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House of Representatives

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, this Nation places its trust in You. Your Divine Providence is most reliable; it is Your timing we find difficult to accept. Yesterday, poised for the launch of Discovery, Your people were ready to celebrate its climb to the heavens. But a technical indicator gave pause. The Nation stepped back while specialists reexamined their work.

We bless You and praise You for this revelation and the future safety and success it grants human efforts to explore the marvels of Your universe on another day.

Today, as the House of Representatives commits itself to the work of the people, may all be more sensitive to the art of timing. Grant Your servants patience with themselves and others until all helpful possibilities are explored and Your righteous will is agreed upon for the common good.

In You and with You the movement of lasting discovery is made now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California (Mr. DOOLITTLE) come forward and lead the House in the Pledge of Allegiance.

Mr. DOOLITTLE 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3071. An act to permit the individuals currently serving as Executive Director, Deputy Executive Directors, and General Counsel of the Office of Compliance to serve one additional term.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1395. An act to amend the Controlled Substances Import and Export Act to provide authority for the Attorney General to authorize the export of controlled substances from the United States to another country for subsequent export from that country to a second country, if certain conditions and safeguards are satisfied.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 10 one-minute speeches on each side.

AMERICA'S STRONG ECONOMY

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise today to highlight the reality of the American economy in light of what all of the doom and gloomers have been saying. The facts are plain and simple: Our Nation is producing more, and our government is spending less.

The recent report from the Office of Management and Budget forecasts a decline in the Federal budget deficit. All along, House Republicans have had faith in the American people's ability to grow our economy and are looking to the future with confidence. It is our job in Congress to continue to hold the line on spending to ensure the continued health of our economy.

The unemployment rate has fallen and is the lowest it has been since September 2001. Nearly 4 million new jobs were created in the last 2 years alone.

With sustained job growth, falling deficits, low interest rates and a booming housing market, America's economy is robust and getting even stronger.

Equally important are the numbers which show U.S. manufacturing continuing to expand. Durable goods orders are also on the rise. Consumer confidence is up with such spending accounting for nearly two-thirds of the economy.

The fact that I can stand here today and tout the success of America's economy can be attributed to the progrowth agenda of the President and this Republican Congress.

SPARING FAMILIES THE ULTIMATE TRAGEDY

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, America has now lost 1,757 of our brave young men and women in Iraq. H.J. Res. 55, a bipartisan resolution, sets in motion a plan for U.S. withdrawal from Iraq and will spare more families of our troops the ultimate tragedy.

We should know, too, the suffering which this war has visited on the innocent people in Iraq. By some counts, over 100,000 innocent Iraqis have perished in a war that was based on a false premises. Yesterday, 18 Iraqi children were killed by a suicide bomber as the children reached for candy and toys from U.S. troops.

Each day, as new tragedies unfold, it becomes obvious that the presence of our brave U.S. troops will not end the murderous onslaught.

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We have done our best to secure the safety of the people of Iraq. Now we need to take steps to bring our troops home safely. We need to begin the end of the war in Iraq. Support House Joint Resolution 55 to bring our troops home.

BUDGET DEFICIT SHRINKS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, I am holding up today's Washington Post. There is an article here, ''Revenue Surge Shrinks the Deficit.'' Well, every day this week, I have come to the floor to talk about how tax reductions work and the growth that we are seeing in the economy.

Over the past 25 months, we have seen an average of 146,000 jobs created each month. We have near historic lows in unemployment. The GDP has been revised upward, and we are going to see a deficit that is about $100 billion less than projected. It just goes to show, when you give about 92 million Americans a tax cut, good things happen. They keep more money in their pockets, and we see jobs growth, economic growth, and we also see the deficit shrink.

UPPER MISSISSIPPI NAVIGATIONAL LOCKS PROJECT

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Mr. Speaker, today, we begin debate on the Water Resources Development Act, a serious effort by the gentleman from Tennessee (Mr. DUNCAN) to start fixing a seriously broken system with almost $60 billion in construction backlog which includes projects which range from the good to the bad to the ugly and the obsolete.

