and nonstructural flood damage reduction measures; or

(vii) any other project or activity the Secretary determines to be appropriate.

(c) COST SHARING.—The Federal share of the cost of implementing any project carried out under this section shall be 65 percent.

(d) NON-FEDERAL INTEREST.—A nonprofit organization may serve as the non-Federal interest for a project carried out under this section.

(e) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into 1 or more cooperative agreements to provide financial assistance to appropriate Federal, State, or local governments or nonprofit agencies, including assistance for the implementation of projects to be carried out under subsection (b).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000, to remain available until expended.

SEC. 3092. MISSOURI RIVER RESTORATION, NORTH DAKOTA.

Section 707(a) of the Water Resources Act of 2000 (114 Stat. 2699) is amended in the first sentence by striking ''$5,000,000'' and all that follows through ''2005'' and inserting ''$25,000,000''.

SEC. 3093. OHIO.

Section 594 of the Water Resources Development Act of 1999 (113 Stat. 381) is amended by adding at the end the following:

''(h) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.''.

SEC. 3094. LOWER GIRARD LAKE DAM, GIRARD, OHIO.

Section 507(1) of the Water Resources Development Act of 1996 (110 Stat. 3758) is amended—

(1) by striking ''$2,500,000'' and inserting ''$16,000,000''; and

(2) by striking ''Repair and rehabilitation'' and inserting ''Correct structural deficiencies''.

SEC. 3095. TOUSSAINT RIVER NAVIGATION PROJECT, CARROLL TOWNSHIP, OHIO.

Increased operation and maintenance activities for the Toussaint River Federal Navigation Project, Carroll Township, Ohio, that are carried out in accordance with section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and relate directly to the presence of unexploded ordnance, shall be carried out at full Federal expense.

SEC. 3096. ARCADIA LAKE, OKLAHOMA.

Payments made by the city of Edmond, Oklahoma, to the Secretary in October 1999 of all costs associated with present and future water storage costs at Arcadia Lake, Oklahoma, under Arcadia Lake Water Storage Contract Number DACW56–79–C–0072 shall satisfy the obligations of the city under that contract.

SEC. 3097. LAKE EUFAULA, OKLAHOMA.

(a) PROJECT GOAL.—

(1) IN GENERAL.—The goal for operation of Lake Eufaula shall be to maximize the use of available storage in a balanced approach that incorporates advice from representatives from all the project purposes to ensure that the full value of the reservoir is realized by the United States.

(2) RECOGNITION OF PURPOSE.—To achieve the goal described in paragraph (1), recreation is recognized as a project purpose at Lake Eufaula, pursuant to the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 887, chapter 665).

(b) LAKE EUFAULA ADVISORY COMMITTEE.—

(1) IN GENERAL.—In accordance with the Federal Advisory Committee Act (5 U.S.C. App.), the Secretary shall establish an advisory committee for the Lake Eufaula, Canadian River, Oklahoma project authorized by the Act of July 24, 1946 (commonly known as the ''River and Harbor Act of 1946'') (Public Law 79–525; 60 Stat. 634).

(2) PURPOSE.—The purpose of the committee shall be advisory only.

(3) DUTIES.—The committee shall provide information and recommendations to the Corps of Engineers regarding the operations of Lake Eufaula for the project purposes for Lake Eufaula.

(4) COMPOSITION.—The Committee shall be composed of members that equally represent the project purposes for Lake Eufaula.

(c) REALLOCATION STUDY.—

(1) IN GENERAL.—Subject to the appropriation of funds, the Secretary, acting through the Chief of Engineers, shall perform a reallocation study, at full Federal expense, to develop and present recommendations concerning the best value, while minimizing ecological damages, for current and future use of the Lake Eufaula storage capacity for the authorized project purposes of flood control, water supply, hydroelectric power, navigation, fish and wildlife, and recreation.

(2) FACTORS FOR CONSIDERATION.—The reallocation study shall take into consideration the recommendations of the Lake Eufaula Advisory Committee.

(d) POOL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 360 days after the date of enactment of this Act, to the extent feasible within available project funds and subject to the completion and approval of the reallocation study under subsection (c), the Tulsa District Engineer, taking into consideration recommendations of the Lake Eufaula Advisory Committee, shall develop an interim management plan that accommodates all project purposes for Lake Eufaula.

(2) MODIFICATIONS.—A modification of the plan under paragraph (1) shall not cause significant adverse impacts on any existing permit, lease, license, contract, public law, or project purpose, including flood control operation, relating to Lake Eufaula.

SEC. 3098. RELEASE OF REVERSIONARY INTEREST, OKLAHOMA.

(a) RELEASE.—Any reversionary interest relating to public parks and recreation on the land conveyed by the Secretary to the State of Oklahoma at Lake Texoma pursuant to the Act entitled ''An Act to authorize the sale of certain lands to the State of Oklahoma'' (67 Stat. 63, chapter 118), shall terminate on the date of enactment of this Act.

(b) INSTRUMENT OF RELEASE.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, an amended deed, or another appropriate instrument to release each reversionary interest described in subsection (a).

(c) PRESERVATION OF RESERVED RIGHTS.—A release of a reversionary interest under this section shall not affect any other right of the United States in any deed of conveyance pursuant to the Act entitled ''An Act to authorize the sale of certain lands to the State of Oklahoma'' (67 Stat. 63, chapter 118).

SEC. 3099. OKLAHOMA LAKES DEMONSTRATION PROGRAM, OKLAHOMA.

(a) IMPLEMENTATION OF PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Secretary shall implement an innovative program at the lakes located primarily in the State of Oklahoma that are a part of an authorized civil works project under the administrative jurisdiction of the Corps of Engineers for the purpose of demonstrating the benefits of enhanced recreation facilities and activities at those lakes.

(b) REQUIREMENTS.—In implementing the program under subsection (a), the Secretary shall, consistent with authorized project purposes—

(1) pursue strategies that will enhance, to the maximum extent practicable, recreation experiences at the lakes included in the program;

(2) use creative management strategies that optimize recreational activities; and

(3) ensure continued public access to recreation areas located on or associated with the civil works project.

(c) GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue guidelines for the implementation of this section, to be developed in coordination with the State of Oklahoma.

(d) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the

Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the program under subsection (a).

(2) INCLUSIONS.—The report under paragraph (1) shall include a description of the projects undertaken under the program, including—

(A) an estimate of the change in any related recreational opportunities;

(B) a description of any leases entered into, including the parties involved; and

(C) the financial conditions that the Corps of Engineers used to justify those leases.

(3) AVAILABILITY TO PUBLIC.—The Secretary shall make the report available to the public in electronic and written formats.

(e) TERMINATION.—The authority provided by this section shall terminate on the date that is 10 years after the date of enactment of this Act.

SEC. 3100. OTTAWA COUNTY, OKLAHOMA.

(a) IN GENERAL.—There is authorized to be appropriated $30,000,000 for the purposes set forth in subsection (b).

(b) PURPOSES.—Notwithstanding any other provision of law, funds appropriated under subsection (a) may be used for the purpose of—

(1) the buy-out of properties and permanently relocating residents and businesses in or near Picher, Cardin, and Hockerville, Oklahoma, from areas determined by the State of Oklahoma to be at risk of damage caused by land subsidence and remaining properties; and

(2) providing funding to the State of Oklahoma to buyout properties and permanently relocate residents and businesses of Picher, Cardin, and Hockerville, Oklahoma, from areas determined by the State of Oklahoma to be at risk of damage caused by land subsidence and remaining properties.

(c) LIMITATION.—The use of funds in accordance with subsection (b) shall not be considered to be part of a Federally assisted program or project for purposes of Public Law 91–646 (42 U.S.C. 4601 et seq.), consistent with section 2301 of Public Law 109–234 (120 Stat. 455–456).

(d) CONSISTENCY WITH STATE PROGRAM.—Any actions taken under subsection (b) shall be consistent with the relocation program in the State of Oklahoma under 27A O.S. Supp. 2006, sections 2201 et seq.

(e) AMENDMENT.—Section 111 of Public Law 108–137 (117 Stat. 1835) is amended—

(1) by adding the following language at the end of subsection (a): ''Such activities also may include the provision of financial assistance to facilitate the buy out of properties located in areas identified by the State as areas that are or will be at risk of damage caused by land subsidence and associated properties otherwise identified by the State; however, any buyout of such properties shall not be considered to be part of a Federally assisted program or project for purposes of Public Law 91–646 (42 U.S.C. 4601 et seq.), consistent with section 2301 of Public Law 109–234 (120 Stat. 455–456).''; and

(2) by striking the first sentence of subsection (d) and inserting the following: ''Non-Federal interests shall be responsible for operating and maintaining any restoration alternatives constructed or carried out pursuant to this section.''.

SEC. 3101. RED RIVER CHLORIDE CONTROL, OKLAHOMA AND TEXAS.

Section 203 of the Flood Control Act of 1966 (80 Stat. 1420; 100 Stat. 4229) is further modified to direct the Secretary to provide operation and maintenance for the Red River Chloride Control project, Oklahoma and Texas, at full Federal expense.

SEC. 3102. WAURIKA LAKE, OKLAHOMA.

The remaining obligation of the Waurika Project Master Conservancy District payable to the United States Government in the amounts, rates of interest, and payment schedules—

(1) is set at the amounts, rates of interest, and payment schedules that existed on June 3, 1986; and

(2) may not be adjusted, altered, or changed without a specific, separate, and written agreement between the District and the United States.

SEC. 3103. LOOKOUT POINT PROJECT, LOWELL, OREGON.

(a) IN GENERAL.—Subject to subsection (c), the Secretary shall convey at fair market value to the Lowell School District No. 71, all right, title, and interest of the United States in and to a parcel consisting of approximately 0.98 acres of land, including 3 abandoned buildings on the land, located in Lowell, Oregon, as described in subsection (b).

(b) DESCRIPTION OF PROPERTY.—The parcel of land to be conveyed under subsection (a) is more particularly described as follows: Commencing at the point of intersection of the west line of Pioneer Street with the westerly extension of the north line of Summit Street, in Meadows Addition to Lowell, as platted and recorded on page 56 of volume 4, Lane County Oregon Plat Records; thence north on the west line of Pioneer Street a distance of 176.0 feet to the true point of beginning of this description; thence north on the west line of Pioneer Street a distance of 170.0 feet; thence west at right angles to the west line of Pioneer Street a distance of 250.0 feet; thence south and parallel to the west line of Pioneer Street a distance of 170.0 feet; and thence east 250.0 feet to the true point of beginning of this description in sec. 14, T. 19 S., R. 1 W. of the Willamette Meridian, Lane County, Oregon.

(c) CONDITION.—The Secretary shall not complete the conveyance under subsection (a) until such time as the Forest Service—

(1) completes and certifies that necessary environmental remediation associated with the structures located on the property is complete; and

(2) transfers the structures to the Corps of Engineers.

(d) EFFECT OF OTHER LAW.—

(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(2) LIABILITY.—

(A) IN GENERAL.—Lowell School District No, 71 shall hold the United States harmless from any liability with respect to activities carried out on the property described in subsection (b) on or after the date of the conveyance under subsection (a).

(B) CERTAIN ACTIVITIES.—The United States shall be liable with respect to any activity carried out on the property described in subsection (b) before the date of conveyance under subsection (a).

SEC. 3104. UPPER WILLAMETTE RIVER WATERSHED ECOSYSTEM RESTORATION.

(a) IN GENERAL.—The Secretary shall conduct studies and ecosystem restoration projects for the upper Willamette River watershed from Albany, Oregon, to the headwaters of the Willamette River and tributaries.

(b) CONSULTATION.—The Secretary shall carry out ecosystem restoration projects under this section for the Upper Willamette River watershed in consultation with the Governor of the State of Oregon, the heads of appropriate Indian tribes, the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, the Bureau of Land Management, the Forest Service, and local entities.

(c) AUTHORIZED ACTIVITIES.—In carrying out ecosystem restoration projects under this section, the Secretary shall undertake activities necessary to protect, monitor, and restore fish and wildlife habitat.

(d) COST SHARING REQUIREMENTS.—

(1) STUDIES.—Studies conducted under this section shall be subject to cost sharing in accordance with section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(2) ECOSYSTEM RESTORATION PROJECTS.—

(A) IN GENERAL.—Non-Federal interests shall pay 35 percent of the cost of any ecosystem restoration project carried out under this section.

(B) ITEMS PROVIDED BY NON-FEDERAL INTERESTS.—

(i) IN GENERAL.—Non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for ecosystem restoration projects to be carried out under this section.

(ii) CREDIT TOWARD PAYMENT.—The value of the land, easements, rights-of-way, dredged material disposal areas, and relocations provided under paragraph (1) shall be credited toward the payment required under subsection (a).

(C) IN-KIND CONTRIBUTIONS.—100 percent of the non-Federal share required under subsection (a) may be satisfied by the provision of in-kind contributions.

(3) OPERATIONS AND MAINTENANCE.—Non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.

SEC. 3105. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

Section 567 of the Water Resources Development Act of 1996 (110 Stat. 3787) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) COOPERATION AGREEMENTS.—

''(1) IN GENERAL.—In conducting the study and implementing the strategy under this section, the Secretary shall enter into cost-sharing and project cooperation agreements with the Federal Government, State and local governments (with the consent of the State and local governments), land trusts, or nonprofit, nongovernmental organizations with expertise in wetland restoration.

''(2) FINANCIAL ASSISTANCE.—Under the cooperation agreement, the Secretary may provide assistance for implementation of wetland restoration projects and soil and water conservation measures.''; and

(2) by striking subsection (d) and inserting the following:

''(d) IMPLEMENTATION OF STRATEGY.—

''(1) IN GENERAL.—The Secretary shall carry out the development, demonstration, and implementation of the strategy under this section in cooperation with local landowners, local government officials, and land trusts.

''(2) GOALS OF PROJECTS.—Projects to implement the strategy under this subsection shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, nongovernmental organizations with expertise in wetland restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects.''.

SEC. 3106. NARRAGANSETT BAY, RHODE ISLAND.

The Secretary may use amounts in the Environmental Restoration Account, Formerly

Used Defense Sites, under section 2703(a)(5) of title 10, United States Code, for the removal of abandoned marine camels at any Formerly Used Defense Site under the jurisdiction of the Department of Defense that is undergoing (or is scheduled to undergo) environmental remediation under chapter 160 of title 10, United States Code (and other provisions of law), in Narragansett Bay, Rhode Island, in accordance with the Corps of Engineers prioritization process under the Formerly Used Defense Sites program.

SEC. 3107. SOUTH CAROLINA DEPARTMENT OF COMMERCE DEVELOPMENT PROPOSAL AT RICHARD B. RUSSELL LAKE, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary shall convey to the State of South Carolina, by quitclaim deed, all right, title, and interest of the United States in and to the parcels of land described in subsection (b)(1) that are managed, as of the date of enactment of this Act, by the South Carolina Department of Commerce for public recreation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1420).

(b) LAND DESCRIPTION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the parcels of land referred to in subsection (a) are the parcels contained in the portion of land described in Army Lease Number DACW21–1–92–0500.

(2) RETENTION OF INTERESTS.—The United States shall retain—

(A) ownership of all land included in the lease referred to in paragraph (1) that would have been acquired for operational purposes in accordance with the 1971 implementation of the 1962 Army/Interior Joint Acquisition Policy; and

(B) such other land as is determined by the Secretary to be required for authorized project purposes, including easement rights-of-way to remaining Federal land.

(3) SURVEY.—The exact acreage and legal description of the land described in paragraph (1) shall be determined by a survey satisfactory to the Secretary, with the cost of the survey to be paid by the State.

(c) GENERAL PROVISIONS.—

(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to the conveyance under this section.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that the conveyance under this section be subject to such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(3) COSTS OF CONVEYANCE.—

(A) IN GENERAL.—The State shall be responsible for all costs, including real estate transaction and environmental compliance costs, associated with the conveyance under this section.

(B) FORM OF CONTRIBUTION.—As determined appropriate by the Secretary, in lieu of payment of compensation to the United States under subparagraph (A), the State may perform certain environmental or real estate actions associated with the conveyance under this section if those actions are performed in close coordination with, and to the satisfaction of, the United States.

(4) LIABILITY.—The State shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed under this section.

(d) ADDITIONAL TERMS AND CONDITIONS.—

(1) IN GENERAL.—The State shall pay fair market value consideration, as determined by the United States, for any land included in the conveyance under this section.

(2) NO EFFECT ON SHORE MANAGEMENT POLICY.—The Shoreline Management Policy (ER–1130–2–406) of the Corps of Engineers shall not be changed or altered for any proposed development of land conveyed under this section.

(3) FEDERAL STATUTES.—The conveyance under this section shall be subject to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (including public review under that Act) and other Federal statutes.

(4) COST SHARING.—In carrying out the conveyance under this section, the Secretary and the State shall comply with all obligations of any cost sharing agreement between the Secretary and the State in effect as of the date of the conveyance.

(5) LAND NOT CONVEYED.—The State shall continue to manage the land not conveyed under this section in accordance with the terms and conditions of Army Lease Number DACW21–1–92–0500.

SEC. 3108. MISSOURI RIVER RESTORATION, SOUTH DAKOTA.

(a) MEMBERSHIP.—Section 904(b)(1)(B) of the Water Resources Development Act of 2000 (114 Stat. 2708) is amended—

(1) in clause (vii), by striking ''and'' at the end;

(2) by redesignating clause (viii) as clause (ix); and

(3) by inserting after clause (vii) the following:

''(viii) rural water systems; and''.

(b) REAUTHORIZATION.—Section 907(a) of the Water Resources Development Act of 2000 (114 Stat. 2712) is amended in the first sentence by striking ''2005'' and inserting ''2010''.

SEC. 3109. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.

Section 514 of the Water Resources Development Act of 1999 (113 Stat. 343; 117 Stat. 142) is amended—

(1) by redesignating subsections (f) and (g) as subsections (h) and (i), respectively;

(2) in subsection (h) (as redesignated by paragraph (1)), by striking paragraph (1) and inserting the following:

''(1) NON-FEDERAL SHARE.—

''(A) IN GENERAL.—The non-Federal share of the cost of projects may be provided—

''(i) in cash;

''(ii) by the provision of land, easements, rights-of-way, relocations, or disposal areas;

''(iii) by in-kind services to implement the project; or

''(iv) by any combination of the foregoing.

''(B) PRIVATE OWNERSHIP.—Land needed for a project under this authority may remain in private ownership subject to easements that are—

''(i) satisfactory to the Secretary; and

''(ii) necessary to assure achievement of the project purposes.'';

(3) in subsection (i) (as redesignated by paragraph (1)), by striking ''for the period of fiscal years 2000 and 2001.'' and inserting ''per year, and that authority shall extend until Federal fiscal year 2011.''; and

(4) by inserting after subsection (e) the following:

''(f) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a regional or national nonprofit entity with the consent of the affected local government.

''(g) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be allotted under this section for a project at any single locality.''

SEC. 3110. NONCONNAH WEIR, MEMPHIS, TENNESSEE.

The project for flood control, Nonconnah Creek, Tennessee and Mississippi, authorized by section 401 of the Water Resources Development Act of 1986 (100 Stat. 4124) and modified by the section 334 of the Water Resources Development Act of 2000 (114 Stat. 2611), is modified to authorize the Secretary—

(1) to reconstruct, at full Federal expense, the weir originally constructed in the vicinity of the mouth of Nonconnah Creek; and

(2) to make repairs and maintain the weir in the future so that the weir functions properly.

SEC. 3111. OLD HICKORY LOCK AND DAM, CUMBERLAND RIVER, TENNESSEE.

(a) RELEASE OF RETAINED RIGHTS, INTERESTS, RESERVATIONS.—With respect to land conveyed by the Secretary to the Tennessee Society of Crippled Children and Adults, Incorporated (commonly known as ''Easter Seals Tennessee'') at Old Hickory Lock and Dam, Cumberland River, Tennessee, under section 211 of the Flood Control Act of 1965 (79 Stat. 1087), the reversionary interests and the use restrictions relating to recreation and camping purposes are extinguished.

(b) INSTRUMENT OF RELEASE.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of interests required by subsection (a).

(c) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects any remaining right or interest of the Corps of Engineers with respect to an authorized purpose of any project.

SEC. 3112. SANDY CREEK, JACKSON COUNTY, TENNESSEE.

(a) IN GENERAL.—The Secretary may carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at Sandy Creek, Jackson County, Tennessee, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

(b) RELATIONSHIP TO WEST TENNESSEE TRIBUTARIES PROJECT, TENNESSEE.—Consistent with the report of the Chief of Engineers dated March 24, 1948, on the West Tennessee Tributaries project—

(1) Sandy Creek shall not be considered to be an authorized channel of the West Tennessee Tributaries Project; and

(2) the Sandy Creek flood damage reduction project shall not be considered to be part of the West Tennessee Tributaries Project.

SEC. 3113. CEDAR BAYOU, TEXAS.

Section 349(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2632) is amended by striking ''except that the project is authorized only for construction of a navigation channel 12 feet deep by 125 feet wide'' and inserting ''except that the project is authorized for construction of a navigation channel that is 10 feet deep by 100 feet wide''.

SEC. 3114. DENISON, TEXAS.

(a) IN GENERAL.—The Secretary shall offer to convey at fair market value to the city of Denison, Texas (or a designee of the city), all right, title, and interest of the United States in and to the approximately 900 acres of land located in Grayson County, Texas, which is currently subject to an Application for Lease for Public Park and Recreational Purposes made by the city of Denison, dated August 17, 2005.