Since the corps is overwhelmed with projects and labors under outmoded principles and guidelines which Congress and the corps have not updated in over 20 years, the process is inherently, intensely political.

The poster child for that is the upper Mississippi lock project, the most expensive navigation project in history, the dinosaur of these projects. An inspector general found that the Corps cooked the books and fired somebody trying to do his job telling the truth.

The Blumenauer-Flake amendment will provide a safety valve to ensure that the project will not go forward unless it is economically justified, and will speed the long overdue process of reforming the operation of the Army Corps of Engineers so it can be about the important water resources projects our country needs.

PERSONAL RETIREMENT ACCOUNTS

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, in crafting Social Security legislation, we must offer workers the ability to own a portion of their retirement through personal accounts.

President Roosevelt, the author of Social Security, was the first to suggest that, in order to provide for the country's retirement needs, Social Security would need to be supplemented by personal savings accounts. Personal accounts would allow workers to set aside part of their payroll taxes in a nest egg that the government cannot take away and that can be passed on to children and grandchildren.

As Americans, we can choose where we work and live, what we drive, which insurance plan is best for us, so why can we not give workers a choice when it comes to their retirement?

President Bush has said, ''If you own something, you have a vital stake in the future of our country. The more ownership there is in America, the more vitality there is in America, and the more people have a vital stake in the future of this country.''

Americans take pride in what they own. Establishing personal accounts within Social Security is an important part of encouraging an ownership society.

WOMEN SUFFRAGISTS DAY

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, I am pleased to be joined today on the House floor by two exceptional soon-to-be fourth graders from Southern Nevada, Hannah Low and Destiny Carroll.

These young women were inspired after reading about the women's suffrage movement and began a petition drive seeking to create a holiday honoring America's suffragists.

Hannah and Destiny presented this petition to me with hundreds of signatures that they obtained in my Las Vegas office. I am so proud of Hannah and Destiny, and I am honored to introduce a resolution to establish a day to commemorate America's suffragists. While it may seem unbelievable today, it was not very long ago that women were not able to vote in this country. I hope that by creating a holiday honoring the suffragists, we will keep alive the memory of the struggle to win this important right for women.

I thank Hannah and Destiny for serving as an inspiration for my resolution, and for being here on this very important day. I hope it is a moment that they will long remember, and I hope that they continue working to make a difference in their community and make a difference in our world and make it a better place to be.

□ 1015

TEACHER INCENTIVE FUND

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, Americans love their teachers, and they want to reward the best. For too long, teachers have been shackled by outdated performance systems that do not necessarily recognize effective teaching. Americans want to reward the best teachers for the work they do.

Yesterday, I introduced a new initiative, the Teacher Incentive Fund, to reward these hardworking educators. This innovative program will allow teachers to be compensated based on performance and accomplishments and how well they are helping students learn and achieve. These voluntary grants would provide incentives for States and local school districts to develop, implement, and maintain systems that reward teachers and principals who deliver on student achievement. The Teacher Incentive Fund will work to put the focus on the most important component in our education, and that is the children. Evidence shows that children achieve most when taught by high-quality teachers.

Most of us remember the teachers who affected us in a remarkable way. For me it was one of my high school teachers, Dr. Welch; and I will never forget how he challenged me to excel. Now let us reward those teachers who reside in every congressional district and challenge our children to excel every day.

WOMEN AND THE SUPREME COURT

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, Members on both sides of the aisle and Americans of all political persuasions are heaping praise on Sandra Day O'Connor for her distinguished service on the Supreme Court. Finding a fair-minded, evenhanded Justice to replace her, someone who will receive similar bipartisan accolades when all is said and done, should be our goal. And I know she is out there somewhere.

Will the President make it a priority to maintain women's representation on the Court at a paltry 22 percent? Or are we bound to a dismal 11 percent? We do not need a return to token representation.

In the President's campaign, he used the slogan, W is for women; but anyone familiar with his administration's record on equal pay, child care, reproductive freedom, and enforcing discrimination laws knows that W is for woeful on women's issues.

KARL ROVE

(Mr. HENSARLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENSARLING. Mr. Speaker, the Democrats' witch-hunt of the week is aimed at my friend Karl Rove. I have had the pleasure of knowing Karl for over 20 years. I believe he is a man of honesty and integrity who loves his country and serves it well. He was also a key player in the President's reelection and clearly Democrats want revenge.

Based solely upon their partisan interpretation of selected press reports, some Democrats are now calling for his resignation. Mr. Speaker, if trial by headline is the standard in the Nation's capital, I have some other headlines I would be happy to share, and we know that they suggest that some Democrats may have been involved in illegal activities. Yet I do not hear my Democrat colleagues calling for their resignations.

Let us abide by the American standard that all are innocent until proven guilty. Democrats should end their trial by headline, their character assassination, and their constant Bush bashing. Instead, I hope that they will choose to work with Republicans on a bipartisan basis to save Social Security, win the war on terror, and create more jobs for American workers.

KARL ROVE

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, over and over again President Bush has expressed his commitment to fighting terrorism. But how is it possible when a top administration official, Deputy White House Chief of Staff Karl Rove, leaked classified information and undermined U.S. security? Karl Rove identified a covert CIA agent in an orchestrated effort to discredit an opponent of the administration's use of intelligence for the Iraq war.

Karl Rove has top-level national security clearance in his position. Yet, clearly, he cannot be trusted with information. President Bush cannot allow his administration and top advisers to undermine the war on terror.

In October 2003, President Bush stated: ''If someone did leak classified information, I'd like to know it. And we'll take the appropriate action.'' Mr. President, it is time to take action now. Karl Rove should resign. President Bush pledged to restore honor and integrity to the White House and to the Presidency. Removing Karl Rove from his duties and position would be an appropriate first step.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Members are advised to direct their comments to the Chair and not to the President.

SUCCESS IN IRAQ CONTINUES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, though the triumphs go largely unreported by the media, our men and women in uniform and the Iraqi people are making tremendous progress every day in Iraq. An example is the Army Corps of Engineers is currently building 150 new primary health care facilities that will provide Iraqis with basic medical care, maternity and emergency services, and medical training. As families throughout Iraq welcome these facilities to their communities, our troops know they are greatly improving the lives of the Iraqi citizens. As a 31-year veteran of the National Guard with a son who has served a year in Iraq and two additional sons in the military, I know firsthand of the military's competence and success.

Last month I along with the gentleman from Wisconsin (Mr. GREEN) and over 118 other Members established the Victory in Iraq Caucus to ensure that more people are aware of the great achievements which protect American families. Today, the caucus announced a weekly e-mail service that will deliver the good news from Iraq. As our soldiers continue to fulfill their mission, we applaud them on the path to victory to win the war on terrorism.

In conclusion, God bless our troops and we will never forget September 11.

KARL ROVE

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, we need to ask, why did Karl Rove, the President's Deputy Chief of Staff, reveal the identity of a CIA agent? The Republican National Committee has issued furiously spun talking points that suggest that Karl Rove was merely trying to keep an inaccurate story out of the paper. That is absolutely preposterous. Should the government start giving out secret information to reporters as background information? Of course not. No, the real reason Karl Rove outed a CIA agent was because the administration did not like the story. They did not like that they were being caught perpetuating a false story about nuclear materials from Niger in order to justify their run-up to war, so they tried to change the subject.

Karl Rove only knows one way to change the subject, attack the messenger. Normally these are just despicable political dirty tricks, but in this case it was a threat to national security by deliberately outing a CIA agent. Karl Rove has demonstrated that he is not beyond using classified information to further his political agenda, and it is time for him to be stripped of his security clearance and shown the door.

DEPUTY CONSTABLE NEHEMIAH PICKENS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, on the hot humid night of July 6, 2005, in Houston, Texas, a police chase occurred. After midnight, a car driven by a criminal was fleeing from the police. His vehicle crashed into the gate of an apartment complex. The suspect, a Justin Doyle, jumped from his car and took off on foot fleeing from the law during the darkness. Deputy Constable Nehemiah Pickens had with others joined the police chase to capture this individual. Eventually, a shootout occurred and Deputy Pickens was killed while assisting in the pursuit of Doyle.