(b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and description of the real property referred to in subsection (a) shall be determined by a survey paid for by the city of Denison, Texas (or a designee of the city), that is satisfactory to the Secretary.

(c) CONVEYANCE.—On acceptance by the city of Denison, Texas (or a designee of the

city), of an offer under subsection (a), the Secretary may immediately convey the land surveyed under subsection (b) by quitclaim deed to the city of Denison, Texas (or a designee of the city).

SEC. 3115. CENTRAL CITY, FORT WORTH, TEXAS.

For the purposes of achieving efficiencies, enhanced benefits, and complementary implementation, as compared with construction of the projects separately, the project for flood control and other purposes authorized by section 116 of division C of title I of the Consolidated Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2944), is modified to include the project for ecosystem restoration, as generally defined in the report of the report of the Chief of Engineers entitled ''Riverside Oxbow, Fort Worth, Texas'' and dated May 29, 2003, at a total cost of $247,110,000, with an estimated Federal cost of $121,210,000 and a non-Federal cost of $125,900,000.

SEC. 3116. FREEPORT HARBOR, TEXAS.

(a) IN GENERAL.—The project for navigation, Freeport Harbor, Texas, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), is modified to provide that—

(1) all project costs incurred as a result of the discovery of the sunken vessel COMSTOCK of the Corps of Engineers are a Federal responsibility; and

(2) the Secretary shall not seek further obligation or responsibility for removal of the vessel COMSTOCK, or costs associated with a delay due to the discovery of the sunken vessel COMSTOCK, from the Port of Freeport.

(b) COST SHARING.—This section does not affect the authorized cost sharing for the balance of the project described in subsection (a).

SEC. 3117. HARRIS COUNTY, TEXAS.

Section 575(b) of the Water Resources Development Act of 1996 (110 Stat. 3789; 113 Stat. 311) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(3) by adding the following:

''(5) the project for flood control, Upper White Oak Bayou, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125).''.

SEC. 3118. CONNECTICUT RIVER RESTORATION, VERMONT.

Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), with respect to the study entitled ''Connecticut River Restoration Authority'', dated May 23, 2001, a nonprofit entity may act as the non-Federal interest for purposes of carrying out the activities described in the agreement executed between The Nature Conservancy and the Department of the Army on August 5, 2005.

SEC. 3119. DAM REMEDIATION, VERMONT.

Section 543 of the Water Resources Development Act of 2000 (114 Stat. 2673) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) may carry out measures to restore, protect, and preserve an ecosystem affected by a dam described in subsection (b).''; and

(2) in subsection (b), by adding at the end the following:

''(11) Camp Wapanacki, Hardwick.

''(12) Star Lake Dam, Mt. Holly.

''(13) Curtis Pond, Calais.

''(14) Weathersfield Reservoir, Springfield.

''(15) Burr Pond, Sudbury.

''(16) Maidstone Lake, Guildhall.

''(17) Upper and Lower Hurricane Dam.

''(18) Lake Fairlee.

''(19) West Charleston Dam.''.

SEC. 3120. LAKE CHAMPLAIN EURASIAN MILFOIL, WATER CHESTNUT, AND OTHER NONNATIVE PLANT CONTROL, VERMONT.

Under authority of section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall revise the existing General Design Memorandum to permit the use of chemical means of control, when appropriate, of Eurasian milfoil, water chestnuts, and other nonnative plants in the Lake Champlain basin, Vermont.

SEC. 3121. UPPER CONNECTICUT RIVER BASIN WETLAND RESTORATION, VERMONT AND NEW HAMPSHIRE.

(a) IN GENERAL.—The Secretary, in cooperation with the States of Vermont and New Hampshire, shall carry out a study and develop a strategy for the use of wetland restoration, soil and water conservation practices, and nonstructural measures to reduce flood damage, improve water quality, and create wildlife habitat in the Upper Connecticut River watershed.

(b) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of the study and development of the strategy under subsection (a) shall be 65 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of the study and development of the strategy may be provided through the contribution of in-kind services and materials.

(c) NON-FEDERAL INTEREST.—A nonprofit organization with wetland restoration experience may serve as the non-Federal interest for the study and development of the strategy under this section.

(d) COOPERATIVE AGREEMENTS.—In conducting the study and developing the strategy under this section, the Secretary may enter into 1 or more cooperative agreements to provide technical assistance to appropriate Federal, State, and local agencies and nonprofit organizations with wetland restoration experience, including assistance for the implementation of wetland restoration projects and soil and water conservation measures.

(e) IMPLEMENTATION.—The Secretary shall carry out development and implementation of the strategy under this section in cooperation with local landowners and local government officials.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000, to remain available until expended.

SEC. 3122. UPPER CONNECTICUT RIVER BASIN ECOSYSTEM RESTORATION, VERMONT AND NEW HAMPSHIRE.

(a) GENERAL MANAGEMENT PLAN DEVELOPMENT.—

(1) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture and in consultation with the States of Vermont and New Hampshire and the Connecticut River Joint Commission, shall conduct a study and develop a general management plan for ecosystem restoration of the Upper Connecticut River ecosystem for the purposes of—

(A) habitat protection and restoration;

(B) streambank stabilization;

(C) restoration of stream stability;

(D) water quality improvement;

(E) invasive species control;

(F) wetland restoration;

(G) fish passage; and

(H) natural flow restoration.

(2) EXISTING PLANS.—In developing the general management plan, the Secretary shall depend heavily on existing plans for the restoration of the Upper Connecticut River.

(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in any critical restoration project in the Upper Connecticut River Basin in accordance with the general management plan developed under subsection (a).

(2) ELIGIBLE PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the project—

(A) meets the purposes described in the general management plan developed under subsection (a); and

(B) with respect to the Upper Connecticut River and Upper Connecticut River watershed, consists of—

(i) bank stabilization of the main stem, tributaries, and streams;

(ii) wetland restoration and migratory bird habitat restoration;

(iii) soil and water conservation;

(iv) restoration of natural flows;

(v) restoration of stream stability;

(vi) implementation of an intergovernmental agreement for coordinating ecosystem restoration, fish passage installation, streambank stabilization, wetland restoration, habitat protection and restoration, or natural flow restoration;

(vii) water quality improvement;

(viii) invasive species control;

(ix) wetland restoration and migratory bird habitat restoration;

(x) improvements in fish migration; and

(xi) conduct of any other project or activity determined to be appropriate by the Secretary.

(c) COST SHARING.—The Federal share of the cost of any project carried out under this section shall not be less than 65 percent.

(d) NON-FEDERAL INTEREST.—A nonprofit organization may serve as the non-Federal interest for a project carried out under this section.

(e) CREDITING.—

(1) FOR WORK.—The Secretary shall provide credit, including credit for in-kind contributions of up to 100 percent of the non-Federal share, for work (including design work and materials) if the Secretary determines that the work performed by the non-Federal interest is integral to the product.

(2) FOR OTHER CONTRIBUTIONS.—The non-Federal interest shall receive credit for land, easements, rights-of-way, dredged material disposal areas, and relocations necessary to implement the projects.

(f) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into 1 or more cooperative agreements to provide financial assistance to appropriate Federal, State, or local governments or nonprofit agencies, including assistance for the implementation of projects to be carried out under subsection (b).

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

SEC. 3123. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.

Section 542 of the Water Resources Development Act of 2000 (114 Stat. 2671) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (D), by striking ''or'' at the end;

(B) by redesignating subparagraph (E) as subparagraph (G); and

(C) by inserting after subparagraph (D) the following:

''(E) river corridor assessment, protection, management, and restoration for the purposes of ecosystem restoration;

''(F) geographic mapping conducted by the Secretary using existing technical capacity to produce a high-resolution, multispectral satellite imagery-based land use and cover data set; or'';

(2) in subsection (e)(2)—

(A) in subparagraph (A)—

(i) by striking ''The non-Federal'' and inserting the following:

''(i) IN GENERAL.—The non-Federal''; and

(ii) by adding at the end the following:

''(ii) APPROVAL OF DISTRICT ENGINEER.—Approval of credit for design work of less than $100,000 shall be determined by the appropriate district engineer.''; and

(B) in subparagraph (C), by striking ''up to 50 percent of''; and

(3) in subsection (g), by striking ''$20,000,000'' and inserting ''$32,000,000''.

SEC. 3124. CHESAPEAKE BAY OYSTER RESTORATION, VIRGINIA AND MARYLAND.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) in paragraph (1)—

(A) in the second sentence, by striking ''$30,000,000'' and inserting ''$50,000,000''; and

(B) in the third sentence, by striking ''Such projects'' and inserting the following:

''(2) INCLUSIONS.—Such projects'';

(3) by striking paragraph (2)(D) (as redesignated by paragraph (2)(B)) and inserting the following:

''(D) the restoration and rehabilitation of habitat for fish, including native oysters, in the Chesapeake Bay and its tributaries in Virginia and Maryland, including—

''(i) the construction of oyster bars and reefs;

''(ii) the rehabilitation of existing marginal habitat;

''(iii) the use of appropriate alternative substrate material in oyster bar and reef construction;

''(iv) the construction and upgrading of oyster hatcheries; and

''(v) activities relating to increasing the output of native oyster broodstock for seeding and monitoring of restored sites to ensure ecological success.

''(3) RESTORATION AND REHABILITATION ACTIVITIES.—The restoration and rehabilitation activities described in paragraph (2)(D) shall be—

''(A) for the purpose of establishing permanent sanctuaries and harvest management areas; and

''(B) consistent with plans and strategies for guiding the restoration of the Chesapeake Bay oyster resource and fishery.''; and

(4) by adding at the end the following:

''(5) DEFINITION OF ECOLOGICAL SUCCESS.—In this subsection, the term 'ecological success' means—

''(A) achieving a tenfold increase in native oyster biomass by the year 2010, from a 1994 baseline; and

''(B) the establishment of a sustainable fishery as determined by a broad scientific and economic consensus.''.

SEC. 3125. JAMES RIVER, VIRGINIA.

The Secretary shall accept funds from the National Park Service to provide technical and project management assistance for the James River, Virginia, with a particular emphasis on locations along the shoreline adversely impacted by Hurricane Isabel.

SEC. 3126. TANGIER ISLAND SEAWALL, VIRGINIA.

Section 577(a) of the Water Resources Development Act of 1996 (110 Stat. 3789) is amended by striking ''at a total cost of $1,200,000, with an estimated Federal cost of $900,000 and an estimated non-Federal cost of $300,000.'' and inserting ''at a total cost of $3,000,000, with an estimated Federal cost of $2,400,000 and an estimated non-Federal cost of $600,000.''.

SEC. 3127. EROSION CONTROL, PUGET ISLAND, WAHKIAKUM COUNTY, WASHINGTON.

(a) IN GENERAL.—The Lower Columbia River levees and bank protection works authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 178) is modified with regard to the Wahkiakum County diking districts No. 1 and 3, but without regard to any cost ceiling authorized before the date of enactment of this Act, to direct the Secretary to provide a 1-time placement of dredged material along portions of the Columbia River shoreline of Puget Island, Washington, between river miles 38 to 47, and the shoreline of Westport Beach, Clatsop County, Oregon, between river miles 43 to 45, to protect economic and environmental resources in the area from further erosion.

(b) COORDINATION AND COST SHARING REQUIREMENTS.—The Secretary shall carry out subsection (a)—

(1) in coordination with appropriate resource agencies;

(2) in accordance with all applicable Federal law (including regulations); and

(3) at full Federal expense.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000.

SEC. 3128. LOWER GRANITE POOL, WASHINGTON.

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to property covered by each deed described in subsection (b)—

(1) the reversionary interests and use restrictions relating to port or industrial purposes are extinguished;

(2) the human habitation or other building structure use restriction is extinguished in each area in which the elevation is above the standard project flood elevation; and

(3) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required for the use of fill material.

(b) DEEDS.—The deeds referred to in subsection (a) are as follows:

(1) Auditor's File Numbers 432576, 443411, 499988, and 579771 of Whitman County, Washington.

(2) Auditor's File Numbers 125806, 138801, 147888, 154511, 156928, and 176360 of Asotin County, Washington.

(c) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects any remaining rights and interests of the Corps of Engineers for authorized project purposes in or to property covered by a deed described in subsection (b).

SEC. 3129. MCNARY LOCK AND DAM, MCNARY NATIONAL WILDLIFE REFUGE, WASHINGTON AND IDAHO.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the land acquired for the McNary Lock and Dam Project and managed by the United States Fish and Wildlife Service under Cooperative Agreement Number DACW68–4–00–13 with the Corps of Engineers, Walla Walla District, is transferred from the Secretary to the Secretary of the Interior.

(b) EASEMENTS.—The transfer of administrative jurisdiction under subsection (a) shall be subject to easements in existence as of the date of enactment of this Act on land subject to the transfer.

(c) RIGHTS OF SECRETARY.—

(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall retain rights described in paragraph (2) with respect to the land for which administrative jurisdiction is transferred under subsection (a).

(2) RIGHTS.—The rights of the Secretary referred to in paragraph (1) are the rights—

(A) to flood land described in subsection (a) to the standard project flood elevation;

(B) to manipulate the level of the McNary Project Pool;

(C) to access such land described in subsection (a) as may be required to install, maintain, and inspect sediment ranges and carry out similar activities;

(D) to construct and develop wetland, riparian habitat, or other environmental restoration features authorized by section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330);

(E) to dredge and deposit fill materials; and

(F) to carry out management actions for the purpose of reducing the take of juvenile salmonids by avian colonies that inhabit, before, on, or after the date of enactment of this Act, any island included in the land described in subsection (a).

(3) COORDINATION.—Before exercising a right described in any of subparagraphs (C) through (F) of paragraph (2), the Secretary shall coordinate the exercise with the United States Fish and Wildlife Service.

(d) MANAGEMENT.—

(1) IN GENERAL.—The land described in subsection (a) shall be managed by the Secretary of the Interior as part of the McNary National Wildlife Refuge.

(2) CUMMINS PROPERTY.—

(A) RETENTION OF CREDITS.—Habitat unit credits described in the memorandum entitled ''Design Memorandum No. 6, LOWER SNAKE RIVER FISH AND WILDLIFE COMPENSATION PLAN, Wildlife Compensation and Fishing Access Site Selection, Letter Supplement No. 15, SITE DEVELOPMENT PLAN FOR THE WALLULA HMU'' provided for the Lower Snake River Fish and Wildlife Compensation Plan through development of the parcel of land formerly known as the ''Cummins property'' shall be retained by the Secretary despite any changes in management of the parcel on or after the date of enactment of this Act.

(B) SITE DEVELOPMENT PLAN.—The United States Fish and Wildlife Service shall obtain prior approval of the Washington State Department of Fish and Wildlife for any change to the previously approved site development plan for the parcel of land formerly known as the ''Cummins property''.

(3) MADAME DORIAN RECREATION AREA.—The United States Fish and Wildlife Service shall continue operation of the Madame Dorian Recreation Area for public use and boater access.

(e) ADMINISTRATIVE COSTS.—The United States Fish and Wildlife Service shall be responsible for all survey, environmental compliance, and other administrative costs required to implement the transfer of administrative jurisdiction under subsection (a).

SEC. 3130. SNAKE RIVER PROJECT, WASHINGTON AND IDAHO.

The Fish and Wildlife Compensation Plan for the Lower Snake River, Washington and Idaho, as authorized by section 101 of the Water Resources Development Act of 1976 (90 Stat. 2921), is modified to authorize the Secretary to conduct studies and implement aquatic and riparian ecosystem restorations and improvements specifically for fisheries and wildlife.

SEC. 3131. WHATCOM CREEK WATERWAY, BELLINGHAM, WASHINGTON.

That portion of the project for navigation, Whatcom Creek Waterway, Bellingham, Washington, authorized by the Act of June 25, 1910 (36 Stat. 664, chapter 382) (commonly known as the ''River and Harbor Act of 1910'') and the River and Harbor Act of 1958 (72 Stat. 299), consisting of the last 2,900 linear feet of the inner portion of the waterway, and beginning at station 29+00 to station 0+00, shall not be authorized as of the date of enactment of this Act.

SEC. 3132. LOWER MUD RIVER, MILTON, WEST VIRGINIA.

The project for flood damage reduction at Lower Mud River, Milton, West Virginia, authorized by section 580 of the Water Resources Development Act of 1996 (110 Stat. 3790; 114 Stat. 2612), is modified to authorize the Secretary to carry out the project in accordance with the recommended plan described in the Draft Limited Reevaluation Report of the Corps of Engineers dated May 2004, at a total cost of $57,100,000, with an estimated Federal cost of $42,825,000 and an estimated non-Federal cost of $14,275,000.

SEC. 3133. MCDOWELL COUNTY, WEST VIRGINIA.

(a) IN GENERAL.—The McDowell County nonstructural component of the project for flood control, Levisa and Tug Fork of the Big Sandy and Cumberland Rivers, West Virginia, Virginia, and Kentucky, authorized by section 202(a) of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339), is modified to direct the Secretary to take measures to provide protection, throughout McDowell County, West Virginia, from the reoccurrence of the greater of—

(1) the April 1977 flood;

(2) the July 2001 flood;

(3) the May 2002 flood; or

(4) the 100-year frequency event.

(b) UPDATES AND REVISIONS.—The measures under subsection (a) shall be carried out in accordance with, and during the development of, the updates and revisions under section 2006(e)(2).

SEC. 3134. GREEN BAY HARBOR PROJECT, GREEN BAY, WISCONSIN.

The portion of the inner harbor of the Federal navigation channel of the Green Bay Harbor project, authorized by the first section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved July 5, 1884 (commonly known as the ''River and Harbor Act of 1884'') (23 Stat. 136, chapter 229), from Station 190+00 to Station 378+00 is authorized to a width of 75 feet and a depth of 6 feet.

SEC. 3135. MANITOWOC HARBOR, WISCONSIN.

(a) IN GENERAL..—The portion of the project for navigation, Manitowoc Harbor, Wisconsin, authorized by the first section of the River and Harbor Act of August 30, 1852 (10 Stat. 58), consisting of the channel in the south part of the outer harbor, deauthorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1176), may be carried out by the Secretary.

(b) LIMITATION.—No construction on the project may be initiated until the Secretary determines that the project is feasible.

SEC. 3136. OCONTO HARBOR, WISCONSIN.

(a) IN GENERAL.—The portion of the project for navigation, Oconto Harbor, Wisconsin, authorized by the Act of August 2, 1882 (22 Stat. 196, chapter 375), and the Act of June 25, 1910 (36 Stat. 664, chapter 382) (commonly known as the ''River and Harbor Act of 1910''), consisting of a 15-foot-deep turning basin in the Oconto River, as described in subsection (b), is no longer authorized.

(b) PROJECT DESCRIPTION.—The project referred to in subsection (a) is more particularly described as—

(1) beginning at a point along the western limit of the existing project, N. 394,086.71, E. 2,530,202.71;

(2) thence northeasterly about 619.93 feet to a point N. 394,459.10, E. 2,530,698.33;

(3) thence southeasterly about 186.06 feet to a point N. 394,299.20, E. 2,530,793.47;

(4) thence southwesterly about 355.07 feet to a point N. 393,967.13, E. 2,530,667.76;

(5) thence southwesterly about 304.10 feet to a point N. 393,826.90, E. 2,530,397.92; and

(6) thence northwesterly about 324.97 feet to the point of origin.

SEC. 3137. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.

Section 21 of the Water Resources Development Act of 1988 (102 Stat. 4027) is amended—

(1) in subsection (a)—

(A) by striking ''1276.42'' and inserting ''1278.42'';

(B) by striking ''1218.31'' and inserting ''1221.31''; and

(C) by striking ''1234.82'' and inserting ''1235.30''; and

(2) by striking subsection (b) and inserting the following:

''(b) EXCEPTION.—

''(1) IN GENERAL.—The Secretary may operate the headwaters reservoirs below the minimum or above the maximum water levels established under subsection (a) in accordance with water control regulation manuals (or revisions to those manuals) developed by the Secretary, after consultation with the Governor of Minnesota and affected tribal governments, landowners, and commercial and recreational users.

''(2) EFFECTIVE DATE OF MANUALS.—The water control regulation manuals referred to in paragraph (1) (and any revisions to those manuals) shall be effective as of the date on which the Secretary submits the manuals (or revisions) to Congress.

''(3) NOTIFICATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not less than 14 days before operating any headwaters reservoir below the minimum or above the maximum water level limits specified in subsection (a), the Secretary shall submit to Congress a notice of intent to operate the headwaters reservoir.

''(B) EXCEPTION.—Notice under subparagraph (A) shall not be required in any case in which—

''(i) the operation of a headwaters reservoir is necessary to prevent the loss of life or to ensure the safety of a dam; or

''(ii) the drawdown of the water level of the reservoir is in anticipation of a flood control operation.''.

SEC. 3138. LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE.

Section 103(c)(2) of the Water Resources Development Act of 1992 (106 Stat. 4811) is amended by striking ''property currently held by the Resolution Trust Corporation in the vicinity of the Mississippi River Bridge'' and inserting ''riverfront property''.

SEC. 3139. UPPER MISSISSIPPI RIVER SYSTEM ENVIRONMENTAL MANAGEMENT PROGRAM.

(a) IN GENERAL.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any Upper Mississippi River fish and wildlife habitat rehabilitation and enhancement project carried out under section 1103(e) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)), with the consent of the affected local government, a nongovernmental organization may be considered to be a non-Federal interest.

(b) CONFORMING AMENDMENT.—Section 1103(e)(1)(A)(ii) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(1)(A)(ii)) is amended by inserting before the period at the end the following: '', including research on water quality issues affecting the Mississippi River, including elevated nutrient levels, and the development of remediation strategies''.

SEC. 3140. UPPER BASIN OF MISSOURI RIVER.

(a) USE OF FUNDS.—Notwithstanding the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247), funds made available for recovery or mitigation activities in the lower basin of the Missouri River may be used for recovery or mitigation activities in the upper basin of the Missouri River, including the States of Montana, Nebraska, North Dakota, and South Dakota.

(b) CONFORMING AMENDMENT.—The matter under the heading ''**MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA**'' of section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143), as modified by section 334 of the Water Resources Development Act of 1999 (113 Stat. 306), is amended by adding at the end the following: ''The Secretary may carry out any recovery or mitigation activities in the upper basin of the Missouri River, including the States of Montana, Nebraska, North Dakota, and South Dakota, using funds made available under this heading in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and consistent with the project purposes of the Missouri River Mainstem System as authorized by section 10 of the Act of December 22, 1944 (commonly known as the 'Flood Control Act of 1944') (58 Stat. 897).''.

SEC. 3141. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION PROGRAM.

(a) GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.—Section 506(c) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22(c)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

''(2) RECONNAISSANCE STUDIES.—Before planning, designing, or constructing a project under paragraph (3), the Secretary shall carry out a reconnaissance study—

''(A) to identify methods of restoring the fishery, ecosystem, and beneficial uses of the Great Lakes; and

''(B) to determine whether planning of a project under paragraph (3) should proceed.''; and

(3) in paragraph (4)(A) (as redesignated by paragraph (1)), by striking ''paragraph (2)'' and inserting ''paragraph (3)''.

(b) COST SHARING.—Section 506(f) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22(f)) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

(2) by inserting after paragraph (1) the following:

''(2) RECONNAISSANCE STUDIES.—Any reconnaissance study under subsection (c)(2) shall be carried out at full Federal expense.'';

(3) in paragraph (3) (as redesignated by paragraph (1)), by striking ''(2) or (3)'' and inserting ''(3) or (4)''; and

(4) in paragraph (4)(A) (as redesignated by paragraph (1)), by striking ''subsection (c)(2)'' and inserting ''subsection (c)(3)''.

SEC. 3142. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401(c) of the Water Resources Development Act of 1990 (104 Stat. 4644; 33 U.S.C. 1268 note) is amended by striking ''through 2006'' and inserting ''through 2011''.

SEC. 3143. GREAT LAKES TRIBUTARY MODELS.

Section 516(g)(2) of the Water Resources Development Act of 1996 (33 U.S.C. 2326b(g)(2)) is amended by striking ''through 2006'' and inserting ''through 2011''.

SEC. 3144. UPPER OHIO RIVER AND TRIBUTARIES NAVIGATION SYSTEM NEW TECHNOLOGY PILOT PROGRAM.

(a) DEFINITION OF UPPER OHIO RIVER AND TRIBUTARIES NAVIGATION SYSTEM.—In this section, the term ''Upper Ohio River and Tributaries Navigation System'' means the Allegheny, Kanawha, Monongahela, and Ohio Rivers.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a pilot program to evaluate new technologies applicable to the Upper Ohio River and Tributaries Navigation System.

(2) INCLUSIONS.—The program may include the design, construction, or implementation of innovative technologies and solutions for the Upper Ohio River and Tributaries Navigation System, including projects for—

(A) improved navigation;

(B) environmental stewardship;

(C) increased navigation reliability; and

(D) reduced navigation costs.

(3) PURPOSES.—The purposes of the program shall be, with respect to the Upper Ohio River and Tributaries Navigation System—

(A) to increase the reliability and availability of federally-owned and federally-operated navigation facilities;

(B) to decrease system operational risks; and

(C) to improve—

(i) vessel traffic management;

(ii) access; and

(iii) Federal asset management.

(c) FEDERAL OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is federally owned.

(d) LOCAL COOPERATION AGREEMENTS.—

(1) IN GENERAL.—The Secretary shall enter into local cooperation agreements with non-Federal interests to provide for the design, construction, installation, and operation of the projects to be carried out under the program.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall include the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a navigation improvement project, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project.

(3) COST SHARING.—Total project costs under each local cooperation agreement shall be cost-shared in accordance with the formula relating to the applicable original construction project.

(4) EXPENDITURES.—

(A) IN GENERAL.—Expenditures under the program may include, for establishment at federally-owned property, such as locks, dams, and bridges—

(i) transmitters;

(ii) responders;

(iii) hardware;

(iv) software; and

(v) wireless networks.

(B) EXCLUSIONS.—Transmitters, responders, hardware, software, and wireless networks or other equipment installed on privately-owned vessels or equipment shall not be eligible under the program.

(e) REPORT.—Not later than December 31, 2008, the Secretary shall submit to Congress a report on the results of the pilot program carried out under this section, together with recommendations concerning whether the program or any component of the program should be implemented on a national basis.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,100,000, to remain available until expended.

TITLE IV—STUDIES

SEC. 4001. SEWARD BREAKWATER, ALASKA.

The Secretary shall review the Seward Boat Harbor element of the project for navigation, Seward Harbor, Alaska, authorized by section 101(a)(3) of the Water Resources Development Act of 1999 (113 Stat. 274), to determine whether the failure of the outer breakwater to protect the harbor from heavy wave damage resulted from a design deficiency.

SEC. 4002. NOME HARBOR IMPROVEMENTS, ALASKA.

The Secretary shall review the project for navigation, Nome Harbor improvements, Alaska, authorized by section 101(a)(1) of the Water Resources Development Act of 1999 (113 Stat. 273), to determine whether the project cost increases, including the cost of rebuilding the entrance channel damaged in a September 2005 storm, resulted from a design deficiency.

SEC. 4003. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION CHANNEL.

(a) IN GENERAL.—To determine with improved accuracy the environmental impacts of the project on the McClellan-Kerr Arkansas River Navigation Channel (referred to in this section as the ''MKARN''), the Secretary shall carry out the measures described in subsection (b) in a timely manner.

(b) SPECIES STUDY.—

(1) IN GENERAL.—The Secretary, in conjunction with Oklahoma State University, shall convene a panel of experts with acknowledged expertise in wildlife biology and genetics to review the available scientific information regarding the genetic variation of various sturgeon species and possible hybrids of those species that, as determined by the United States Fish and Wildlife Service, may exist in any portion of the MKARN.

(2) REPORT.—The Secretary shall direct the panel to report to the Secretary, not later than 1 year after the date of enactment of this Act and in the best scientific judgment of the panel—

(A) the level of genetic variation between populations of sturgeon sufficient to determine or establish that a population is a measurably distinct species, subspecies, or population segment; and

(B) whether any pallid sturgeons that may be found in the MKARN (including any tributary of the MKARN) would qualify as such a distinct species, subspecies, or population segment.

SEC. 4004. FRUITVALE AVENUE RAILROAD BRIDGE, ALAMEDA, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall prepare a comprehensive report that examines the condition of the existing Fruitvale Avenue Railroad Bridge, Alameda County, California (referred to in this section as the ''Railroad Bridge''), and determines the most economic means to maintain that rail link by either repairing or replacing the Railroad Bridge.

(b) REQUIREMENTS.—The report under this section shall include—

(1) a determination of whether the Railroad Bridge is in immediate danger of failing or collapsing;

(2) the annual costs to maintain the Railroad Bridge;

(3) the costs to place the Railroad Bridge in a safe, ''no-collapse'' condition, such that the Railroad Bridge will not endanger maritime traffic;

(4) the costs to retrofit the Railroad Bridge such that the Railroad Bridge may continue to serve as a rail link between the Island of Alameda and the Mainland; and

(5) the costs to construct a replacement for the Railroad Bridge capable of serving the current and future rail, light rail, and homeland security needs of the region.

(c) SUBMISSION OF REPORT.—The Secretary shall—

(1) complete the Railroad Bridge report under subsection (a) not later than 180 days after the date of enactment of this Act; and

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

(d) LIMITATIONS.—The Secretary shall not—

(1) demolish the Railroad Bridge or otherwise render the Railroad Bridge unavailable or unusable for rail traffic; or

(2) reduce maintenance of the Railroad Bridge.

(e) EASEMENT.—

(1) IN GENERAL.—The Secretary shall provide to the city of Alameda, California, a nonexclusive access easement over the Oakland Estuary that comprises the subsurface land and surface approaches for the Railroad Bridge that—

(A) is consistent with the Bay Trail Proposal of the City of Oakland; and

(B) is otherwise suitable for the improvement, operation, and maintenance of the Railroad Bridge or construction, operation, and maintenance of a suitable replacement bridge.

(2) COST.—The easement under paragraph (1) shall be provided to the city of Alameda without consideration and at no cost to the United States.

SEC. 4005. LOS ANGELES RIVER REVITALIZATION STUDY, CALIFORNIA.

(a) IN GENERAL.—The Secretary, in coordination with the city of Los Angeles, shall—

(1) prepare a feasibility study for environmental ecosystem restoration, flood control, recreation, and other aspects of Los Angeles River revitalization that is consistent with the goals of the Los Angeles River Revitalization Master Plan published by the city of Los Angeles; and

(2) consider any locally-preferred project alternatives developed through a full and open evaluation process for inclusion in the study.

(b) USE OF EXISTING INFORMATION AND MEASURES.—In preparing the study under subsection (a), the Secretary shall use, to the maximum extent practicable—

(1) information obtained from the Los Angeles River Revitalization Master Plan; and

(2) the development process of that plan.

(c) DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—The Secretary is authorized to construct demonstration projects in order to provide information to develop the study under subsection (a)(1).

(2) FEDERAL SHARE.—The Federal share of the cost of any project under this subsection shall be not more than 65 percent.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $25,000,000.

SEC. 4006. NICHOLAS CANYON, LOS ANGELES, CALIFORNIA.

The Secretary shall carry out a study for bank stabilization and shore protection for Nicholas Canyon, Los Angeles, California, under section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).

SEC. 4007. OCEANSIDE, CALIFORNIA, SHORELINE SPECIAL STUDY.

Section 414 of the Water Resources Development Act of 2000 (114 Stat. 2636) is amended by striking ''32 months'' and inserting ''44 months''.

SEC. 4008. COMPREHENSIVE FLOOD PROTECTION PROJECT, ST. HELENA, CALIFORNIA.

(a) FLOOD PROTECTION PROJECT.—

(1) REVIEW.—The Secretary shall review the project for flood control and environmental restoration at St. Helena, California, generally in accordance with Enhanced Minimum Plan A, as described in the final environmental impact report prepared by the city of St. Helena, California, and certified by the city to be in compliance with the California Environmental Quality Act on February 24, 2004.

(2) ACTION ON DETERMINATION.—If the Secretary determines under paragraph (1) that the project is economically justified, technically sound, and environmentally acceptable, the Secretary is authorized to carry out the project at a total cost of $30,000,000, with an estimated Federal cost of $19,500,000 and an estimated non-Federal cost of $10,500,000.

(b) COST SHARING.—Cost sharing for the project described in subsection (a) shall be in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

SEC. 4009. SAN FRANCISCO BAY, SACRAMENTO-SAN JOAQUIN DELTA, SHERMAN ISLAND, CALIFORNIA.

The Secretary shall carry out a study of the feasibility of a project to use Sherman Island, California, as a dredged material rehandling facility for the beneficial use of dredged material to enhance the environment and meet other water resource needs on the Sacramento-San Joaquin Delta, California, under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

SEC. 4010. SOUTH SAN FRANCISCO BAY SHORELINE STUDY, CALIFORNIA.

(a) IN GENERAL.—The Secretary, in cooperation with non-Federal interests, shall conduct a study of the feasibility of carrying out a project for—

(1) flood protection of South San Francisco Bay shoreline;

(2) restoration of the South San Francisco Bay salt ponds (including on land owned by other Federal agencies); and

(3) other related purposes, as the Secretary determines to be appropriate.

(b) INDEPENDENT REVIEW.—To the extent required by applicable Federal law, a national science panel shall conduct an independent review of the study under subsection (a).

(c) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subsection (a).

(2) INCLUSIONS.—The report under paragraph (1) shall include recommendations of the Secretary with respect to the project described in subsection (a) based on planning, design, and land acquisition documents prepared by—

(A) the California State Coastal Conservancy;

(B) the Santa Clara Valley Water District; and

(C) other local interests.

SEC. 4011. SAN PABLO BAY WATERSHED RESTORATION, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall complete work as expeditiously as practicable on the study for the San Pablo watershed, California, authorized by section 209 of the Flood Control Act of 1962 (76 Stat. 1196) to determine the feasibility of opportunities for restoring, preserving, and protecting the San Pablo Bay Watershed.

(b) REPORT.—Not later than March 31, 2008, the Secretary shall submit to Congress a report that describes the results of the study.

SEC. 4012. FOUNTAIN CREEK, NORTH OF PUEBLO, COLORADO.

Subject to the availability of appropriations, the Secretary shall expedite the completion of the Fountain Creek, North of Pueblo, Colorado, watershed study authorized by a resolution adopted by the Committee on Public Works and Transportation of the House of Representatives on September 23, 1976.

SEC. 4013. SELENIUM STUDY, COLORADO.

(a) IN GENERAL.—The Secretary, in consultation with State water quality and resource and conservation agencies, shall conduct regional and watershed-wide studies to address selenium concentrations in the State of Colorado, including studies—

(1) to measure selenium on specific sites; and

(2) to determine whether specific selenium measures studied should be recommended for use in demonstration projects.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

SEC. 4014. DELAWARE INLAND BAYS AND TRIBUTARIES AND ATLANTIC COAST, DELAWARE.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Indian River Inlet and Bay, Delaware.

(b) FACTORS FOR CONSIDERATION AND PRIORITY.—In carrying out the study under subsection (a), the Secretary shall—

(1) take into consideration all necessary activities to stabilize the scour holes threatening the Inlet and Bay shorelines; and

(2) give priority to stabilizing and restoring the Inlet channel and scour holes adjacent to the United States Coast Guard pier and helipad and the adjacent State-owned properties.

SEC. 4015. HERBERT HOOVER DIKE SUPPLEMENTAL MAJOR REHABILITATION REPORT, FLORIDA.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall publish a supplemental report to the major rehabilitation report for the Herbert Hoover Dike system approved by the Chief of Engineers in November 2000.

(b) INCLUSIONS.—The supplemental report under subsection (a) shall include—

(1) an evaluation of existing conditions at the Herbert Hoover Dike system;

(2) an identification of additional risks associated with flood events at the system that are equal to or greater than the standard projected flood risks;

(3) an evaluation of the potential to integrate projects of the Corps of Engineers into an enhanced flood protection system for Lake Okeechobee, including—

(A) the potential for additional water storage north of Lake Okeechobee; and

(B) an analysis of other project features included in the Comprehensive Everglades Restoration Plan; and

(4) a review of the report prepared for the South Florida Water Management District dated April 2006.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000.

SEC. 4016. BOISE RIVER, IDAHO.

The study for flood control, Boise River, Idaho, authorized by section 414 of the Water Resources Development Act of 1999 (113 Stat. 324), is modified to include ecosystem restoration and water supply as project purposes to be studied.

SEC. 4017. PROMONTORY POINT THIRD-PARTY REVIEW, CHICAGO SHORELINE, CHICAGO, ILLINOIS.

(a) REVIEW.—

(1) IN GENERAL.—The Secretary is authorized to conduct a third-party review of the Promontory Point project along the Chicago Shoreline, Chicago, Illinois, at a cost not to exceed $450,000.

(2) JOINT REVIEW.—The Buffalo and Seattle Districts of the Corps of Engineers shall jointly conduct the review under paragraph (1).

(3) STANDARDS.—The review shall be based on the standards under part 68 of title 36, Code of Federal Regulations (or successor regulation), for implementation by the non-Federal sponsor for the Chicago Shoreline Chicago, Illinois, project.

(b) CONTRIBUTIONS.—The Secretary shall accept from a State or political subdivision of a State voluntarily contributed funds to initiate the third-party review.

(c) TREATMENT.—While the third-party review is of the Promontory Point portion of the Chicago Shoreline, Chicago, Illinois, project, the third-party review shall be separate and distinct from the Chicago Shoreline, Chicago, Illinois, project.

(d) EFFECT OF SECTION.—Nothing in this section affects the authorization for the Chicago Shoreline, Chicago, Illinois, project.

SEC. 4018. VIDALIA PORT, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation improvement at Vidalia, Louisiana.

SEC. 4019. LAKE ERIE AT LUNA PIER, MICHIGAN.

The Secretary shall study the feasibility of storm damage reduction and beach erosion protection and other related purposes along Lake Erie at Luna Pier, Michigan.

SEC. 4020. WILD RICE RIVER, MINNESOTA.

The Secretary shall expedite the completion of the general reevaluation report authorized by section 438 of the Water Resources Development Act of 2000 (114 Stat. 2640) for the project for flood protection, Wild Rice River, Minnesota, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825), to develop alternatives to the Twin Valley Lake feature of that project.

SEC. 4021. ASIAN CARP DISPERSAL BARRIER DEMONSTRATION PROJECT, UPPER MISSISSIPPI RIVER.

(a) IN GENERAL.—The Secretary is authorized to carry out a study to determine the feasibility of constructing a fish barrier demonstration project to delay, deter, impede, or restrict the invasion of Asian carp into the northern reaches of the Upper Mississippi River.

(b) REQUIREMENT.—In conducting the study under subsection (a), the Secretary shall take into consideration the feasibility of locating the fish barrier at the lock portion of the project at Lock and Dam 11 in the Upper Mississippi River Basin.

SEC. 4022. FLOOD DAMAGE REDUCTION, OHIO.

The Secretary shall conduct a study to determine the feasibility of carrying out projects for flood damage reduction in Cuyahoga, Lake, Ashtabula, Geauga, Erie, Lucas, Sandusky, Huron, and Stark Counties, Ohio.

SEC. 4023. MIDDLE BASS ISLAND STATE PARK, MIDDLE BASS ISLAND, OHIO.

The Secretary shall carry out a study of the feasibility of a project for navigation improvements, shoreline protection, and other related purposes, including the rehabilitation the harbor basin (including entrance breakwaters), interior shoreline protection, dredging, and the development of a public launch ramp facility, for Middle Bass Island State Park, Middle Bass Island, Ohio.

SEC. 4024. OHIO RIVER, OHIO.

The Secretary shall conduct a study to determine the feasibility of carrying out projects for flood damage reduction on the Ohio River in Mahoning, Columbiana, Jefferson, Belmont, Noble, Monroe, Washington, Athens, Meigs, Gallia, Lawrence, and Scioto Counties, Ohio.

SEC. 4025. TOLEDO HARBOR DREDGED MATERIAL PLACEMENT, TOLEDO, OHIO.

The Secretary shall study the feasibility of removing previously dredged and placed materials from the Toledo Harbor confined disposal facility, transporting the materials, and disposing of the materials in or at abandoned mine sites in southeastern Ohio.

SEC. 4026. TOLEDO HARBOR, MAUMEE RIVER, AND LAKE CHANNEL PROJECT, TOLEDO, OHIO.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of

constructing a project for navigation, Toledo, Ohio.

(b) FACTORS FOR CONSIDERATION.—In conducting the study under subsection (a), the Secretary shall take into consideration—

(1) realigning the existing Toledo Harbor channel widening occurring where the River Channel meets the Lake Channel from the northwest to the southeast side of the Channel;

(2) realigning the entire 200-foot wide channel located at the upper river terminus of the River Channel southern river embankment towards the northern river embankment; and

(3) adjusting the existing turning basin to accommodate those changes.

SEC. 4027. WOONSOCKET LOCAL PROTECTION PROJECT, BLACKSTONE RIVER BASIN, RHODE ISLAND.

The Secretary shall conduct a study, and, not later than June 30, 2008, submit to Congress a report that describes the results of the study, on the flood damage reduction project, Woonsocket, Blackstone River Basin, Rhode Island, authorized by the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 887, chapter 665), to determine the measures necessary to restore the level of protection of the project as originally designed and constructed.

SEC. 4028. 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. 4029. JOHNSON CREEK, ARLINGTON, TEXAS.

The Secretary shall conduct a feasibility study to determine the technical soundness, economic feasibility, and environmental acceptability of the plan prepared by the city of Arlington, Texas, as generally described in the report entitled ''Johnson Creek: A Vision of Conservation, Arlington, Texas'', dated March 2006.

SEC. 4030. ECOSYSTEM AND HYDROPOWER GENERATION DAMS, VERMONT.

(a) IN GENERAL.—The Secretary shall conduct a study of the potential to carry out ecosystem restoration and hydropower generation at dams in the State of Vermont, including a review of the report of the Secretary on the land and water resources of the New England–New York region submitted to the President on April 27, 1956 (published as Senate Document Number 14, 85th Congress), and other relevant reports.

(b) PURPOSE.—The purpose of the study under subsection (a) shall be to determine the feasibility of providing water resource improvements and small-scale hydropower generation in the State of Vermont, including, as appropriate, options for dam restoration, hydropower, dam removal, and fish passage enhancement.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to carry out this section $500,000, to remain available until expended.

SEC. 4031. EURASIAN MILFOIL.

Under the authority of section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall carry out a study, at full Federal expense, to develop national protocols for the use of the Euhrychiopsis lecontei weevil for biological control of Eurasian milfoil in the lakes of Vermont and other northern tier States.

SEC. 4032. LAKE CHAMPLAIN CANAL STUDY, VERMONT AND NEW YORK.

(a) DISPERSAL BARRIER PROJECT.—The Secretary shall determine, at full Federal expense, the feasibility of a dispersal barrier project at the Lake Champlain Canal.