Nehemiah Pickens was a member of the Harris County Constable's Unit, Precinct 6. He was 33 years of age. He is remembered as a hardworking family man who worked multiple security jobs in addition to his work as a police officer to support his wife and his three daughters. He was working a part-time security job when he was killed to obtain money for a new home. Tomorrow, he will be buried in Houston, Texas. In the wake of this tragedy, we are reminded that we must never take for granted the police officers of America that work every day to enforce the law.

Deputy Pickens died doing what was his duty to protect, serve, and defend the people. As hundreds of police officers and law enforcement personnel, friends and family gather tomorrow for his funeral, our prayers go out to his family for allowing his life to be sacrificed for the rest of us.

REMEMBERING TWA FLIGHT 800

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BISHOP of New York. Mr. Speaker, this coming Saturday marks the ninth anniversary of an American tragedy, the loss of 230 souls aboard TWA Flight 800. Bound for Paris, France, flight 800 fell from the sky just south of Moriches, Long Island, only minutes after its departure from JFK International Airport. Many of us recall exactly where we were on that evening of July 17, 1996, an indelible memory of when we felt the tremendous shock, fright, and sadness upon learning all aboard Flight 800 had perished.

But from great sorrow and hope new beginnings can rise. The overwhelming outpouring of support and good will after Flight 800 spoke volumes of America's compassion, resolve, and greatness.

On this solemn occasion, we extend our thoughts and prayers to the families of the passengers aboard Flight 800. We will always remember the profound loss that each of them continues to live with in the long years since that terrible night 9 years ago.

Mr. Speaker, may God bless every one of them.

IN HONOR OF THE MEMORIAL RIFLE SQUAD AT FORT SNELLING NATIONAL CEMETERY

(Mr. KLINE asked and was given permission to address the House for 1 minute.)

Mr. KLINE. Mr. Speaker, I rise today to recognize the remarkable accomplishments of the members of the Memorial Rifle Squad at Fort Snelling National Cemetery. These men set an example of selfless service for all Americans.

Since June 19, 1979, the Fort Snelling Memorial Rifle Squad has performed a critical service by providing a military cemetery burial service for honorably discharged veterans. Over the past 25 years, the rifle squad has conducted 42,000 funerals, free of charge, at the request of families and veterans organizations. The first squad boasted six members, the youngest of whom was 50 years old. Today, the ages of the more than 100 members of the rifle squad range from 26 to 87, averaging a spry 71.6 years.

Mr. Speaker, these men never miss a funeral, braving the brutal cold, snow and wind of our Minnesota winters. Mr. Speaker, the members of the Memorial Rifle Squad have unselfishly given to our country through their own military service and continue that tradition today by honoring their fellow veterans. I commend their remarkable accomplishments and thank them for their service.

IN HONOR OF CAPTAIN PATRICK MARTIN, FIREFIGHTER MARVIN DONALDSON, FIREFIGHTER STEPHEN JOHNSON, FIREFIGHTER DAVID BRADLEY, AND MR. SEAN McKARNIN

(Mr. CLEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEAVER. Mr. Speaker, I rise to honor five firefighters from my district, Missouri's Fifth, who selflessly risked their lives in the line of duty. On February 23, 2004, Captain Patrick Martin, Firefighter Marvin Donaldson, Firefighter David Bradley, Firefighter Stephen Johnson, and Mr. Sean McKarnin responded to a fire at a residence in South Kansas City not far from where I live. Upon their arrival at the scene, they came under heavy and rapid gunfire from a nearby residence and were pinned down for nearly 30 minutes while the fire raged. In the midst of this chaos, a paramedic who also responded to the scene was shot. The team members successfully pulled her to safety and eventually extinguished the fire.

Today, these five heroes will be awarded the Public Safety Officer Medal of Valor by President Bush. He will recognize their extraordinary valor above and beyond the call of duty. The medal is the highest national award for valor by a public safety officer and only 10 public safety officers will receive this award this year.

I commend those firefighters for their exceptional courage and decisiveness in an extraordinary situation and know my colleagues will join me in honoring them today.