(b) CONSTRUCTION, MAINTENANCE, AND OPERATION.—If the Secretary determines that the project described in subsection (a) is feasible, the Secretary shall construct, maintain, and operate a dispersal barrier at the Lake Champlain Canal at full Federal expense.

SEC. 4033. BAKER BAY AND ILWACO HARBOR, WASHINGTON.

The Secretary shall conduct a study of increased siltation in Baker Bay and Ilwaco Harbor, Washington, to determine whether the siltation is the result of a Federal navigation project.

SEC. 4034. ELLIOT BAY SEAWALL REHABILITATION STUDY, WASHINGTON.

The study for the rehabilitation of the Elliot Bay Seawall, Seattle, Washington, is modified to direct the Secretary to determine the feasibility of reducing future damage to the seawall from seismic activity.

SEC. 4035. JOHNSONVILLE DAM, JOHNSONVILLE, WISCONSIN.

The Secretary shall conduct a study of the Johnsonville Dam, Johnsonville, Wisconsin, to determine whether the structure prevents ice jams on the Sheboygan River.

SEC. 4036. DEBRIS REMOVAL.

(a) REEVALUATION.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary, in coordination with the Administrator of the Environmental Protection Agency and in consultation with affected communities, shall conduct a complete reevaluation of Federal and non-Federal demolition, debris removal, segregation, transportation, and disposal practices relating to disaster areas designated in response to Hurricanes Katrina and Rita (including regulated and nonregulated materials and debris).

(2) INCLUSIONS.—The reevaluation under paragraph (1) shall include a review of—

(A) compliance with all applicable environmental laws;

(B) permits issued or required to be issued with respect to debris handling, transportation, storage, or disposal; and

(C) administrative actions relating to debris removal and disposal in the disaster areas described in paragraph (1).

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to the Committee on the Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(1) describes the findings of the Secretary with respect to the reevaluation under subsection (a);

(2)(A) certifies compliance with all applicable environmental laws; and

(B) identifies any area in which a violation of such a law has occurred or is occurring;

(3) includes recommendations to ensure—

(A) the protection of the environment;

(B) sustainable practices; and

(C) the integrity of hurricane and flood protection infrastructure relating to debris disposal practices;

(4) contains an enforcement plan that is designed to prevent illegal dumping of hurricane debris in a disaster area; and

(5) contains plans of the Secretary and the Administrator to involve the public and non-Federal interests, including through the formation of a Federal advisory committee, as necessary, to seek public comment relating to the removal, disposal, and planning for the handling of post-hurricane debris.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 5001. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148; 110 Stat. 3758; 113 Stat. 295) is amended—

(1) in paragraph (18), by striking ''and'' at the end;

(2) in paragraph (19), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(20) Lake Sakakawea, North Dakota, removal of silt and aquatic growth and measures to address excessive sedimentation;

''(21) Lake Morley, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation;

''(22) Lake Fairlee, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation; and

''(23) Lake Rodgers, Creedmoor, North Carolina, removal of silt and excessive nutrients and restoration of structural integrity.''.

SEC. 5002. ESTUARY RESTORATION.

(a) PURPOSES.—Section 102 of the Estuary Restoration Act of 2000 (33 U.S.C. 2901) is amended—

(1) in paragraph (1), by inserting before the semicolon the following: ''by implementing a coordinated Federal approach to estuary habitat restoration activities, including the use of common monitoring standards and a common system for tracking restoration acreage'';

(2) in paragraph (2), by inserting ''and implement'' after ''to develop''; and

(3) in paragraph (3), by inserting ''through cooperative agreements'' after ''restoration projects''.

(b) DEFINITION OF ESTUARY HABITAT RESTORATION PLAN.—Section 103(6)(A) of the Estuary Restoration Act of 2000 (33 U.S.C. 2902(6)(A)) is amended by striking ''Federal or State'' and inserting ''Federal, State, or regional''.

(c) ESTUARY HABITAT RESTORATION PROGRAM.—Section 104 of the Estuary Restoration Act of 2000 (33 U.S.C. 2903) is amended—

(1) in subsection (a), by inserting ''through the award of contracts and cooperative agreements'' after ''assistance'';

(2) in subsection (c)—

(A) in paragraph (3)(A), by inserting ''or State'' after ''Federal''; and

(B) in paragraph (4)(B), by inserting ''or approach'' after ''technology'';

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''Except'' and inserting the following:

''(i) IN GENERAL.—Except''; and

(ii) by adding at the end the following:

''(ii) MONITORING.—

''(I) COSTS.—The costs of monitoring an estuary habitat restoration project funded under this title may be included in the total cost of the estuary habitat restoration project.

''(II) GOALS.—The goals of the monitoring shall be—

''(aa) to measure the effectiveness of the restoration project; and

''(bb) to allow adaptive management to ensure project success.'';

(B) in paragraph (2), by inserting ''or approach'' after ''technology''; and

(C) in paragraph (3), by inserting ''(including monitoring)'' after ''services'';

(4) in subsection (f)(1)(B), by inserting ''long-term'' before ''maintenance''; and

(5) in subsection (g)—

(A) by striking ''In carrying'' and inserting the following:

''(1) IN GENERAL.—In carrying''; and

(B) by adding at the end the following:

''(2) SMALL PROJECTS.—

''(A) DEFINITION OF SMALL PROJECT.—In this paragraph, the term 'small project' means a project carried out under this title at a Federal cost of less than $1,000,000.

''(B) SMALL PROJECT DELEGATION.—In carrying out this title, the Secretary, upon the recommendation of the Council, may delegate implementation of a small project to—

''(i) the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service);

''(ii) the Under Secretary for Oceans and Atmosphere of the Department of Commerce;

''(iii) the Administrator of the Environmental Protection Agency; or

''(iv) the Secretary of Agriculture.

''(C) FUNDING.—The implementation of a small project delegated to the head of a Federal department or agency under this paragraph may be carried out using—

''(i) funds appropriated to the department or agency under section 109(a)(1); or

''(ii) any other funds available to the department or agency.

''(D) AGREEMENTS.—The Federal department or agency to which implementation of a small project is delegated shall enter into an agreement with the non-Federal interest generally in conformance with the criteria in subsections (d) and (e). Cooperative agreements may be used for any delegated project.''.

(d) ESTABLISHMENT OF ESTUARY HABITAT RESTORATION COUNCIL.—Section 105(b) of the Estuary Restoration Act of 2000 (33 U.S.C. 2904(b)) is amended—

(1) in paragraph (4), by striking ''and'' after the semicolon;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(6) cooperating in the implementation of the strategy developed under section 106;

''(7) recommending standards for monitoring for restoration projects and contribution of project information to the database developed under section 107; and

''(8) otherwise using the respective agency authorities of the Council members to carry out this title.''.

(e) MONITORING OF ESTUARY HABITAT RESTORATION PROJECTS.—Section 107(d) of the Estuary Restoration Act of 2000 (33 U.S.C. 2906(d)) is amended by striking ''compile'' and inserting ''have general data compilation, coordination, and analysis responsibilities to carry out this title and in support of the strategy developed under this section, including compilation of''.

(f) REPORTING.—Section 108(a) of the Estuary Restoration Act of 2000 (33 U.S.C. 2907(a)) is amended by striking ''third and fifth'' and inserting ''sixth, eighth, and tenth''.

(g) FUNDING.—Section 109(a) of the Estuary Restoration Act of 2000 (33 U.S.C. 2908(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''to the Secretary''; and

(B) by striking subparagraphs (A) through (D) and inserting the following:

''(A) to the Secretary, $25,000,000 for each of fiscal years 2007 through 2011;

''(B) to the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), $2,500,000 for each of fiscal years 2007 through 2011;

''(C) to the Under Secretary for Oceans and Atmosphere of the Department of Commerce, $2,500,000 for each of fiscal years 2007 through 2011;

''(D) to the Administrator of the Environmental Protection Agency, $2,500,000 for each of fiscal years 2007 through 2011; and

''(E) to the Secretary of Agriculture, $2,500,000 for each of fiscal years 2007 through 2011.''; and

(2) in the first sentence of paragraph (2)—

(A) by inserting ''and other information compiled under section 107'' after ''this title''; and

(B) by striking ''2005'' and inserting ''2011''.

(h) GENERAL PROVISIONS.—Section 110 of the Estuary Restoration Act of 2000 (33 U.S.C. 2909) is amended—

(1) in subsection (b)(1)—

(A) by inserting ''or contracts'' after ''agreements''; and

(B) by inserting '', nongovernmental organizations,'' after ''agencies''; and

(2) by striking subsections (d) and (e).

SEC. 5003. ENVIRONMENTAL INFRASTRUCTURE.

Section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334; 113 Stat. 1494; 114 Stat. 2763A–219) is amended—

(1) in subsection (c)(5), by striking ''a project for the elimination or control of combined sewer overflows'' and inserting ''projects for the design, installation, enhancement or repair of sewer systems'';

(2) in subsection (e)(1), by striking ''$20,000,000'' and inserting ''$32,500,000''; and

(3) in subsection (f)—

(A) in paragraph (30), by striking ''$55,000,000'' and inserting ''$75,000,000''; and

(B) by adding at the end the following:

''(77) CHATTOOGA COUNTY, GEORGIA.—$8,000,000 for waste and drinking water infrastructure improvement, Chattooga County, Georgia.

''(78) ALBANY, GEORGIA.—$4,000,000 storm drainage system, Albany, Georgia.

''(79) MOULTRIE, GEORGIA.—$5,000,000 for water supply infrastructure, Moultrie, Georgia.

''(80) STEPHENS COUNTY/CITY OF TOCCOA, GEORGIA.—$8,000,000 water infrastructure improvements, Stephens County/City of Toccoa, Georgia.

''(81) DAHLONEGA, GEORGIA.—$5,000,000 for water infrastructure improvements, Dahlonega, Georgia.

''(82) BANKS COUNTY, GEORGIA.—$5,000,000 for water infrastructure improvements, Banks County, Georgia.

''(83) BERRIEN COUNTY, GEORGIA.—$5,000,000 for water infrastructure improvements, Berrien County, Georgia.

''(84) CITY OF EAST POINT, GEORGIA.—$5,000,000 for water infrastructure improvements, City of East Point, Georgia.

''(85) ARMUCHEE VALLEY: CHATTOOGA, FLOYD, GORDON, WALKER, AND WHITIFIELD COUNTIES, GEORGIA.—$10,000,000 for water infrastructure improvements, Armuchee Valley: Chattooga, Floyd, Gordon, Walker, and Whitifield Counties, Georgia.

''(86) ATCHISON, KANSAS.—$20,000,000 for combined sewer overflows, Atchison, Kansas.

''(87) LAFOURCHE PARISH, LOUISIANA.—$2,300,000 for measures to prevent the intrusion of saltwater into the freshwater system, Lafourche Parish, Louisiana.

''(88) SOUTH CENTRAL PLANNING AND DEVELOPMENT COMMISSION, LOUISIANA.—$2,500,000 for water and wastewater improvements, South Central Planning and Development Commission, Louisiana.

''(89) RAPIDES AREA PLANNING COMMISSION, LOUISIANA.—$1,000,000 for water and wastewater improvements, Rapides, Louisiana.

''(90) NORTHWEST LOUISIANA COUNCIL OF GOVERNMENTS, LOUISIANA.—$2,000,000 for water and wastewater improvements, Northwest Louisiana Council of Governments, Louisiana.

''(91) LAFAYETTE, LOUISIANA.—$1,200,000 for water and wastewater improvements, Lafayette, Louisiana.

''(92) LAKE CHARLES, LOUISIANA.—$1,000,000 for water and wastewater improvements, Lake Charles, Louisiana.

''(93) OUACHITA PARISH, LOUISIANA.—$1,000,000 water and wastewater improvements, Ouachita Parish, Louisiana.

''(94) UNION-LINCOLN REGIONAL WATER SUPPLY PROJECT, LOUISIANA.—$2,000,000 for the Union-Lincoln Regional Water Supply project, Louisiana.

''(95) CENTRAL LAKE REGION SANITARY DISTRICT, MINNESOTA.—$2,000,000 for sanitary sewer and wastewater infrastructure for the Central Lake Region Sanitary District, Minnesota to serve Le Grande and Moe Townships, Minnesota.

''(96) GOODVIEW, MINNESOTA.—$3,000,000 for water quality infrastructure, Goodview, Minnesota.

''(97) GRAND RAPIDS, MINNESOTA.—$5,000,000 for wastewater infrastructure, Grand Rapids, Minnesota.

''(98) WILLMAR, MINNESOTA.—$15,000,000 for wastewater infrastructure, Willmar, Minnesota.

''(99) CITY OF CORINTH, MISSISSIPPI.—$7,500,000 for a surface water program, Corinth, Mississippi.

''(100) CLEAN WATER COALITION, NEVADA.—$20,000,000 for the Systems Conveyance and Operations Program, Clark County, Henderson, Las Vegas, and North Las Vegas, Nevada.

''(101) TOWN OF MOORESVILLE, NORTH CAROLINA.—$4,000,000 for water and wastewater infrastructure improvements, Mooresville, North Carolina.

''(102) CITY OF WINSTON-SALEM, NORTH CAROLINA.—$3,000,000 for storm water upgrades, Winston-Salem, North Carolina.

''(103) NEUSE REGIONAL WATER AND SEWER AUTHORITY, NORTH CAROLINA.—$4,000,000 for the Neuse regional drinking water facility, Neuse, North Carolina.

''(104) TOWN OF CARY/WAKE COUNTY, NORTH CAROLINA.—$4,000,000 for a water reclamation facility, Cary, North Carolina.

''(105) CITY OF FAYETTEVILLE, NORTH CAROLINA.—$6,000,000 for water and sewer upgrades, Fayetteville, North Carolina.

''(106) WASHINGTON COUNTY, NORTH CAROLINA.—$1,000,000 for water and wastewater infrastructure, Washington County, North Carolina.

''(107) CITY OF CHARLOTTE, NORTH CAROLINA.—$3,000,000 for the Briar Creek Relief Sewer project, Charlotte, North Carolina.

''(108) CITY OF ADA, OKLAHOMA.—$1,700,000 for sewer improvements and other water infrastructure, City Of Ada, Oklahoma.

''(109) NORMAN, OKLAHOMA.—$10,000,000 for carrying out the Waste Water Master Plan and water related infrastructure, Norman, Oklahoma.

''(110) EASTERN OKLAHOMA STATE UNIVERSITY, WILBERTON, OKLAHOMA.—$1,000,000 for sewer and utility upgrades and water related infrastructure, Eastern Oklahoma State University, Wilberton, Oklahoma.

''(111) CITY OF WEATHERFORD, OKLAHOMA.—$500,000 for arsenic program and water related infrastructure, City of Weatherford, Oklahoma.

''(112) CITY OF BETHANY, OKLAHOMA.—$1,500,000 for water improvements and water related infrastructure, City of Bethany, Oklahoma.

''(113) WOODWARD, OKLAHOMA.—$1,500,000 for water improvements and water related infrastructure, Woodward, Oklahoma.

''(114) CITY OF DISNEY AND LANGLEY, OKLAHOMA.—$2,500,000 for water and sewer improvements and water related infrastructure, City of Disney and Langley, Oklahoma.

''(115) CITY OF DURANT, OKLAHOMA.—$3,300,000 for bayou restoration and water related infrastructure, City of Durant, Oklahoma.

''(116) CITY OF MIDWEST CITY, OKLAHOMA.—$2,000,000 for improvements to water related infrastructure, City of Midwest City, Oklahoma.

''(117) CITY OF ARDMORE, OKLAHOMA.—$1,900,000 for water and sewer infrastructure improvements, City of Ardmore, Oklahoma.

''(118) CITY OF GUYMON, OKLAHOMA.—$16,000,000 for water related waste water treatment related infrastructure projects.

''(119) LUGERT-ALTUS IRRIGATION DISTRICT, ALTUS, OKLAHOMA.—$5,000,000 for water related infrastructure improvement project.

''(120) CITY OF CHICKASHA, OKLAHOMA.—$650,000 for industrial park sewer infrastructure project.

''(121) OKLAHOMA PANHANDLE STATE UNIVERSITY, GUYMON, OKLAHOMA.—$275,000 for water testing facility and water related infrastructure development.

''(122) CITY OF BARTLESVILLE, OKLAHOMA.—$2,500,000 for waterline transport infrastructure project.

''(123) CITY OF KONAWA, OKLAHOMA.—$500,000 for water treatment infrastructure improvements.

''(124) CITY OF MUSTANG, OKLAHOMA.—$3,325,000 for water improvements and water related infrastructure.

''(125) CITY OF ALVA, OKLAHOMA.—$250,000 for waste water improvement infrastructure.

''(126) VINTON COUNTY, OHIO.—$1,000,000 to construct water lines in Vinton and Brown Townships, Ohio.

''(127) BURR OAK REGIONAL WATER DISTRICT, OHIO.—$4,000,000 for construction of a water line to extend from a well field near Chauncey, Ohio, to a water treatment plant near Millfield, Ohio.

''(128) FREMONT, OHIO.—$2,000,000 for construction of off-stream water supply reservoir, Fremont, Ohio.

''(129) FOSTORIA, OHIO.—$2,000,000 for wastewater infrastructure, Fostoria, Ohio.

''(130) DEFIANCE COUNTY, OHIO.—$1,000,000 for wastewater infrastructure, Defiance County, Ohio.

''(131) AKRON, OHIO.—$5,000,000 for wastewater infrastructure, Akron, Ohio

''(132) MEIGS COUNTY, OHIO.—$1,000,000 to extend the Tupper Plains Regional Water District water line to Lebanon Township, Ohio.

''(133) CITY OF CLEVELAND, OHIO.—$2,500,000 for Flats East Bank water and wastewater infrastructure, Cleveland, Ohio.

''(134) CINCINNATI, OHIO.—$1,000,000 for wastewater infrastructure, Cincinnati, Ohio.

''(135) DAYTON, OHIO.—$1,000,000 for water and wastewater infrastructure, Dayton, Ohio.

''(136) LAWRENCE COUNTY, OHIO.—$5,000,000 for Union Rome wastewater infrastructure, Lawrence County, Ohio.

''(137) CITY OF COLUMBUS, OHIO.—$4,500,000 for wastewater infrastructure, Columbus, Ohio.

''(138) BEAVER CREEK RESERVOIR, PENNSYLVANIA.—$3,000,000 for projects for water supply and related activities, Beaver Creek Reservoir, Clarion County, Beaver and Salem Townships, Pennsylvania.

''(139) MYRTLE BEACH, SOUTH CAROLINA.—$10,000,000 for environmental infrastructure, including ocean outfalls, Myrtle Beach, South Carolina.

''(140) CHARLESTON AND WEST ASHLEY, SOUTH CAROLINA.—$6,000,000 for wastewater tunnel replacement, Charleston and West Ashley, South Carolina.

''(141) CHARLESTON, SOUTH CAROLINA.—$3,000,000 for stormwater control measures and storm sewer improvements, Spring Street/Fishburne Street drainage project, Charleston, South Carolina.

''(142) NORTH MYRTLE BEACH, SOUTH CAROLINA.—$3,000,000 for environmental infrastructure, including ocean outfalls, North Myrtle Beach, South Carolina.

''(143) SURFSIDE, SOUTH CAROLINA.—$3,000,000 for environmental infrastructure, including stormwater system improvements and ocean outfalls, Surfside, South Carolina.

''(144) CHEYENNE RIVER SIOUX RESERVATION (DEWEY AND ZIEBACH COUNTIES) AND PERKINS AND MEADE COUNTIES, SOUTH DAKOTA.—$40,000,000 for water related infrastructure, Cheyenne River Sioux Reservation (Dewey and Ziebach counties) and Perkins and Meade Counties, South Dakota.

''(145) CITY OF OAK RIDGE, TENNESSEE.—$4,000,000 for water supply and wastewater infrastructure, City of Oak Ridge, Tennessee.

''(146) NASHVILLE, TENNESSEE.—$5,000,000 for water supply and wastewater infrastructure, Nashville, Tennessee.

''(147) COUNTIES OF LEWIS, LAWRENCE, AND WAYNE, TENNESSEE.—$2,000,000 for water supply and wastewater infrastructure projects in the Counties of Lewis, Lawrence and Wayne, Tennessee.

''(148) COUNTY OF GILES, TENNESSEE.—$2,000,000 for water supply and wastewater infrastructure projects in the County of Giles, Tennessee.

''(149) CITY OF KNOXVILLE, TENNESSEE.—$5,000,000 for water supply and wastewater infrastructure projects in the City of Knoxville, Tennessee.

''(150) SHELBY COUNTY, TENNESSEE.—$4,000,000 for water-related environmental infrastructure projects in County of Shelby, Tennessee.

''(151) JOHNSON COUNTY, TENNESSEE.—$600,000 for water supply and wastewater infrastructure projects in Johnson County, Tennessee.

''(152) PLATEAU UTILITY DISTRICT, MORGAN COUNTY, TENNESSEE.—$1,000,000 for water supply and wastewater infrastructure projects in Morgan County, Tennessee.

''(153) CITY OF HARROGATE, TENNESSEE.—$2,000,000 for water supply and wastewater infrastructure projects in City of Harrogate, Tennessee.

''(154) HAMILTON COUNTY, TENNESSEE.—$500,000 for water supply and wastewater infrastructure projects in Hamilton County, Tennessee.

''(155) GRAINGER COUNTY, TENNESSEE.—$1,250,000 for water supply and wastewater infrastructure projects in Grainger County, Tennessee.

''(156) CLAIBORNE COUNTY, TENNESSEE.—$1,250,000 for water supply and wastewater infrastructure projects in Claiborne County, Tennessee.

''(157) BLAINE, TENNESSEE.—$500,000 for water supply and wastewater infrastructure projects in Blaine, Tennessee.

''(158) CHESAPEAKE BAY.—$30,000,000 for environmental infrastructure projects to benefit the Chesapeake Bay, including the nutrient removal project at the Blue Plains Wastewater Treatment facility in Washington, DC.

''(159) ARKANSAS VALLEY CONDUIT, COLORADO.—$10,000,000 for the Arkansas Valley Conduit, Colorado.

''(160) BOULDER COUNTY, COLORADO.—$10,000,000 for water supply infrastructure, Boulder County, Colorado.

''(161) PLAINVILLE, CONNECTICUT.—$6,280,000 for wastewater treatment, Plainville, Connecticut.

''(162) SOUTHINGTON, CONNECTICUT.—$9,420,000 for water supply infrastructure, Southington, Connecticut.

''(163) NORWALK, CONNECTICUT.—$3,000,000 for the Keeler Brook Storm Water Improvement Project, Norwalk, Connecticut.

''(164) ENFIELD, CONNECTICUT.—$1,000,000 for infiltration and inflow correction, Enfield, Connecticut.

''(165) NEW HAVEN, CONNECTICUT.—$300,000 for storm water system improvements, New Haven, Connecticut.

''(166) MIAMI-DADE COUNTY, FLORIDA.—$6,250,000 for water reuse supply and a water transmission pipeline, Miami-Dade County, Florida.

''(167) HILLSBOROUGH COUNTY, FLORIDA.—$6,250,000 for water infrastructure and supply enhancement, Hillsborough County, Florida.

''(168) PALM BEACH COUNTY, FLORIDA.—$7,500,000 for water infrastructure, Palm Beach County, Florida.

''(169) CHESAPEAKE BAY REGION, MARYLAND AND VIRGINIA.—$40,000,000 for water pollution control projects, Chesapeake Bay Region, Maryland and Virginia.

''(170) MICHIGAN COMBINED SEWER OVERFLOWS.—$35,000,000 for correction of combined sewer overflows, Michigan.

''(171) MIDDLETOWN TOWNSHIP, NEW JERSEY.—$1,100,000 for storm sewer improvements, Middletown Township, New Jersey.

''(172) RAHWAY VALLEY, NEW JERSEY.—$25,000,000 for sanitary sewer and storm sewer improvements in the service area of the Rahway Valley Sewerage Authority, New Jersey.

''(173) CRANFORD TOWNSHIP, NEW JERSEY.—$6,000,000 for storm sewer improvements in Cranford Township, New Jersey.

''(174) YATES COUNTY, NEW YORK.—$5,000,000 for drinking water infrastructure, Yates County, New York.

''(175) VILLAGE OF PATCHOGUE, NEW YORK.—$5,000,000 for wastewater infrastructure, Village of Patchogue, New York.

''(176) ELMIRA, NEW YORK.—$5,000,000 for wastewater infrastructure, Elmira, New York.

''(177) ESSEX HAMLET, NEW YORK.—$5,000,000 for wastewater infrastructure, Essex Hamlet, New York.

''(178) NIAGARA FALLS, NEW YORK.—$5,000,000 for wastewater infrastructure, Niagara Falls, New York.

''(179) VILLAGE OF BABYLON, NEW YORK.—$5,000,000 for wastewater infrastructure, Village of Babylon, New York.

''(180) FLEMING, NEW YORK.—$5,000,000 for drinking water infrastructure, Fleming, New York.

''(181) VILLAGE OF KYRIAS-JOEL, NEW YORK.—$5,000,000 for drinking water infrastructure, Village of Kyrias-Joel, New York.

''(182) DEVILS LAKE, NORTH DAKOTA.—$15,000,000 for water supply infrastructure, Devils Lake, North Dakota.

''(183) NORTH DAKOTA.—$15,000,000 for water-related infrastructure, North Dakota.

''(184) CLARK COUNTY, NEVADA.—$50,000,000 for wastewater infrastructure, Clark County, Nevada.

''(185) WASHOE COUNTY, NEVADA.—$14,000,000 for construction of water infrastructure improvements to the Huffaker Hills Reservoir Conservation Project, Washoe County, Nevada.

''(186) GLENDALE DAM DIVERSION STRUCTURE, NEVADA.—$10,000,000 for water system improvements to the Glendale Dam Diversion Structure for the Truckee Meadows Water Authority, Nevada.

''(187) RENO, NEVADA.—$13,000,000 for construction of a water conservation project for the Highland Canal, Mogul Bypass in Reno, Nevada.

''(188) LOS ANGELES COUNTY, CALIFORNIA.—$12,000,000 for the planning, design and construction of water-related environmental infrastructure for Santa Monica Bay and the coastal zone of Los Angeles County, California.

''(189) MONTEBELLO, CALIFORNIA.—$4,000,000 for water infrastructure improvements in south Montebello, California.

''(190) LA MIRADA, CALIFORNIA.—$4,000,000 for the planning, design, and construction of a stormwater program in La Mirada, California.

''(191) EAST PALO ALTO, CALIFORNIA.—$4,000,000 for a new pump station and stormwater management and drainage system, East Palo Alto, California.

''(192) PORT OF STOCKTON, STOCKTON, CALIFORNIA..—$3,000,000 for water and wastewater infrastructure projects for Rough and Ready Island and vicinity, Stockton, California.

''(193) PERRIS, CALIFORNIA.—$3,000,000 project for recycled water transmission infrastructure, Eastern Municipal Water District, Perris, California.

''(194) AMADOR COUNTY, CALIFORNIA.—$3,000,000 for wastewater collection and treatment, Amador County, California.

''(195) CALAVERAS COUNTY, CALIFORNIA.—$3,000,000 for water supply and wastewater improvement projects in Calaveras County, California, including wastewater reclamation, recycling, and conjunctive use projects.

''(196) SANTA MONICA, CALIFORNIA.—$3,000,000 for improving water system reliability, Santa Monica, California.

''(197) MALIBU, CALIFORNIA.—$3,000,000 for municipal waste water and recycled water, Malibu Creek Watershed Protection Project, Malibu, California.

''(198) EASTERN UNITED STATES.—$29,450,000 for water supply and wastewater infrastructure in the Eastern United States.

''(199) WESTERN UNITED STATES.—$29,450,000 for water supply and wastewater infrastructure in the Western United States.''.

SEC. 5004. ALASKA.

Section 570(h) of the Water Resources Development Act of 1999 (113 Stat.369) is amended by striking ''25,000,000'' and inserting ''40,000,000''.

SEC. 5005. CALIFORNIA.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in California.

(b) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in California, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(c) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of the project under this section—

(i) shall be 75 percent; and

(ii) may be provided in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work on a project completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project costs.

(D) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly-owned or -controlled land), but the credit may not exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) NONPROFIT ENTITY.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity.

(g) EXPENSES OF CORPS OF ENGINEERS.—Not more than 10 percent of amounts made available to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

SEC. 5006. CONVEYANCE OF OAKLAND INNER HARBOR TIDAL CANAL PROPERTY.

Section 205 of the Water Resources Development Act of 1990 (104 Stat. 4633; 110 Stat. 3748) is amended to read as follows:

''SEC. 205. CONVEYANCE OF OAKLAND INNER HARBOR TIDAL CANAL PROPERTY.

''(a) IN GENERAL.—The Secretary may convey, without consideration, by separate quitclaim deeds, as soon as the conveyance of each individual portion is practicable, the title of the United States in and to all or portions of the approximately 86 acres of upland, tideland, and submerged land, commonly referred to as the 'Oakland Inner Harbor Tidal Canal,', California (referred to in this section as the 'Canal Property'), as follows:

''(1) To the City of Oakland, the title of the United States in and to all or portions of that part of the Canal Property that are located within the boundaries of the City of Oakland.

''(2) To the City of Alameda, or to an entity created by or designated by the City of Alameda that is eligible to hold title to real property, the title of the United States in and to all or portions of that part of the Canal Property that are located within the boundaries of the City of Alameda.

''(3) To the adjacent land owners, or to an entity created by or designated by 1 or more of the adjacent landowners that is eligible to hold title to real property, the title of the United States in and to all or portions of that part of the Canal Property that are located within the boundaries of the city in which the adjacent land owners reside.

''(b) REQUIREMENTS.—

''(1) RESERVATIONS.—The Secretary may reserve and retain from any conveyance under this section a right-of-way or other rights as the Secretary determines to be necessary for the operation and maintenance of the authorized Federal channel in the Canal Property.

''(2) COST.—The conveyances under this section, and the processes involved in the conveyances, shall be at no cost to the United States, except for administrative costs.

''(c) ANNUAL REPORTS.—Until the date on which each conveyance described in subsection (a) is complete, the Secretary shall submit, by not later than 60 days after the end of each fiscal year, to the Committee on Environment and Public Works of the Senate and Committee on Transportation and Infrastructure of the House of Representatives an annual report that describes the efforts of the Secretary to complete the conveyances during the preceding fiscal year.''.

SEC. 5007. STOCKTON, CALIFORNIA.

(a) IN GENERAL.—Unless the Secretary determines, by not later than 30 days after the date of enactment of this Act, that the relocation of the project described in subsection (b) would be injurious to the public interest, a non-Federal interest may reconstruct and relocate that project approximately 300 feet in a westerly direction.

(b) PROJECT DESCRIPTION.—

(1) IN GENERAL.—The project referred to in subsection (a) is the project for flood control, Calaveras River and Littlejohn Creek and tributaries, California, authorized by section 10 of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 902).

(2) SPECIFIC DESCRIPTION.—The portion of the project to be reconstructed and relocated is that portion consisting of approximately 5.34 acres of dry land levee beginning at a point N. 2203542.3167, E. 6310930.1385, thence running west about 59.99 feet to a point N. 2203544.6562, E. 6310870.1468, thence running south about 3,874.99 feet to a point N. 2199669.8760, E. 6310861.7956, thence running east about 60.00 feet to a point N. 2199668.8026, E. 6310921.7900, thence running north about 3,873.73 feet to the point of origin.

(c) COST SHARING.—The non-Federal share of the cost of reconstructing and relocating the project described in subsection (b) shall be 100 percent.

SEC. 5008. RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, COLORADO, NEW MEXICO, AND TEXAS.

(a) SHORT TITLE.—This section may be cited as the ''Rio Grande Environmental Management Act of 2007''.

(b) DEFINITIONS.—In this section:

(1) RIO GRANDE COMPACT.—The term ''Rio Grande Compact'' means the compact approved by Congress under the Act of May 31, 1939 (53 Stat. 785, chapter 155), and ratified by the States.

(2) RIO GRANDE BASIN.—The term ''Rio Grande Basin'' means the Rio Grande (including all tributaries and their headwaters) located—

(A) in the State of Colorado, from the Rio Grande Reservoir, near Creede, Colorado, to the New Mexico State border;

(B) in the State of New Mexico, from the Colorado State border downstream to the Texas State border; and

(C) in the State of Texas, from the New Mexico State border to the southern terminus of the Rio Grande at the Gulf of Mexico.

(3) STATES.—The term ''States'' means the States of Colorado, New Mexico, and Texas.

(c) PROGRAM AUTHORITY.—The Secretary shall carry out, in the Rio Grande Basin—

(1) a program for the planning, construction, and evaluation of measures for fish and

wildlife habitat rehabilitation and enhancement; and

(2) implementation of a long-term monitoring, computerized data inventory and analysis, applied research, and adaptive management program.

(d) STATE AND LOCAL CONSULTATION AND COOPERATIVE EFFORT.—For the purpose of ensuring the coordinated planning and implementation of the programs described in subsection (c), the Secretary shall consult with the States and other appropriate entities in the States the rights and interests of which might be affected by specific program activities.

(e) COST SHARING.—

(1) IN GENERAL.—

(A) PROJECTS ON FEDERAL LAND.—Each project under this section located on Federal land shall be carried out at full Federal expense.

(B) OTHER PROJECTS.—For each project under subsection (c)(1) located on non-Federal land, the non-Federal share of the cost of the project—

(i) shall be 35 percent;

(ii) may be provided through in-kind services or direct cash contributions; and

(iii) shall include the provision of necessary land, easements, relocations, and disposal sites.

(f) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), with the consent of the affected local government, a nonprofit entity may be included as a non-Federal interest for any project carried out under subsection (c)(1).

(g) EFFECT ON OTHER LAW.—

(1) WATER LAW.—Nothing in this section preempts any State water law.

(2) COMPACTS AND DECREES.—In carrying out this section, the Secretary shall comply with the Rio Grande Compact, and any applicable court decrees or Federal and State laws, affecting water or water rights in the Rio Grande Basin.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $15,000,000 for each of fiscal years 2008 through 2011.

SEC. 5009. DELMARVA CONSERVATION CORRIDOR, DELAWARE AND MARYLAND.

(a) ASSISTANCE.—The Secretary may provide technical assistance to the Secretary of Agriculture for use in carrying out the Conservation Corridor Demonstration Program established under subtitle G of title II of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

(b) COORDINATION AND INTEGRATION.—In carrying out water resources projects in the States on the Delmarva Peninsula, the Secretary shall coordinate and integrate those projects, to the maximum extent practicable, with any activities carried out to implement a conservation corridor plan approved by the Secretary of Agriculture under section 2602 of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

SEC. 5010. SUSQUEHANNA, DELAWARE, AND POTOMAC RIVER BASINS, DELAWARE, MARYLAND, PENNSYLVANIA, AND VIRGINIA.

(a) EX OFFICIO MEMBER.—Notwithstanding section 3001(a) of the 1997 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (111 Stat. 176) and sections 2.2 of the Susquehanna River Basin Compact (Public Law 91–575) and the Delaware River Basin Compact (Public Law 87–328), beginning in fiscal year 2002, and each fiscal year thereafter, the Division Engineer, North Atlantic Division, Corps of Engineers—

(1) shall be 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. 5011. 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. 5012. BIG CREEK, GEORGIA, WATERSHED MANAGEMENT AND RESTORATION PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Chief of Engineers, is authorized to cooperate with, by providing technical, planning, and construction assistance to, the city of Roswell, Georgia, as local sponsor and coordinator with other local governments in the Big Creek watershed, Georgia, to assess the quality and quantity of water resources, conduct comprehensive watershed management planning, develop and implement water efficiency technologies and programs, and plan, design, and construct water resource facilities to restore the watershed.

(b) FEDERAL SHARE.—The Federal share of the cost of the project under this section—

(1) shall be 65 percent; and

(2) may be provided in any combination of cash and in-kind services.

(c) AUTHORIZATION OF APPROPRIATIONS.—here is authorized to be appropriated to the Secretary $5,000,000 to carry out this section.

SEC. 5013. METROPOLITAN NORTH GEORGIA WATER PLANNING DISTRICT.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide environmental assistance to non-Federal interests in the Metropolitan North Georgia Water Planning District.

(b) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in north Georgia, including projects for wastewater treatment and related facilities, elimination or control of combined sewer overflows, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) LOCAL COOPERATION AGREEMENT.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of project costs under each local cooperation agreement entered into under this subsection—

(i) shall be 75 percent; and

(ii) may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit, not to exceed 6 percent of the total construction costs of the project, for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project costs.

(D) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including

all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly-owned or -controlled land), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

SEC. 5014. IDAHO, MONTANA, RURAL NEVADA, NEW MEXICO, RURAL UTAH, AND WYOMING.

Section 595 of the Water Resources Development Act of 1999 (113 Stat. 383; 117 Stat. 139; 117 Stat. 142; 117 Stat. 1836; 118 Stat. 440) is amended—

(1) in the section heading, by striking ''**AND RURAL UTAH**'' and inserting ''**RURAL UTAH, AND WYOMING**'';

(2) in subsections (b) and (c), by striking ''and rural Utah'' each place it appears and inserting ''rural Utah, and Wyoming''; and

(3) by amending subsection (h) to read as follows:

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section for the period beginning with fiscal year 2001 $150,000,000 for rural Nevada, and $25,000,000 for each of Montana and New Mexico, $55,000,000 for Idaho, $50,000,000 for rural Utah, and $30,000,000 for Wyoming, to remain available until expended.''.

SEC. 5015. CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIERS PROJECT, ILLINOIS.

(a) TREATMENT AS SINGLE PROJECT.—The Chicago Sanitary and Ship Canal Dispersal Barrier Project (Barrier I) (as in existence on the date of enactment of this Act), constructed as a demonstration project under section 1202(i)(3) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)), and Barrier II, as authorized by section 345 of the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1352), shall be considered to constitute a single project.

(b) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary, acting through the Chief of Engineers, is authorized and directed, at full Federal expense—

(A) to upgrade and make permanent Barrier I;

(B) to construct Barrier II, notwithstanding the project cooperation agreement with the State of Illinois dated June 14, 2005;

(C) to operate and maintain Barrier I and Barrier II as a system to optimize effectiveness;

(D) to conduct, in consultation with appropriate Federal, State, local, and nongovernmental entities, a study of a full range of options and technologies for reducing impacts of hazards that may reduce the efficacy of the Barriers; and

(E) to provide to each State a credit in an amount equal to the amount of funds contributed by the State toward Barrier II.

(2) USE OF CREDIT.—A State may apply a credit received under paragraph (1)(E) to any cost sharing responsibility for an existing or future Federal project with the Corps of Engineers in the State.

(c) FEASIBILITY STUDY.—The Secretary, in consultation with appropriate Federal, State, local, and nongovernmental entities, shall conduct a feasibility study, at full Federal expense, of the range of options and technologies available to prevent the spread of aquatic nuisance species between the Great Lakes and Mississippi River Basins and through the Chicago Sanitary and Ship Canal and other aquatic pathways.

(d) CONFORMING AMENDMENTS.—

(1) NONINDIGENOUS AQUATIC NUISANCE PREVENTION AND CONTROL.—Section 1202(i)(3)(C) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)(C)), is amended by striking '', to carry out this paragraph, $750,000'' and inserting ''such sums as are necessary to carry out the dispersal barrier demonstration project under this paragraph''.

(2) BARRIER II AUTHORIZATION.—Section 345 of the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1352), is amended to read as follows:

''SEC. 345. CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIER, ILLINOIS.

''There are authorized to be appropriated such sums as are necessary to carry out the Barrier II project of the project for the Chicago Sanitary and Ship Canal Dispersal Barrier, Illinois, initiated pursuant to section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2294 note; 100 Stat. 4251).''.

SEC. 5016. MISSOURI RIVER AND TRIBUTARIES, MITIGATION, RECOVERY AND RESTORATION, IOWA, KANSAS, MISSOURI, MONTANA, NEBRASKA, NORTH DAKOTA, SOUTH DAKOTA, AND WYOMING.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Missouri River Recovery and Implementation Committee established by subsection (b)(1), shall conduct a study of the Missouri River and its tributaries to determine actions required—

(A) to mitigate losses of aquatic and terrestrial habitat;

(B) to recover federally listed species under the Endangered Species Act (16 U.S.C. 1531 et seq.); and

(C) to restore the ecosystem to prevent further declines among other native species.

(2) FUNDING.—The study under paragraph (1) shall be funded under the Missouri River Fish and Wildlife Mitigation Program.

(b) MISSOURI RIVER RECOVERY IMPLEMENTATION COMMITTEE.—

(1) ESTABLISHMENT.—Not later than June 31, 2006, the Secretary shall establish a committee to be known as the ''Missouri River Recovery Implementation Committee'' (referred to in this section as the ''Committee'').

(2) MEMBERSHIP.—The Committee shall include representatives from—

(A) Federal agencies;

(B) States located near the Missouri River Basin; and

(C) other appropriate entities, as determined by the Secretary, including—

(i) water management and fish and wildlife agencies;

(ii) Indian tribes located near the Missouri River Basin; and

(iii) nongovernmental stakeholders.

(3) DUTIES.—The Commission shall—

(A) with respect to the study under subsection (a), provide guidance to the Secretary and any other affected Federal agency, State agency, or Indian tribe;

(B) provide guidance to the Secretary with respect to the Missouri River recovery and mitigation program in existence on the date of enactment of this Act, including recommendations relating to—

(i) changes to the implementation strategy from the use of adaptive management; and

(ii) the coordination of the development of consistent policies, strategies, plans, programs, projects, activities, and priorities for the program;

(C) exchange information regarding programs, projects, and activities of the agencies and entities represented on the Committee to promote the goals of the Missouri River recovery and mitigation program;

(D) establish such working groups as the Committee determines to be necessary to assist in carrying out the duties of the Committee, including duties relating to public policy and scientific issues;

(E) facilitate the resolution of interagency and intergovernmental conflicts between entities represented on the Committee associated with the Missouri River recovery and mitigation program;

(F) coordinate scientific and other research associated with the Missouri River recovery and mitigation program; and

(G) annually prepare a work plan and associated budget requests.

(4) COMPENSATION; TRAVEL EXPENSES.—

(A) COMPENSATION.—Members of the Committee shall not receive compensation from the Secretary in carrying out the duties of the Committee under this section.

(B) TRAVEL EXPENSES.—Travel expenses incurred by a member of the Committee in carrying out the duties of the Committee under this section shall be paid by the agency, Indian tribe, or unit of government represented by the member.

(c) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

SEC. 5017. SOUTHEAST LOUISIANA REGION, LOUISIANA.

(a) DEFINITION OF SOUTHEAST LOUISIANA REGION.—In this section, the term ''Southeast Louisiana Region'' means any of the following parishes and municipalities in the State of Louisiana:

(1) Orleans.

(2) Jefferson.

(3) St. Tammany.

(4) Tangipahoa.