REDUCING HEALTH RISKS FROM OBESITY

(Mr. MURPHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY. Mr. Speaker, obesity and obesity-associated annual hospital costs for children and adolescents have more than tripled over 2 decades, rising from $35 million in 1979 to $127 million in 2000.

This alarming rise in childhood obesity has resulted in a generation of children with many of the medical complications historically associated with adults, such as hypertension, diabetes, cholesterol, and heart disease. Adult obesity increases risks for over 20 medical conditions costing about $75 billion in medical expenses.

Obesity prevention starts at home. Parents need to begin to teach personal responsibility early on, to eat healthy meals, and establish an exercise routine for their families. There is no Federal program that can improve the habits of our Nation's children better than a team of responsible parents.

For our part, Congress should work with local communities to promote access to nutritious foods and physical activity programs that make healthy life-styles a priority, both in schools and the workplace. I ask that Members learn more about the costs and medical problems associated with obesity and other health care issues and urge them to visit my Web site at murphy.house.gov.

KARL ROVE

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, one of my Republican colleagues from Texas just said that Karl Rove is his friend and is innocent until proven guilty and that Democrats should not criticize the Bush administration on this issue.

Republicans need to realize how serious Rove's actions were. Karl Rove's actions jeopardize the life of every CIA agent, every CIA agent that Valerie Plame ever came into contact with. President Bush's father, a former CIA director, believes it so serious that he said that people who expose CIA agents are the most insidious of traitors.

Rather than demand answers from Rove, congressional Republicans are either silent or are attacking Democrats. They should be asking how Rove had the very information about Valerie Plame from the beginning, and they should deny him any further security clearance.

For 2 years, the Republicans and the Bush White House have defended Rove, and now we know that everything that they were telling us was simply false. It is time for Bush to remove Rove from the White House. It is time for Republicans to take this seriously and not come up here and talk about their friends and criticize Democrats.

□ 1030

IN FAVOR OF CONTINUED TAX CUTS AND IMPLEMENTING CAFTA FOR FURTHER ECONOMIC GROWTH

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, since Ronald Reagan was President, I have been listening to my very distinguished friends on the other side of the aisle time and time again say that, if we cut taxes, the economy will go into the tank and will dramatically exacerbate the Federal deficit.

Yesterday morning we picked up the New York Times, and there it was: It showed that the tax cuts that we put into place over the past few years under the leadership of President Bush, in fact, have increased the flow of revenues to the Federal treasury. And guess who is paying those increased taxes, Mr. Speaker? It is the wealthy.

We have also seen this morning evidence of zero inflation. That was what was reported this morning, zero inflation. We have seen the gross domestic product growth at 3.8 percent, and we are continuing to see more and more jobs created in this country.

Mr. Speaker, there are many other things that we can do to expand this very positive economic growth that we are enjoying today, and it is first to further cut taxes so that we can expand that growth and also to realize that a tariff is a tax, and if we can eliminate taxes by implementing the Central American Free Trade Agreement, we will open up new markets for U.S. goods and services. Let us recognize the growth that we have had and expand this by opening up new markets with passage of CAFTA.

QUESTIONING KARL ROVE'S CONTINUED EMPLOYMENT IN THE WHITE HOUSE

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute.)

Mr. GEORGE MILLER of California. Mr. Speaker, Americans must have thought that the world was turned upside down the other day when they turned on their TV in the morning and they saw former Speaker Newt Gingrich, who was convicted of lying to the

House of Representatives and fined $300,000, calling Joe Wilson, who President George Bush the first called a great patriot for standing up to Saddam Hussein; here was a convicted liar Newt Gingrich calling Joe Wilson a liar. Something is terribly wrong with that picture.

The question of Karl Rove's continuation in the White House is not a question just of a legal matter. It is of ethical and moral consequences. Does the President continue to rely on the advice and keep employed in the White House a man who sought to destroy the reputations and perhaps put in danger a CIA agent and her contacts and her fellow workers? Does the President continue to employ that person recognizing that that was done for the sole purposes of trying to get retribution because they provided the evidence that what the White House said about weapons of mass destruction was not accurate, it was not truthful, in fact, it turned out to be a lie?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 8 of rule XX, proceedings will resume on a motion to instruct conferees and three motions to suspend the rules previously postponed.

Votes will be taken in the following order:

Motion to instruct conferees on H.R. 6, by the yeas and nays;

H.R. 3100, by the yeas and nays;

H. Con. Res. 191, by the yeas and nays; and

House Resolution 356, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

MOTION TO INSTRUCT CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2005

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on H.R. 6.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentlewoman from California (Mrs. CAPPS) on which the yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 201, nays 217, not voting 16, as follows:

[Roll No. 373]

YEAS—201

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capuano
Cardoza
Carnahan
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Frelinghuysen
Gordon
Green (WI)
Grijalva
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kind
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NAYS—217

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Cramer
Crenshaw
Cuellar
Culberson
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schwarz (MI)
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (AK)

NOT VOTING—16

Capps
Cardin
Carson
Cubin
Cunningham
Gallegly
Gutierrez
Kilpatrick (MI)
McIntyre
Miller (FL)
Oberstar
Obey
Simmons
Strickland
Weiner
Young (FL)

□ 1057

Messrs. NORWOOD, McCRERY, REYNOLDS, BAKER, KINGSTON, SHAYS, OXLEY, SOUDER, and McHUGH, AND MRS. MYRICK and Mrs. NORTHUP changed their vote from ''yea'' to ''nay.''

Ms. SLAUGHTER and Mrs. KELLY changed their vote from ''nay'' to ''yea.''

So the motion was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would announce that the vote on H. Con. Res. 191 will be taken later today.

EAST ASIA SECURITY ACT OF 2005

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3100.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the bill, H.R. 3100, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 215, nays 203, not voting 15, as follows:

[Roll No. 374]

YEAS—215

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Bachus
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Berkley
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Bono
Boozman
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butterfield
Buyer
Cantor
Capito
Cardoza
Carnahan
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Cole (OK)
Conyers
Cooper
Costa
Cox
Crowley
Culberson
Cummings
Davis (AL)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Drake
Duncan
Edwards
Emerson
Engel
Evans
Farr
Fattah
Feeney
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Gerlach
Gillmor
Gingrey
Goode
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Higgins
Hinojosa
Holden
Hostettler
Hunter
Hyde
Inglis (SC)
Istook
Jackson-Lee (TX)
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
King (NY)
Knollenberg
Kucinich
Langevin
Lantos
Larson (CT)
Linder
Lowey
Lucas
Lungren, Daniel E.
Mack
Maloney
Markey
Matheson
Matsui
McCaul (TX)
McCotter
McHenry
McMorris
McNulty
Melancon
Michaud
Miller (MI)
Miller, Gary
Mollohan
Moore (WI)
Musgrave
Myrick
Nadler
Neal (MA)
Ney
Northup
Norwood
Osborne
Owens
Oxley
Pascrell
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Putnam
Radanovich
Ramstad
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanders
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Serrano
Shadegg
Shaw
Sherman
Sherwood
Smith (NJ)
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thompson (MS)
Tierney
Towns
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Weldon (FL)
Weldon (PA)
Wicker
Wilson (SC)
Wolf
Wu

NAYS—203

Baca
Baird
Baker
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berman
Berry
Biggert
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Boren
Boswell
Boucher
Boustany
Brady (TX)
Brown (SC)
Burgess
Calvert
Camp
Cannon
Capuano
Carter
Clay
Clyburn
Coble
Conaway
Costello
Cramer
Crenshaw
Cuellar
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Tom
Delahunt
Dicks
Dreier
Ehlers
Emanuel
English (PA)
Eshoo
Etheridge
Everett
Ferguson
Flake
Fossella
Frelinghuysen
Garrett (NJ)
Gibbons
Gilchrest
Gohmert
Gonzalez
Goodlatte
Gordon
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hensarling
Herseth
Hinchey
Hobson
Hoekstra
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Jenkins
Johnson (CT)
Jones (OH)
Kennedy (MN)
Kind
King (IA)
Kingston
Kirk
Kline
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lynch
Manzullo
Marchant
Marshall
McCarthy
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Napolitano
Neugebauer
Nunes
Nussle
Olver
Ortiz
Otter
Pallone
Pastor
Paul
Payne
Petri
Poe
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Saxton
Schakowsky
Scott (VA)
Sensenbrenner
Sessions
Shays
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Sodrel
Stark
Sullivan
Sweeney
Tancredo
Tauscher
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watt
Waxman
Weller
Westmoreland
Wexler
Whitfield
Wilson (NM)
Woolsey
Wynn
Young (AK)