(5) St. Bernard.

(6) St. Charles.

(7) St. John.

(8) Plaquemines.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in the Southeast Louisiana Region.

(c) FORM OF ASSISTANCE.—Assistance provided under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in the Southeast Louisiana Region, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development (including projects to improve water quality in the Lake Pontchartrain Basin).

(d) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement of a project entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—The Federal share of the cost of the project under this section—

(A) shall be 75 percent; and

(B) may be provided in the form of grants or reimbursements of project costs.

(C) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit, not to exceed 6 percent of the total construction costs of the project, for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(D) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project costs.

(E) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly-owned or -controlled land), but not to exceed 25 percent of total project costs.

(F) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) NONPROFIT ENTITY.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity.

(h) EXPENSES OF CORPS OF ENGINEERS.—Not more than 10 percent of amounts made available to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $17,000,000, to remain available until expended.

SEC. 5018. MISSISSIPPI.

Section 592(g) of the Water Resources Development Act of 1999 (113 Stat. 380; 117 Stat. 1837) is amended by striking ''$100,000,000'' and inserting ''$110,000,000''.

SEC. 5019. ST. MARY PROJECT, BLACKFEET RESERVATION, MONTANA.

(a) IN GENERAL.—The Secretary, in consultation with the Bureau of Reclamation, shall conduct all necessary studies, develop an emergency response plan, provide technical and planning and design assistance, and rehabilitate and construct the St. Mary Diversion and Conveyance Works project located within the exterior boundaries of the Blackfeet Reservation in the State of Montana, at a total cost of $140,000,000.

(b) FEDERAL SHARE.—The Federal share of the total cost of the project under this section shall be 75 percent.

(c) PARTICIPATION BY BLACKFEET TRIBE AND FORT BELKNAP INDIAN COMMUNITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), no construction shall be carried out under this section until the earlier of—

(A) the date on which Congress approves the reserved water rights settlements of the Blackfeet Tribe and the Fort Belknap Indian Community; and

(B) January 1, 2011.

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to construction relating to—

(A) standard operation and maintenance; or

(B) emergency repairs to ensure water transportation or the protection of life and property.

(3) REQUIREMENT.—The Blackfeet Tribe shall be a participant in all phases of the project authorized by this section.

SEC. 5020. LOWER PLATTE RIVER WATERSHED RESTORATION, NEBRASKA.

(a) IN GENERAL.—The Secretary, acting through the Chief of Engineers, may cooperate with and provide assistance to the Lower Platte River natural resources districts in the State of Nebraska to serve as local sponsors with respect to—

(1) conducting comprehensive watershed planning in the natural resource districts;

(2) assessing water resources in the natural resource districts; and

(3) providing project feasibility planning, design, and construction assistance for water resource and watershed management in the natural resource districts, including projects for environmental restoration and flood damage reduction.

(b) FUNDING.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity described in subsection (a) shall be 65 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out an activity described in subsection (a)—

(A) shall be 35 percent; and

(B) may be provided in cash or in-kind.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $12,000,000.

SEC. 5021. NORTH CAROLINA.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide environmental assistance to non-Federal interests in the State of North Carolina.

(b) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for environmental infrastructure and resource protection and development projects in North Carolina, including projects for—

(1) wastewater treatment and related facilities;

(2) combined sewer overflow, water supply, storage, treatment, and related facilities;

(3) drinking water infrastructure including treatment and related facilities;

(4) environmental restoration;

(5) storm water infrastructure; and

(6) surface water resource protection and development.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) PROJECT COOPERATION AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a project cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each project cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities development plan or resource protection plan, including appropriate plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of the project under this section—

(i) shall be 75 percent; and

(ii) may be provided in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit, not to exceed 6 percent of the total construction costs of the project, for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project costs.

(D) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly-owned or -controlled land).

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $13,000,000.

SEC. 5022. OHIO RIVER BASIN ENVIRONMENTAL MANAGEMENT.

(a) DEFINITIONS.—In this section:

(1) OHIO RIVER BASIN.—The term ''Ohio River Basin'' means the Ohio River, its backwaters, its side channels, and all tributaries (including their watersheds) that drain into the Ohio River and encompassing areas of any of the States of Indiana, Ohio, Kentucky, Pennsylvania, West Virginia, Illinois, New York, and Virginia.

(2) COMPACT.—The term ''Compact'' means the Ohio River Watershed Sanitation Commission flood and pollution control compact between the States of Indiana, West Virginia, Ohio, Kentucky, Pennsylvania, New York, Illinois, and Virginia, approved by Congress in 1936 pursuant to the first section of the Act of June 8, 1936 (33 U.S.C. 567a), and chartered in 1948.

(b) ASSISTANCE.—The Secretary may provide planning, design, and construction assistance to the Compact for the improvement of the quality of the environment in and along the Ohio River Basin.

(c) PRIORITIES.—In providing assistance under this section, the Secretary shall give priority to reducing or eliminating the presence of organic pollutants in the Ohio River Basin through the renovation and technological improvement of the organic detection system monitoring stations along the Ohio River in the States of Indiana, Ohio, West Virginia, Kentucky, and Pennsylvania.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000.

SEC. 5023. STATEWIDE COMPREHENSIVE WATER PLANNING, OKLAHOMA.

(a) IN GENERAL.—The Secretary shall provide technical assistance for the development of updates of the Oklahoma Comprehensive Water Plan.

(b) TECHNICAL ASSISTANCE.—Technical assistance provided under subsection (a) may include—

(1) acquisition of hydrologic data, groundwater characterization, database development, and data distribution;

(2) expansion of surface water and groundwater monitoring networks;

(3) assessment of existing water resources, surface water storage, and groundwater storage potential;

(4) numerical analysis and modeling necessary to provide an integrated understanding of water resources and water management options;

(5) participation in State planning forums and planning groups;

(6) coordination of Federal water management planning efforts; and

(7) technical review of data, models, planning scenarios, and water plans developed by the State.

(c) ALLOCATION.—The Secretary shall allocate, subject to the availability of appropriations, $6,500,000 to provide technical assistance and for the development of updates of the Oklahoma Comprehensive water plan.

(d) COST SHARING REQUIREMENT.—The non-Federal share of the total cost of any activity carried out under this section—

(1) shall be 25 percent; and

(2) may be in the form of cash or any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the activity assisted.

SEC. 5024. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND TERRESTRIAL WILDLIFE HABITAT RESTORATION, SOUTH DAKOTA.

(a) DISBURSEMENT PROVISIONS OF STATE OF SOUTH DAKOTA AND CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.—Section 602(a)(4) of the Water Resources Development Act of 1999 (113 Stat. 386) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by inserting ''and the Secretary of the Treasury'' after ''Secretary''; and

(B) by striking clause (ii) and inserting the following:

''(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the State of South Dakota funds from the State of South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund established under section 603, to be used to carry out the plan for terrestrial wildlife habitat restoration submitted by the State of South Dakota after the State certifies to the Secretary of the Treasury that the funds to be disbursed will be used in accordance with section 603(d)(3) and only after the Trust Fund is fully capitalized.''; and

(2) in subparagraph (B), by striking clause (ii) and inserting the following:

''(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe funds from the Cheyenne River Sioux Terrestrial Wildlife Habitat Restoration Trust Fund and the Lower Brule Sioux Terrestrial Wildlife Habitat Restoration Trust Fund, respectively, established under section 604, to be used to carry out the plans for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, respectively, after the respective tribe certifies to the Secretary of the Treasury that the funds to be disbursed will be used in accordance with section 604(d)(3) and only after the Trust Fund is fully capitalized.''.

(b) INVESTMENT PROVISIONS OF STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE RESTORATION TRUST FUND.—Section 603 of the Water Resources Development Act of 1999 (113 Stat. 388) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) INVESTMENTS.—

''(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Fund.

''(2) INVESTMENT REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary of the Treasury shall invest the Fund in accordance with all of the requirements of this paragraph.

''(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

''(i) PRINCIPAL ACCOUNT.—The amounts deposited in the Fund under subsection (b) shall be credited to an account within the Fund (referred to in this paragraph as the 'principal account') and invested as provided in subparagraph (C).

''(ii) INTEREST ACCOUNT.—The interest earned from investing amounts in the principal account of the Fund shall be transferred to a separate account within the Fund (referred to in this paragraph as the 'interest account') and invested as provided in subparagraph (D).

''(iii) CREDITING.—The interest earned from investing amounts in the interest account of the Fund shall be credited to the interest account.

''(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

''(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of the Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

''(ii) SUBSEQUENT INVESTMENT.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

''(iii) DISCONTINUANCE OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

''(D) INVESTMENT OF INTEREST ACCOUNT.—

''(i) BEFORE FULL CAPITALIZATION.—Until the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent practicable, with the date on which the Fund is expected to be fully capitalized.

''(ii) AFTER FULL CAPITALIZATION.—On and after the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

''(E) PAR PURCHASE PRICE.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

''(F) HIGHEST YIELD.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

''(G) HOLDING TO MATURITY.—Eligible obligations purchased shall generally be held to their maturities.

''(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the State of South Dakota the results of the investment activities and financial status of the Fund during the preceding 12-month period.

''(4) AUDITS.—

''(A) IN GENERAL.—The activities of the State of South Dakota (referred to in this subsection as the 'State') in carrying out the plan of the State for terrestrial wildlife habitat restoration under section 602(a) shall be audited as part of the annual audit that the State is required to prepare under the Office of Management and Budget Circular A-133 (or a successor circulation).

''(B) DETERMINATION BY AUDITORS.—An auditor that conducts an audit under subparagraph (A) shall—

''(i) determine whether funds received by the State under this section during the period covered by the audit were used to carry out the plan of the State in accordance with this section; and

''(ii) include the determination under clause (i) in the written findings of the audit.

''(5) MODIFICATION OF INVESTMENT REQUIREMENTS.—

''(A) IN GENERAL.—If the Secretary of the Treasury determines that meeting the requirements under paragraph (2) with respect to the investment of a Fund is not practicable, or would result in adverse consequences for the Fund, the Secretary shall modify the requirements, as the Secretary determines to be necessary.

''(B) CONSULTATION.—Before modifying a requirement under subparagraph (A), the Secretary of the Treasury shall consult with the State regarding the proposed modification.'';

(2) in subsection (d)(2), by inserting ''of the Treasury'' after Secretary''; and

(3) by striking subsection (f) and inserting the following:

''(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of the Treasury, to pay expenses associated with investing the Fund and auditing the uses of amounts withdrawn from the Fund—

''(1) up to $500,000 for each of fiscal years 2006 and 2007; and

''(2) such sums as are necessary for each subsequent fiscal year.''.

(c) INVESTMENT PROVISIONS FOR CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TRUST FUNDS.—Section 604 of the Water Resources Development Act of 1999 (113 Stat. 389) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) INVESTMENTS.—

''(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Funds.

''(2) INVESTMENT REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary of the Treasury shall invest each of the Funds in accordance with all of the requirements of this paragraph.

''(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

''(i) PRINCIPAL ACCOUNT.—The amounts deposited in each Fund under subsection (b) shall be credited to an account within the Fund (referred to in this paragraph as the 'principal account') and invested as provided in subparagraph (C).

''(ii) INTEREST ACCOUNT.—The interest earned from investing amounts in the principal account of each Fund shall be transferred to a separate account within the Fund (referred to in this paragraph as the 'interest account') and invested as provided in subparagraph (D).

''(iii) CREDITING.—The interest earned from investing amounts in the interest account of each Fund shall be credited to the interest account.

''(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

''(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of each Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

''(ii) SUBSEQUENT INVESTMENT.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

''(iii) DISCONTINUATION OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

''(D) INVESTMENT OF THE INTEREST ACCOUNT.—

''(i) BEFORE FULL CAPITALIZATION.—Until the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent practicable, with the date on which the Fund is expected to be fully capitalized.

''(ii) AFTER FULL CAPITALIZATION.—On and after the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

''(E) PAR PURCHASE PRICE.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

''(F) HIGHEST YIELD.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

''(G) HOLDING TO MATURITY.—Eligible obligations purchased shall generally be held to their maturities.

''(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe (referred to in this subsection as the 'Tribes') the results of the investment activities and financial status of the Funds during the preceding 12-month period.

''(4) AUDITS.—

''(A) IN GENERAL.—The activities of the Tribes in carrying out the plans of the Tribes for terrestrial wildlife habitat restoration under section 602(a) shall be audited as part of the annual audit that the Tribes are required to prepare under the Office of Management and Budget Circular A-133 (or a successor circulation).

''(B) DETERMINATION BY AUDITORS.—An auditor that conducts an audit under subparagraph (A) shall—

''(i) determine whether funds received by the Tribes under this section during the period covered by the audit were used to carry out the plan of the appropriate Tribe in accordance with this section; and

''(ii) include the determination under clause (i) in the written findings of the audit.

''(5) MODIFICATION OF INVESTMENT REQUIREMENTS.—

''(A) IN GENERAL.—If the Secretary of the Treasury determines that meeting the requirements under paragraph (2) with respect to the investment of a Fund is not practicable, or would result in adverse consequences for the Fund, the Secretary shall modify the requirements, as the Secretary determines to be necessary.

''(B) CONSULTATION.—Before modifying a requirement under subparagraph (A), the Secretary of the Treasury shall consult with the Tribes regarding the proposed modification.''; and

(2) by striking subsection (f) and inserting the following:

''(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of the Treasury to pay expenses associated with investing the Funds and auditing the uses of amounts withdrawn from the Funds—

''(1) up to $500,000 for each of fiscal years 2006 and 2007; and

''(2) such sums as are necessary for each subsequent fiscal year.''.

SEC. 5025. TEXAS.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide environmental assistance to non-Federal interests in the State of Texas.

(b) FORM OF ASSISTANCE.—Assistance under this section may be in the form of planning, design, and construction assistance for water-related environmental infrastructure and resource protection and development projects in Texas, including projects for water supply, storage, treatment, and related facilities, water quality protection, wastewater treatment, and related facilities, environmental restoration, and surface water resource protection, and development, as identified by the Texas Water Development Board.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) PARTNERSHIP AGREEMENTS.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest.

(e) COST SHARING.—

(1) IN GENERAL.—The Federal share of the cost of the project under this section—

(A) shall be 75 percent; and

(B) may be provided in the form of grants or reimbursements of project costs.

(2) IN-KIND SERVICES.—The non-Federal share may be provided in the form of materials and in-kind services, including planning, design, construction, and management services, as the Secretary determines to be compatible with, and necessary for, the project.

(3) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(4) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs.

(5) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000.

SEC. 5026. CONNECTICUT RIVER DAMS, VERMONT.

(a) IN GENERAL.—The Secretary shall evaluate, design, and construct structural modifications at full Federal cost to the Union Village Dam (Ompompanoosuc River), North Hartland Dam (Ottauquechee River), North Springfield Dam (Black River), Ball Mountain Dam (West River), and Townshend Dam (West River), Vermont, to regulate flow and temperature to mitigate downstream impacts on aquatic habitat and fisheries.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000.

TITLE VI—PROJECT DEAUTHORIZATIONS

SEC. 6001. LITTLE COVE CREEK, GLENCOE, ALABAMA.

The project for flood damage reduction, Little Cove Creek, Glencoe, Alabama, authorized by the Supplemental Appropriations Act, 1985 (99 Stat. 312), is not authorized.

SEC. 6002. GOLETA AND VICINITY, CALIFORNIA.

The project for flood control, Goleta and Vicinity, California, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1826), is not authorized.

SEC. 6003. BRIDGEPORT HARBOR, CONNECTICUT.

(a) IN GENERAL.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by the Act of July 3, 1930 (46 Stat. 919), consisting of an 18-foot channel in Yellow Mill River and described in subsection (b), is not authorized.

(b) DESCRIPTION OF PROJECT.—The project referred to in subsection (a) is described as beginning at a point along the eastern limit

of the existing project, N. 123,649.75, E. 481,920.54, thence running northwesterly about 52.64 feet to a point N. 123,683.03, E. 481,879.75, thence running northeasterly about 1,442.21 feet to a point N. 125,030.08, E. 482,394.96, thence running northeasterly about 139.52 feet to a point along the east limit of the existing channel, N. 125,133.87, E. 482,488.19, thence running southwesterly about 1,588.98 feet to the point of origin.

SEC. 6004. INLAND WATERWAY FROM DELAWARE RIVER TO CHESAPEAKE BAY, PART II, INSTALLATION OF FENDER PROTECTION FOR BRIDGES, DELAWARE AND MARYLAND.

The project for the construction of bridge fenders for the Summit and St. Georges Bridge for the Inland Waterway of the Delaware River to the C & D Canal of the Chesapeake Bay, authorized by the River and Harbor Act of 1954 (68 Stat. 1249), is not authorized.

SEC. 6005. SHINGLE CREEK BASIN, FLORIDA.

The project for flood control, Central and Southern Florida Project, Shingle Creek Basin, Florida, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182), is not authorized.

SEC. 6006. ILLINOIS WATERWAY, SOUTH FORK OF THE SOUTH BRANCH OF THE CHICAGO RIVER, ILLINOIS.

(a) IN GENERAL.—The portion of the Illinois Waterway project authorized by the Act of January 21, 1927 (commonly known as the ''River and Harbor Act of 1927'') (44 Stat. 1013), in the South Fork of the South Branch of the Chicago River, as identified in subsection (b) is not authorized.

(b) DESCRIPTION OF PROJECT PORTION.—The portion of the project referred to in subsection (a) is the portion of the SW ¼ of sec. 29, T. 39 N., R. 14 E., Third Principal Meridian, Cook County, Illinois, and more particularly described as follows:

(1) Commencing at the SW corner of the SW ¼.

(2) Thence north 1 degree, 32 minutes, 31 seconds west, bearing based on the Illinois State Plane Coordinate System, NAD 83 east zone, along the west line of that quarter, 1810.16 feet to the southerly line of the Illinois and Michigan Canal.

(3) Thence north 50 degrees, 41 minutes, 55 seconds east along that southerly line 62.91 feet to the easterly line of South Ashland Avenue, as widened by the ordinance dated November 24, 1920, which is also the east line of an easement to the State of Illinois for highway purposes numbered 12340342 and recorded July 13, 1939, for a point of beginnings.

(4) Thence continuing north 50 degrees, 41 minutes, 55 seconds east along that southerly line 70.13 feet to the southerly line of the South Branch Turning Basin per for the plat numbered 3645392 and recorded January 19, 1905.

(5) Thence south 67 degrees, 18 minutes, 31 seconds east along that southerly line 245.50 feet.

(6) Thence north 14 degrees, 35 minutes, 13 seconds east 145.38 feet.

(7) Thence north 10 degrees, 57 minutes, 15 seconds east 326.87 feet.

(8) Thence north 17 degrees, 52 minutes, 44 seconds west 56.20 feet.

(9) Thence north 52 degrees, 7 minutes, 32 seconds west 78.69 feet.

(10) Thence north 69 degrees, 26 minutes, 35 seconds west 58.97 feet.

(11) Thence north 90 degrees, 00 minutes, 00 seconds west 259.02 feet to the east line of South Ashland Avenue.

(12) Thence south 1 degree, 32 minutes, 31 seconds east along that east line 322.46 feet.

(13) Thence south 00 degrees, 14 minutes, 35 seconds east along that east line 11.56 feet to the point of beginnings.

SEC. 6007. BREVOORT, INDIANA.

The project for flood control, Brevoort, Indiana, authorized by section 5 of the Flood Control Act of 1936 (49 Stat. 1587), is not authorized.

SEC. 6008. MIDDLE WABASH, GREENFIELD BAYOU, INDIANA.

The project for flood control, Middle Wabash, Greenfield Bayou, Indiana, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 649), is not authorized.

SEC. 6009. LAKE GEORGE, HOBART, INDIANA.

The project for flood damage reduction, Lake George, Hobart, Indiana, authorized by section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148), is not authorized.

SEC. 6010. GREEN BAY LEVEE AND DRAINAGE DISTRICT NO. 2, IOWA.

The project for flood damage reduction, Green Bay Levee and Drainage District No. 2, Iowa, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), deauthorized in fiscal year 1991, and reauthorized by section 115(a)(1) of the Water Resources Development Act of 1992 (106 Stat. 4821), is not authorized.

SEC. 6011. MUSCATINE HARBOR, IOWA.

The project for navigation at the Muscatine Harbor on the Mississippi River at Muscatine, Iowa, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 166), is not authorized.

SEC. 6012. BIG SOUTH FORK NATIONAL RIVER AND RECREATIONAL AREA, KENTUCKY AND TENNESSEE.

The project for recreation facilities at Big South Fork National River and Recreational Area, Kentucky and Tennessee, authorized by section 108 of the Water Resources Development Act of 1974 (88 Stat. 43), is not authorized.

SEC. 6013. EAGLE CREEK LAKE, KENTUCKY.

The project for flood control and water supply, Eagle Creek Lake, Kentucky, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1188), is not authorized.

SEC. 6014. HAZARD, KENTUCKY.

The project for flood damage reduction, Hazard, Kentucky, authorized by section 3 of the Water Resources Development Act of 1988 (102 Stat. 4014) and section 108 of the Water Resources Development Act of 1990 (104 Stat. 4621), is not authorized.

SEC. 6015. WEST KENTUCKY TRIBUTARIES, KENTUCKY.

The project for flood control, West Kentucky Tributaries, Kentucky, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1081), section 201 of the Flood Control Act of 1970 (84 Stat. 1825), and section 401(b) of the Water Resources Development Act of 1986 (100 Stat. 4129), is not authorized.

SEC. 6016. BAYOU COCODRIE AND TRIBUTARIES, LOUISIANA.

The project for flood damage reduction, Bayou Cocodrie and Tributaries, Louisiana, authorized by section 3 of the of the Act of August 18, 1941 (55 Stat. 644, chapter 377), and section 1(a) of the Water Resources Development Act of 1974 (88 Stat. 12), is not authorized.

SEC. 6017. BAYOU LAFOURCHE AND LAFOURCHE JUMP, LOUISIANA.

The uncompleted portions of the project for navigation improvement for Bayou LaFourche and LaFourche Jump, Louisiana, authorized by the Act of August 30, 1935 (49 Stat. 1033, chapter 831), and the River and Harbor Act of 1960 (74 Stat. 481), are not authorized.

SEC. 6018. EASTERN RAPIDES AND SOUTH-CENTRAL AVOYELLES PARISHES, LOUISIANA.

The project for flood control, Eastern Rapides and South-Central Avoyelles Parishes, Louisiana, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825), is not authorized.

SEC. 6019. FORT LIVINGSTON, GRAND TERRE ISLAND, LOUISIANA.

The project for erosion protection and recreation, Fort Livingston, Grande Terre Island, Louisiana, authorized by the Act of August 13, 1946 (commonly known as the ''Flood Control Act of 1946'') (33 U.S.C. 426e et seq.), is not authorized.

SEC. 6020. GULF INTERCOASTAL WATERWAY, LAKE BORGNE AND CHEF MENTEUR, LOUISIANA.

The project for the construction of bulkheads and jetties at Lake Borgne and Chef Menteur, Louisiana, as part of the Gulf Intercoastal Waterway authorized by the first section of the River and Harbor Act of 1946 (60 Stat. 635), is not authorized.

SEC. 6021. RED RIVER WATERWAY, SHREVEPORT, LOUISIANA TO DAINGERFIELD, TEXAS.

The project for the Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is not authorized.

SEC. 6022. CASCO BAY, PORTLAND, MAINE.

The project for environmental infrastructure, Casco Bay in the Vicinity of Portland, Maine, authorized by section 307 of the Water Resources Development Act of 1992 (106 Stat. 4841), is not authorized.

SEC. 6023. NORTHEAST HARBOR, MAINE.

The project for navigation, Northeast Harbor, Maine, authorized by section 2 of the Act of March 2, 1945 (59 Stat. 12, chapter 19), is not authorized.

SEC. 6024. PENOBSCOT RIVER, BANGOR, MAINE.

The project for environmental infrastructure, Penobscot River in the Vicinity of Bangor, Maine, authorized by section 307 of the Water Resources Development Act of 1992 (106 Stat. 4841), is not authorized.

SEC. 6025. SAINT JOHN RIVER BASIN, MAINE.

The project for research and demonstration program of cropland irrigation and soil conservation techniques, Saint John River Basin, Maine, authorized by section 1108 of the Water Resources Development Act of 1986 (106 Stat. 4230), is not authorized.

SEC. 6026. TENANTS HARBOR, MAINE.

The project for navigation, Tenants Harbor, Maine, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1275, chapter 95), is not authorized.

SEC. 6027. FALMOUTH HARBOR, MASSACHUSETTS.

The portion of the project for navigation, Falmouth Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1948 (62 Stat. 1172), beginning at a point along the eastern side of the inner harbor N200,415.05, E845,307.98, thence running north 25 degrees 48 minutes 54.3 seconds east 160.24 feet to a point N200,559.20, E845,377.76, thence running north 22 degrees 7 minutes 52.4 seconds east 596.82 feet to a point N201,112.15, E845,602.60, thence running north 60 degrees 1 minute 0.3 seconds east 83.18 feet to a point N201,153.72, E845,674.65, thence running south 24 degrees 56 minutes 43.4 seconds west 665.01 feet to a point N200,550.75, E845,394.18, thence running south 32 degrees 25 minutes 29.0 seconds west 160.76 feet to the point of origin, is not authorized.

SEC. 6028. ISLAND END RIVER, MASSACHUSETTS.

The portion of the project for navigation, Island End River, Massachusetts, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), described as follows: Beginning at a point along the eastern limit of the existing project, N507,348.98, E721,180.01, thence running northeast about 35 feet to a point N507,384.17, E721,183.36,

thence running northeast about 324 feet to a point N507,590.51, E721,433.17, thence running northeast about 345 feet to a point along the northern limit of the existing project, N507,927.29, E721,510.29, thence running southeast about 25 feet to a point N507,921.71, E721,534.66, thence running southwest about 354 feet to a point N507,576.65, E721,455.64, thence running southwest about 357 feet to the point of origin, is not authorized.

SEC. 6029. MYSTIC RIVER, MASSACHUSETTS.

The portion of the project for navigation, Mystic River, Massachusetts, authorized by the first section of the River and Harbor Appropriations Act of July 13, 1892 (27 Stat. 96), between a line starting at a point N515,683.77, E707,035.45 and ending at a point N515,721.28, E707,069.85 and a line starting at a point N514,595.15, E707,746.15 and ending at a point N514,732.94, E707,658.38 shall be relocated and reduced from a 100-foot wide channel to a 50-foot wide channel after the date of enactment of this Act described as follows: Beginning at a point N515,721.28, E707,069.85, thence running southeasterly about 840.50 feet to a point N515,070.16, E707,601.27, thence running southeasterly about 177.54 feet to a point N514,904.84, E707,665.98, thence running southeasterly about 319.90 feet to a point with coordinates N514,595.15, E707,746.15, thence running northwesterly about 163.37 feet to a point N514,732.94, E707,658.38, thence running northwesterly about 161.58 feet to a point N514.889.47, E707,618.30, thence running northwesterly about 166.61 feet to a point N515.044.62, E707,557.58, thence running northwesterly about 825.31 feet to a point N515,683.77, E707,035.45, thence running northeasterly about 50.90 feet returning to a point N515,721.28, E707,069.85.

SEC. 6030. GRAND HAVEN HARBOR, MICHIGAN.

The project for navigation, Grand Haven Harbor, Michigan, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4093), is not authorized.

SEC. 6031. GREENVILLE HARBOR, MISSISSIPPI.

The project for navigation, Greenville Harbor, Mississippi, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), is not authorized.

SEC. 6032. PLATTE RIVER FLOOD AND RELATED STREAMBANK EROSION CONTROL, NEBRASKA.

The project for flood damage reduction, Platte River Flood and Related Streambank Erosion Control, Nebraska, authorized by section 603 of the Water Resources Development Act of 1986 (100 Stat. 4149), is not authorized.

SEC. 6033. EPPING, NEW HAMPSHIRE.

The project for environmental infrastructure, Epping, New Hampshire, authorized by section 219(c)(6) of the Water Resources Development Act of 1992 (106 Stat. 4835), is not authorized.

SEC. 6034. NEW YORK HARBOR AND ADJACENT CHANNELS, CLAREMONT TERMINAL, JERSEY CITY, NEW JERSEY.

The project for navigation, New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098), is not authorized.

SEC. 6035. EISENHOWER AND SNELL LOCKS, NEW YORK.

The project for navigation, Eisenhower and Snell Locks, New York, authorized by section 1163 of the Water Resources Development Act of 1986 (100 Stat. 4258), is not authorized.

SEC. 6036. OLCOTT HARBOR, LAKE ONTARIO, NEW YORK.

The project for navigation, Olcott Harbor, Lake Ontario, New York, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143), is not authorized.

SEC. 6037. OUTER HARBOR, BUFFALO, NEW YORK.

The project for navigation, Outer Harbor, Buffalo, New York, authorized by section 110 of the Water Resources Development Act of 1992 (106 Stat. 4817), is not authorized.

SEC. 6038. SUGAR CREEK BASIN, NORTH CAROLINA AND SOUTH CAROLINA.

The project for flood damage reduction, Sugar Creek Basin, North Carolina and South Carolina, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4121), is not authorized.

SEC. 6039. CLEVELAND HARBOR 1958 ACT, OHIO.

The project for navigation, Cleveland Harbor (uncompleted portion), Ohio, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 299), is not authorized.

SEC. 6040. CLEVELAND HARBOR 1960 ACT, OHIO.

The project for navigation, Cleveland Harbor (uncompleted portion), Ohio, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482), is not authorized.

SEC. 6041. CLEVELAND HARBOR, UNCOMPLETED PORTION OF CUT #4, OHIO.

The project for navigation, Cleveland Harbor (uncompleted portion of Cut #4), Ohio, authorized by the first section of the Act of July 24, 1946 (60 Stat. 636, chapter 595), is not authorized.

SEC. 6042. COLUMBIA RIVER, SEAFARERS MEMORIAL, HAMMOND, OREGON.

The project for the Columbia River, Seafarers Memorial, Hammond, Oregon, authorized by title I of the Energy and Water Development Appropriations Act, 1991 (104 Stat. 2078), is not authorized.

SEC. 6043. TIOGA-HAMMOND LAKES, PENNSYLVANIA.

The project for flood control and recreation, Tioga-Hammond Lakes, Mill Creek Recreation, Pennsylvania, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 313), is not authorized.

SEC. 6044. TAMAQUA, PENNSYLVANIA.

The project for flood control, Tamaqua, Pennsylvania, authorized by section 1(a) of the Water Resources Development Act of 1974 (88 Stat. 14), is not authorized.

SEC. 6045. NARRAGANSETT TOWN BEACH, NARRAGANSETT, RHODE ISLAND.

The project for navigation, Narragansett Town Beach, Narragansett, Rhode Island, authorized by section 361 of the Water Resources Development Act of 1992 (106 Stat. 4861), is not authorized.

SEC. 6046. QUONSET POINT-DAVISVILLE, RHODE ISLAND.

The project for bulkhead repairs, Quonset Point-Davisville, Rhode Island, authorized by section 571 of the Water Resources Development Act of 1996 (110 Stat. 3788), is not authorized.

SEC. 6047. ARROYO COLORADO, TEXAS.

The project for flood damage reduction, Arroyo Colorado, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125), is not authorized.

SEC. 6048. CYPRESS CREEK-STRUCTURAL, TEXAS.

The project for flood damage reduction, Cypress Creek-Structural, Texas, authorized by section 3(a)(13) of the Water Resources Development Act of 1988 (102 Stat. 4014), is not authorized.

SEC. 6049. EAST FORK CHANNEL IMPROVEMENT, INCREMENT 2, EAST FORK OF THE TRINITY RIVER, TEXAS.

The project for flood damage reduction, East Fork Channel Improvement, Increment 2, East Fork of the Trinity River, Texas, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1185), is not authorized.

SEC. 6050. FALFURRIAS, TEXAS.

The project for flood damage reduction, Falfurrias, Texas, authorized by section 3(a)(14) of the Water Resources Development Act of 1988 (102 Stat. 4014), is not authorized.

SEC. 6051. PECAN BAYOU LAKE, TEXAS.

The project for flood control, Pecan Bayou Lake, Texas, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 742), is not authorized.

SEC. 6052. LAKE OF THE PINES, TEXAS.

The project for navigation improvements affecting Lake of the Pines, Texas, for the portion of the Red River below Fulton, Arkansas, authorized by the Act of July 13, 1892 (27 Stat. 88, chapter 158), as amended by the Act of July 24, 1946 (60 Stat. 635, chapter 595), the Act of May 17, 1950 (64 Stat. 163, chapter 188), and the River and Harbor Act of 1968 (82 Stat. 731), is not authorized.

SEC. 6053. TENNESSEE COLONY LAKE, TEXAS.

The project for navigation, Tennessee Colony Lake, Trinity River, Texas, authorized by section 204 of the River and Harbor Act of 1965 (79 Stat. 1091), is not authorized.

SEC. 6054. CITY WATERWAY, TACOMA, WASHINGTON.

The portion of the project for navigation, City Waterway, Tacoma, Washington, authorized by the first section of the Act of June 13, 1902 (32 Stat. 347), consisting of the last 1,000 linear feet of the inner portion of the Waterway beginning at Station 70+00 and ending at Station 80+00, is not authorized.

SEC. 6055. KANAWHA RIVER, CHARLESTON, WEST VIRGINIA.

The project for bank erosion, Kanawha River, Charleston, West Virginia, authorized by section 603(f)(13) of the Water Resources Development Act of 1986 (100 Stat. 4153), is not authorized.

SA 1066. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 1495, 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; which was ordered to lie on the table; as follows:

Strike section 3043 and insert the following:

SEC. 3043. LITTLE WOOD RIVER, GOODING, IDAHO.

(a) DEFINITION OF PROJECT.—In this section, the term ''project'' means the project for flood control, Little Wood River, 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.).

(b) MODIFICATION OF PROJECT.—The project 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; and

(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.

(c) COST SHARING.—

(1) IN GENERAL.—Costs for reconstruction of the project, as modified under subsection (b), 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 the project, as modified under subsection (b), shall be a non-Federal responsibility.

(d) ECONOMIC JUSTIFICATION.—Reconstruction efforts and activities relating to the project, as modified under subsection (b), shall not require economic justification.

SA 1067. Mr. KERRY (for himself, Mr. FEINGOLD, Ms. COLLINS, Mr. SANDERS, Mr. CARPER, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill H.R. 1495, 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; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. 2_____. GLOBAL CLIMATE CHANGE.

(a) PLANNING CONSIDERATIONS.—To account for the potential long- and short-term effects of global climate change, the Secretary shall ensure that each water resources project planned and carried out by the Corps of Engineers—

(1) takes into consideration, and accounts for, the impacts of global climate change on flood, storm, and drought risks in the United States;

(2) takes into consideration, and accounts for, potential future impacts of global climate change-related weather events, such as increased hurricane activity, intensity, storm surge, sea level rise, and associated flooding;

(3) uses the best-available climate science in assessing flood and storm risks;

(4) employs, to the maximum extent practicable, nonstructural approaches and design modifications to avoid or prevent impacts to streams, wetlands, and floodplains that—

(A) provide natural flood and storm buffers;

(B) improve water quality;

(C) serve as recharge areas for aquifers;

(D) reduce floods and erosion; and

(E) provide valuable plant, fish, and wildlife habitat;

(5) in projecting the benefits and costs of any water resources project that requires a benefit-cost analysis, quantifies and, to the maximum extent practicable, accounts for—

(A) the costs associated with damage or loss to wetlands, floodplains, and other natural systems (including the habitat, water quality, flood protection, and recreational values associated with the systems); and

(B) the benefits associated with protection of those systems; and

(6) takes into consideration, as applicable, the impacts of global climate change on emergency preparedness projects for ports.

(b) ADDITIONAL CONSIDERATIONS FOR FLOOD DAMAGE REDUCTION PROJECTS.—For purposes of planning and implementing flood damage reduction projects in accordance with this section and section 73 of the Water Resources Development Act of 1974 (33 U.S.C. 701b–11), the term ''nonstructural approaches and design modifications'' includes measures to manage flooding through—

(1) wetland, stream, and river restoration;

(2) avoiding development or increased development in frequently-flooded areas;

(3) adopting flood-tolerant land uses in frequently-flooded areas; or

(4) acquiring from willing sellers floodplain land for use for—

(A) flood protection uses;

(B) recreational uses;

(C) fish and wildlife uses; or

(D) other public benefits.

SA 1068. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 1495, 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; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle A of title II, insert the following:

SEC. 2_____. TREATMENT OF CERTAIN FUNCTIONS AS INHERENTLY GOVERNMENTAL.

(a) DEFINITION OF OPERATION AND MAINTENANCE.—In this section, the term ''operation and maintenance'', with respect to a lock or lock and dam facility, includes—

(1) any activity associated with the operation, maintenance, or repair of—

(A) a lock or lock and dam facility;

(B) an area adjacent to a lock or lock and dam facility; and

(C) any facility or equipment associated with a lock or lock and dam facility, including—

(i) embankments;

(ii) floodgates;

(iii) spillways;

(iv) outlet works;

(v) levees;

(vi) pumping structures; and

(vii) moveable bridge spans over navigable waterways necessary for the transit of vessels;

(2) any activity relating to—

(A) the opening and closing of a lock gate to permit the transit of vessels; or

(B) the provision of directions to a vessel pilot transiting a lock;

(3) any activity relating to the release of water from a lock and dam facility, such as the operation of spillway gate or other outlet works, for flood control or maintenance of a navigation pool;

(4) any activity relating to enforcement of laws (including regulations) onsite at a lock or lock and dam facility; and

(5) contract management and oversight.

(b) TREATMENT OF FUNCTIONS.—

(1) IN GENERAL.—For purposes of section 2(a) of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note; 112 Stat. 2382)—

(A) each water and navigational resource project and facility, including the operation and maintenance of a lock or lock and dam facility, shall be considered to be national critical infrastructure; and

(B) the operation and maintenance of a lock or lock and dam facility shall be considered to be an inherently governmental function that requires performance by a Federal employee.

(2) EFFECT OF TRANSFER.—The transfer to another department or agency of any function described in paragraph (1) shall not affect the applicability of paragraph (1), including the requirement of that paragraph of performance by a Federal employee.

(c) NO EFFECT ON CONTRACTS.—

(1) IN GENERAL.—Notwithstanding subsection (b), the Corps of Engineers may—

(A) continue in effect any contract for performance by an entity in the private sector of any function relating to the operation and maintenance of a lock or lock and dam facility, if the contract was in effect on May 1, 2007; and

(B) offer to enter into any contract with an entity in the private sector after the date of enactment of this Act to construct a new lock or lock and dam facility.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection prevents the Corps of Engineers from carrying out a function that is carried out by an entity in the private sector pursuant to a contract described in paragraph (1)(A) on the date of enactment of this Act.

SA 1069. Mr. GRAHAM (for himself, Mr. ISAKSON, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 1495, 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; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5_____. PROJECTS FOR IMPROVEMENT, SAVANNAH RIVER, SOUTH CAROLINA AND GEORGIA.

(a) IN GENERAL.—The Secretary shall determine the feasibility of carrying out projects—

(1) to improve the Savannah River for navigation and related purposes that may be necessary to support the location of container cargo and other port facilities to be located in Jasper County, South Carolina, in the vicinity of Mile 6 of the Savannah Harbor entrance channel; and

(2) to remove from the proposed Jasper County port site the easements used by the Corps of Engineers for placement of dredged fill materials for the Savannah Harbor Federal navigation project.

(b) FACTORS FOR CONSIDERATION.—In making a determination under subsection (a), the Secretary shall take into consideration—

(1) landside infrastructure;

(2) the provision of any additional dredged material disposal area as a consequence of removing from the proposed Jasper County port site the easements used by the Corps of Engineers for placement of dredged fill materials for the Savannah Harbor Federal navigation project; and

(3) the results of the proposed bistate compact between the State of Georgia and the State of South Carolina to own, develop, and operate port facilities at the proposed Jasper County port site, as described in the term sheet executed by the Governor of the State of Georgia and the Governor of the State of South Carolina on March 12, 2007.

SA 1070. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1495, 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; which was ordered to lie on the table; as follows:

Strike paragraph (1) of section 5010(a) (relating to the Susquehanna, Delaware, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia) and insert the following:

(1) shall be—

(A) the ex officio United States member under the Susquehanna River Basin Compact and the Delaware River Basin Compact; and

(B) 1 of the 3 members appointed by the President under the Potomac River Basin Compact;

SA 1071. Mr. CARDIN (for himself and Ms. MIKULSKI) submitted an

amendment intended to be proposed by him to the bill H.R. 1495, 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; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5_____. SITING, CONSTRUCTION, EXPANSION, AND OPERATION OF LNG TERMINALS.

Section 10 of the Act of March 3, 1899 (33 U.S.C. 403), is amended—

(1) by striking the section heading and designation and all that follows through ''creation'' and inserting the following:

''SEC. 10. OBSTRUCTION OF NAVIGABLE WATERS; WHARVES AND PIERS; EXCAVATIONS AND FILLING IN.

''(a) IN GENERAL.—The creation''; and

(2) by adding at the end the following:

''(b) SITING, CONSTRUCTION, EXPANSION, AND OPERATION OF LNG TERMINALS.—The Secretary shall not approve or disapprove an application for the siting, construction, expansion, or operation of a liquefied natural gas terminal pursuant to this section without the express concurrence of each State affected by the application.''.

SA 1072. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1495, 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; which was ordered to lie on the table; as follows:

In paragraph (1) of section 5010(e) (relating to the Susquehanna, Delaware, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia), strike ''Potomac River Basin Commission'' and insert ''Interstate Commission on the Potomac River Basin''.

SA 1073. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1495, 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; which was ordered to lie on the table; as follows:

In section 5011(a) (relating to the Anacostia River, District of Columbia and Maryland), strike ''1 year'' and insert ''2 years''.

SA 1074. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, 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; which was ordered to lie on the table; as follows:

On page 57, between lines 23 and 24, insert the following:

(4) CREDIT.—The Secretary shall credit to the non-Federal share of the cost of the project under this subsection any amount otherwise eligible to be credited under section 221 of the Flood Control Act of 970 (42 U.S.C. 1962d–5b) (as amended by section 2001).

SA 1075. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, 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; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. 3_____. ATCHAFALAYA RIVER, BAYOUS CHENE, BOEUF, AND BLACK, LOUISIANA.

The project for navigation, Atchafalaya River, Bayous Chene, Boeuf, and Black, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is modified to authorize the Secretary to deepen a section of not more than 1,000 feet of the area on the Gulf Intracoastal Waterway located west of the Bayou Boeuf Lock and east of the intersection of the Atchafalaya River at a cost of not more than $200,000 during the 10-year period beginning on the date of enactment of this Act to provide for ingress and egress to the Port of Morgan City, at a depth of not more than 20 feet.

SA 1076. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, 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; which was ordered to lie on the table; as follows:

On page 43, strike lines 7 through 22 and insert the following:

(1) IN GENERAL.—Not later than December 31, 2008, the Secretary shall submit to Congress a report documenting any modifications to the features included in table 3 of the report referred to in subsection (a) due to the impact of Hurricanes Katrina and Rita on the project areas.

(2) PROJECTS IDENTIFIED IN REPORTS.—

(A) CONSTRUCTION.—The Secretary is authorized to construct the features identified in the report under paragraph (1) substantially in accordance with the descriptions included in the report referred to in subsection (a) if the Secretary determines, pursuant to subsection (k), that the features are cost-effective, environmentally acceptable, and technically feasible.

SA 1077. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, 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; which was ordered to lie on the table; as follows:

On page 54, strike lines 1 through 19 and insert the following:

(A) to raise levee heights, as necessary, and otherwise enhance authorized flood damage reduction projects, hurricane storm damage projects, and related works in the vicinity of New Orleans to provide the level of protection necessary to achieve the certification required for the 100-year level of flood protection, in accordance with the National Flood Insurance Program under the base flood elevations in existence at the time the activities are carried out;

(B) to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals to increase the reliability of the flood protection system for the city of New Orleans and Jefferson Parish;

(C) to armor critical elements of the New Orleans area hurricane and storm damage reduction system;

(D) to improve and otherwise modify the Inner Harbor Navigation Canal to increase the reliability of the flood protection system for the city of New Orleans and St. Bernard Parish;

SA 1078. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, 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; which was ordered to lie on the table; as follows:

Beginning on page 58, strike line 11 and all that follows through page 60, line 3, and insert the following:

(s) MISSISSIPPI RIVER GULF OUTLET.—

(1) DEAUTHORIZATION.—

(A) IN GENERAL.—Effective beginning on the date of submission of the plan required under subparagraph (C), the navigation channel portion of the project for navigation, Mississippi River Gulf outlet, authorized by the Act of March 29, 1956 (70 Stat. 65, chapter 112;100 Stat. 4177; 110 Stat. 3717), which extends from the Gulf of Mexico to Mile 60 at the southern bank of the Gulf Intracoastal Waterway, is not authorized.

(B) SCOPE.—Nothing in this paragraph modifies or deauthorizes the Inner Harbor navigation canal replacement project authorized by that Act.

(C) CLOSURE AND RESTORATION PLAN.—

(i) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a final report on the deauthorization of the Mississippi River Gulf outlet, as described under the heading ''INVESTIGATIONS'' under chapter 3 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 453).

(ii) INCLUSIONS.—At a minimum, the report under subparagraph (A) shall include—

(I) a comprehensive plan to deauthorize deep draft navigation on the Mississippi River Gulf outlet;

(II) a plan to physically modify the Mississippi River Gulf outlet and restore the areas affected by the navigation channel;

(III) a plan to restore natural features of the ecosystem that will reduce or prevent damage from storm surge;

(IV) a plan to prevent the intrusion of saltwater into the waterway;

(V) efforts to integrate the recommendations of this report with the program authorized under subsection (a) and the analysis and design authorized by title I of the Energy and Water Develop Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(D) CONSTRUCTION.—The Secretary shall carry out a plan to close the Mississippi River Gulf outlet and restore and protect the ecosystem substantially in accordance with the plan required under subparagraph (C), if the Secretary determines that the project is cost-effective, environmentally acceptable, and technically feasible.

SA 1079. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, 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; which was ordered to lie on the table; as follows:

On page 60, between lines 16 and 17, insert the following:

(u) DETERMINATION OF VALUE.—The Secretary may use a valuation based on predisaster conditions in determining compensation to be provided for land and interests in land—

(1) adversely affected by Hurricane Katrina; or

(2) acquired before the date of enactment of this Act for—

(A) Hurricane Katrina-related rehabilitation assistance provided under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n); or

(B) any activity authorized by the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2680), or any other law.

SA 1080. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, 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; which was ordered to lie on the table; as follows:

On page 48, strike lines 22 through 25 and insert the following:

(4) WORKING GROUPS.—

(A) IN GENERAL.—The Task Force may establish such working groups as the Task Force determines to be necessary to assist the Task Force in carrying out this subsection.

(B) INTEGRATION TEAM.—

(i) IN GENERAL.—The Task Force shall establish, for the purposes described in clause (ii), an integration team comprised of—

(I) independent experts with experience relating to—

(aa) coastal estuaries;

(bb) diversions;

(cc) coastal restoration;

(dd) wetlands protection;

(ee) ecosystem restoration;

(ff) hurricane protection;

(gg) storm damage reduction systems; and

(hh) navigation and ports; and

(II) representatives of—

(aa) the State of Louisiana; and

(bb) local governments in southern Louisiana.

(ii) PURPOSES.—The purposes referred to in clause (i) are—

(I) to advise the Task Force and the Secretary regarding opportunities to integrate the planning, engineering, design, implementation, and performance of Corps of Engineers projects for hurricane and storm damage reduction, flood damage reduction, ecosystem restoration, and navigation in areas of Louisiana declared to be a major disaster as a result of Hurricane Katrina or Rita;

(II) to review reports relating to the performance of, and recommendations relating to the future performance of, the hurricane, coastal, and flood protection systems in southern Louisiana, including the reports issued by the Interagency Performance Evaluation Team, the National Science Foundation, the American Society of Civil Engineers, and Team Louisiana to advise the Task Force and the Secretary on opportunities to improve the performance of the protection systems; and

(III) to carry out such other duties as the Task Force or the Secretary determine to be appropriate.

SA 1081. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, 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; which was ordered to lie on the table; as follows:

On page 18, between lines 9 and 10, insert the following:

(C) HOUMA NAVIGATION CANAL.—The Secretary shall spend not more than $200,000 to maintain, pursuant to an exclusive partnership agreement with the State of Louisiana, the Houma Navigation Canal at dimensions consistent with the dimensions of the lock as recommended in the reports referred to in subparagraph (A).

SA 1082. Mr. WHITEHOUSE (for Mr. BUNNING) proposed an amendment to the concurrent resolution S. Con. Res. 29, encouraging the recognition of the Negro Baseball Leagues and their players on May 20th of each year; as follows:

On page 3, strike the 4th whereas and insert ''Whereas Minnie Minoso, the ''Cuban Comet,'' played on the New York Cubans when they won the Negro League World Series, broke the color barrier on the Chicago White Sox when he joined the team in 1951, and was the first black Latino to play in the Major Leagues;

On page 3, in the 5th whereas strike ''but'' and all that follows to the end of the whereas and insert ''';''

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. BOXER. 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 May 10, 2007, at 3 p.m., to conduct a hearing on the nominations of Mr. David George Nason, of Rhode Island, to be Assistant Secretary of the Treasury for Financial Institutions; Mr. Mario Mancuso, of New York, to be Under Secretary of Commerce for Export Administration; Mr. Michael W. Tankersley, of Texas, to be Inspector General of the Export-Import Bank of the United States; The Honorable Bijan Rafiekian, of California, to be a member of the Board of Directors of the Export-Import Bank of the United States; Mr. Scott A. Keller, of Florida, to be Assistant Secretary of Housing and Urban Development for Congressional and Intergovernmental Affairs; Mr. Robert M. Couch, of Alabama, to be General Counsel of the Department of Housing and Urban Development; Ms. Janis Herschkowitz, of Pennsylvania, to be a member of the Board of Directors of the National Consumer Cooperative Bank; Mr. David George Nason, of Rhode Island, to be a member of the Board of Directors of the National Consumer Cooperative Bank; and Mr. Nguyen Van Hanh, of California, to be a Member of the Board of Directors of the National Consumer Cooperative Bank.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, May 10, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to discuss the effects of climate change and ocean acidification on living marine resources.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, May 10, 2007, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building. The purpose of this hearing is to consider the nominations of Joseph Timothy Kelliher, of the District of Columbia, to be a Member of the Federal Energy Regulatory Commission; and R. Lyle Laverty, of Colorado, to be Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior.

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

COMMITTEE ON FINANCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the Session of the Senate on Finance will meet on Thursday, May 10, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on ''Can the Middle Class Make Ends Meet? Economic Issues for America's Working Families.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to

meet on Thursday, May 10, 2007, at 2:30 p.m. for a '' hearing titled ''Violent Islamist Extremism: Government Efforts to Defeat It.''

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

COMMITTEE ON INDIAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, May 10, 2007, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a business meeting.

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

COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on ''Judicial Nominations'' for Thursday, May 10, 2007, at 10 a.m. in Dirksen Senate Office Building room 226.

Witness list

Panel I: The Honorable Thad Cochran, United States Senator [R–MS]; The Honorable John Warner, United States Senator [R–VA]; The Honorable Carl Levin, United States Senator [D–MI]; The Honorable Trent Lott, United States Senator [R–MS]; and The Honorable Jim Webb, United States Senator [D–VA].

Panel II: Leslie Southwick to be United States Circuit Judge for the Fifth Circuit.

Panel III: Janet T. Neff to be United States District Judge for the Western District of Michigan and Liam O'Grady to be United States District Judge for the Eastern District of Virginia.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia be authorized to meet on Thursday, May 10, 2007, at 9 a.m. for a hearing entitled, ''Managing the Department of Homeland Security: A Status Report on Reform Efforts by the Under Secretary for Management.''

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

PRIVILEGES OF THE FLOOR

Mr. INHOFE. Mr. President, I ask unanimous consent that Let Mon Lee, a fellow from the U.S. Corps of Engineers, be allowed floor privileges for the duration of the Senate's consideration of the Water Resources Development Act.

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

Mr. ISAKSON. I ask unanimous consent that Mike Quiello of my staff be granted the privileges of the floor for the duration of the debate on WRDA.

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

Mr. CARDIN. Mr. President, I ask unanimous consent that Mike Burke, a fellow in my office, be accorded the privileges of the floor for the duration of H.R. 1495.

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

ENCOURAGING THE RECOGNITION OF THE NEGRO BASEBALL LEAGUES

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Con. Res. 29, and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 29) encouraging the recognition of the Negro Baseball Leagues and their players on May 20th of each year.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the concurrent resolution be agreed to; that the amendment to the preamble, which is at the desk, be agreed to; that the preamble, as amended, be agreed to; that the motions to reconsider be laid upon the table; and that any statements relating to the concurrent resolution be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 29) was agreed to.

The amendment (No. 1082) was agreed to, as follows:

On page 3, strike the 4th whereas and insert ''Whereas Minnie Minoso, the ''Cuban Comet,'' played on the New York Cubans when they won the Negro League World Series, broke the color barrier on the Chicago White Sox when he joined the team in 1951, and was the first black Latino to play in the Major Leagues;''

On page 3, in the 5th ''Whereas'' strike ''but'' and all that follows to the end of the whereas and insert '';''

The preamble, as amended, was agreed to.

The concurrent resolution, with its preamble, as amended, reads as follows:

S. CON. RES. 29

Whereas even though African-Americans were excluded from playing in the Major Leagues of their time with their white counterparts, the desire of many African-Americans to play baseball could not be repressed;

Whereas Major League Baseball did not fully integrate its leagues until July 1959;

Whereas African-Americans began organizing their own professional baseball teams in 1885;

Whereas the skills and abilities of Negro League players eventually made Major League Baseball realize the need to integrate the sport;

Whereas 7 separate baseball leagues, known collectively as the ''Negro Baseball Leagues'', were organized by African-Americans between 1920 and 1960;

Whereas the Negro Baseball Leagues included exceptionally talented players who played the game at its highest level;

Whereas on May 20, 1920, the Negro National League, the first successful Negro League, played its first game;

Whereas Andrew ''Rube'' Foster founded the Negro National League on February 13, 1920, at the Paseo YMCA in Kansas City, Missouri, and also managed and played for the Chicago American Giants, and was later inducted into the Baseball Hall of Fame;

Whereas Leroy ''Satchel'' Paige, who began his long career in the Negro Leagues and did not make his Major League debut until the age of 42, is considered one of the greatest pitchers the game has ever seen, and during his long career thrilled millions of baseball fans with his skill and legendary showboating, helping the Cleveland Indians win the pennant in his first big league victory beginning with his first game on July 15, 1948, and was later inducted into the Baseball Hall of Fame;

Whereas Josh Gibson, who was the greatest slugger of the Negro Leagues, tragically died months before the integration of baseball, and was later inducted into the Baseball Hall of Fame;

Whereas Jackie Robinson, whose career began with the Negro League Kansas City Monarchs, became the first African-American to play in the Major Leagues in April 1947, was named Major League Baseball Rookie of the Year in 1947, subsequently led the Brooklyn Dodgers to 6 National League pennants and a World Series championship, and was later inducted into the Baseball Hall of Fame;

Whereas Larry Doby, whose career began with the Negro League Newark Eagles, became the first African-American to play in the American League in July 1947, was an All-Star 9 times in Negro League and Major League Baseball, and was later inducted into the Baseball Hall of Fame;

Whereas John Jordan ''Buck'' O'Neil was a player and manager of the Negro League Kansas City Monarchs, became the first African-American coach in the Major Leagues with the Chicago Cubs in 1962, served on the Veterans Committee of the National Baseball Hall of Fame, chaired the Negro Leagues Baseball Museum Board of Directors, and worked tirelessly to promote the history of the Negro Leagues;

Whereas James ''Cool Papa'' Bell played, coached, and managed in the Negro Leagues from 1922 to 1950, discovered, trained, and assisted numerous Negro League players into the Major Leagues, and was later inducted into the Baseball Hall of Fame;

Whereas Minnie Minoso, the ''Cuban Comet,'' played on the New York Cubans when they won the Negro League World Series, broke the color barrier on the Chicago White Sox when he joined the team in 1951, and was the first black Latino to play in the Major Leagues;

Whereas the talents of such players as Josh Gibson, James ''Cool Papa'' Bell, and Oscar Charleston earned them recognition in the Baseball Hall of Fame as well as the Sporting News List of Baseball Greatest Players;

Whereas Autozone Park in Memphis, Tennessee, hosted the inaugural Civil Rights Game between the defending World Champion St. Louis Cardinals and the Cleveland Indians in commemoration of the civil rights movement, on March 31, 2007; and

Whereas by achieving success on the baseball field, African-American baseball players helped break down color barriers and integrate African-Americans into all aspects of

society in the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to both baseball and our Nation; and

(2) encourages the observation of Negro Leaguers Recognition Day on May 20 of each year.

NORTH AMERICAN OCCUPATIONAL SAFETY AND HEALTH AND OCCUPATIONAL SAFETY AND HEALTH PROFESSIONAL DAY

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 193, submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 193) designating the week of May 6 through May 12, 2007, as ''North American Occupational Safety and Health Week'' and May 9, 2007, as ''Occupational Safety and Health Professional Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 193) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 193

Whereas every year more than 5,700 people die from job-related injuries and 4,400,000 more suffer occupational injuries and illnesses;

Whereas transportation crashes continue to be the number 1 cause of on-the-job deaths, and overall in 2005 there were 6,159,000 transportation accidents resulting in 43,433 deaths, 2,700,000 injuries, and an estimated $230,600,000,000 in tangible costs;

Whereas every day millions of people go to and return home from work safely due, in part, to the efforts of many unsung heroes, such as occupational safety, health, and environmental practitioners, who work day in and day out identifying hazards and implementing safety and health advances in all industries and at all workplaces, aimed at eliminating workplace fatalities, injuries, and illnesses;

Whereas these occupational safety, health, and environmental professionals and members of the American Society of Safety Engineers work to prevent accidents, injuries, and occupational diseases, create safer work and leisure environments, and develop safer products, and are committed to protecting people, property, and the environment;

Whereas the work of these professionals in the areas of occupational safety, health promotion, disease prevention, and wellness programs has contributed greatly to the improvement of overall employee health, increased productivity, and reduction in health care costs, and yields significant returns on investments in occupational safety and health for the employer;

Whereas our society has long recognized that a safe and healthy workplace positively impacts employee morale, health, and productivity;

Whereas the more than 30,000 members of the American Society of Safety Engineers, along with the more than 150,000 combined members of the Academy of Certified Hazardous Materials Managers (ACHMM), the American Association of Occupational Health Nurses, Inc., (AAOHN), the American Industrial Hygiene Association (AIHA), and the American National Standards Institute (ANSI), are occupational safety, health, and environmental practitioners dedicated to keeping people safe at work and protecting property and the environment;

Whereas the purpose of North American Occupational Safety and Health Week (NAOSH) is to increase understanding of the benefits of investing in occupational safety and health, to demonstrate the positive impact that integrating effective safety and health programs in the workplace and the community has on the economy and business, to raise awareness of the role and contribution of safety, health, and environmental professionals in all areas, and to reduce workplace injuries and illnesses by increasing awareness and implementation of safety and health programs;

Whereas the theme of NAOSH Week 2007 is all modes of transportation safety, particularly stressing that motor vehicle drivers should drive wisely to save lives; and

Whereas on May 9 occupational safety and health professionals will be recognized during the second annual Occupational Safety and Health Professional Day for the work they do to keep people safe at work: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 6 through May 12, 2007, to be ''North American Occupational Safety and Health Week'' (NAOSH) and May 9, 2007, to be ''Occupational Safety and Health Professional Day'';

(2) commends occupational safety, health, and environmental practitioners for their ongoing commitment to protecting people, property, and the environment;

(3) commends those businesses that encourage a strong safety culture and incorporate occupational safety and health into their business strategies;

(4) encourages all industries, organizations, community leaders, employers, and employees to join with the American Society of Safety Engineers to support activities aimed at increasing awareness of the importance of preventing illness, injury, and death in the workplace, during the week of May 6 through May 12, 2007, and throughout the year;

(5) recognizes the commitment of occupational safety and health professionals in their ongoing work to protect people, property, and the environment on May 9, 2007, Occupational Safety and Health Professional Day;

(6) urges everyone to observe the theme of NAOSH Week and drive responsibly; and

(7) encourages the people of the United States to observe ''North American Occupational Safety and Health Week'' and ''Occupational Safety and Health Professional Day'' with appropriate programs and activities.

HONORING THE LIFE AND ACCOMPLISHMENTS OF GIAN CARLO MENOTTI AND RECOGNIZING THE SUCCESS OF THE SPOLETO FESTIVAL USA

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 68, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 68) honoring the life and accomplishments of Gian Carlo Menotti and recognizing the success of the Spoleto Festival USA in Charleston, South Carolina, which he founded.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 68) was agreed to.

The preamble was agreed to.

RECOGNIZING 70TH ANNIVERSARY OF IDAHO POTATO COMMISSION

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the Senate Judiciary Committee be discharged from further consideration and that the Senate now proceed to S. Res. 180.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 180) recognizing the 70th anniversary of the Idaho Potato Commission and designating May 2007 as ''Idaho Potato Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 180) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 180

Whereas the State of Idaho produces roughly one-third of all the potatoes grown in the United States, harvesting an average of 12,000,000,000 to 14,000,000,000 pounds annually;

Whereas the State of Idaho's unique climate of warm days, cool nights, mountain-fed irrigation, and rich volcanic soil is conducive to growing world-renowned potatoes;

Whereas Idaho potatoes are top-selling and highly recognized potatoes in the United States due to their consistently great taste, versatility, and nutritional content;

Whereas the Idaho potato ''brand'' is recognized throughout the world for its high quality and is an identifying characteristic of the great State of Idaho;

Whereas May 2007 marks the 70th consecutive year that Idaho potatoes have been promoted by the Idaho Potato Commission, an Idaho potato industry group responsible for generating attention for the numerous attributes of Idaho potatoes;

Whereas the Idaho Potato Commission is recognized nationally and internationally as a top promotional authority for Idaho's potatoes and potato products;

Whereas the Idaho Potato Commission's requirement, since 1959, that only potatoes grown in the State of Idaho are allowed to wear the ''Grown in Idaho'' Federal certification mark contributed toward the creation of a distinctive, enduringly successful, and popular brand for the Russet Burbank potato variety; and

Whereas Idaho's potato industry contributes approximately $2,700,000,000 to the State economy and employs 39,000 residents: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 70th anniversary of the Idaho Potato Commission; and

(2) designates May 2007 as ''Idaho Potato Month''.

ORDERS FOR FRIDAY, MAY 11, 2007

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Friday, May 11; that on Friday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WHITEHOUSE. Madam President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 4:26 p.m., adjourned until Friday, May 11, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 10, 2007:

SECURITIES INVESTOR PROTECTION CORPORATION

MARK S. SHELTON, OF KANSAS, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2008, VICE THOMAS WATERS GRANT, TERM EXPIRED.

WILLIAM S. JASIEN, OF VIRGINIA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2009, VICE NOE HINOJOSA, JR., TERM EXPIRED.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

ROBERT BOLDREY, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING MAY 26, 2013. (REAPPOINTMENT)

DEPARTMENT OF STATE

RAVIC ROLF HUSO, OF HAWAII, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE LAO PEOPLE'S DEMOCRATIC REPUBLIC.

NED L. SIEGEL, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE COMMONWEALTH OF THE BAHAMAS.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

LEZLEE J. WESTINE, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2009, VICE MARIE SOPHIA AGUIRRE, TERM EXPIRED.

JOHN E. OSBORN, OF DELAWARE, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2009, VICE CHARLES WILLIAM EVERS III, TERM EXPIRED.

DEPARTMENT OF LABOR

HOWARD RADZELY, OF MARYLAND, TO BE DEPUTY SECRETARY OF LABOR, VICE STEVEN J. LAW, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL A. VANE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID P. FRIDOVICH, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. ERIC T. OLSON, 0000