NOT VOTING—15

Capps
Cardin
Carson
Cubin
Cunningham
Gallegly
Gutierrez
Kilpatrick (MI)
McIntyre
Miller (FL)
Oberstar
Obey
Simmons
Weiner
Young (FL)

□ 1122

Messrs. LAHOOD, EMANUEL, MCGOVERN, DELAHUNT, OLVER, POE, COSTELLO, SMITH of Washington, WELLER, THORNBERRY, BAIRD, BURGESS, HASTINGS of Florida, NEUGEBAUER, MARCHANT, GOHMERT, YOUNG of Alaska, LARSEN of Washington, KINGSTON, BRADY of Texas, GILCHREST, WEXLER, TANCREDO, CARTER, MEEK of Florida, WYNN, BASS, NUNES, JEFFERSON, MEEHAN, SHAYS, BOUCHER, CALVERT, GORDON, TURNER of Ohio, BOSWELL, KIND, SCOTT of Virginia, UDALL of Colorado, LYNCH, RANGEL, ISRAEL, KUHL of New York, LEVIN, DAVIS of Kentucky, COBLE, WESTMORELAND, MENENDEZ, HOLT, PALLONE, WAXMAN, MEEKS of New York, GOODLATTE, SKELTON, RUSH, DAVIS of Illinois, JACKSON of Illinois, Mrs. JOHNSON of Connecticut, Ms. SCHAKOWSKY, Ms. MILLENDER-McDONALD, Ms. PRYCE of Ohio, Ms. HARRIS, and Mrs. JONES of Ohio changed their vote from ''yea'' to ''nay.''

Miss MCMORRIS changed her vote from ''nay'' to ''yea.''

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

MOMENT OF SILENCE IN MEMORY OF VICTIMS OF TERRORIST ATTACKS IN LONDON, ENGLAND, ON JULY 7, 2005

The SPEAKER. Before voting on H. Res. 356, the resolution condemning the terrorist attacks in London, England, on July 7, 2005, the Chair asks Members to join with the leadership to stand and observe a moment of silence in memory of the victims of the London bombings and in support of the people of the United Kingdom.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

CONDEMNING THE TERRORIST ATTACKS IN LONDON, ENGLAND, ON JULY 7, 2005

The SPEAKER. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 356.

The Clerk read the title of the resolution.

The SPEAKER. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the resolution, H.R. 356, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 18, as follows:

[Roll No. 375]

YEAS—416

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)

Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—18

Abercrombie
Butterfield
Capps
Cardin
Carson
Cubin
Cunningham
Franks (AZ)
Gallegly
Kilpatrick (MI)
McIntyre
Miller (FL)
Mollohan
Oberstar
Obey
Pearce
Weiner
Young (FL)

□ 1132

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today, due to a serious delay in my flight. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 373, 374, and 375.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 2601, FOREIGN RELATIONS AUTHORIZATION ACT FOR FISCAL YEARS 2006 AND 2007

Mr. DREIER. Mr. Speaker, the Rules Committee may meet the week of July 18 to grant a rule which could limit the amendment process for floor consideration of H.R. 2601, the Foreign Relations Authorization Act for Fiscal Years 2006 and 2007. The Committee on International Relations ordered the bill reported on June 9, 2005, and filed its report in the House on July 13.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Rules Committee in room H–312 of the Capitol by 10 a.m. on Monday, July 18.

Members should draft their amendments to the text of the bill as reported by the International Relations Committee.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

APPOINTMENT OF CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2005

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the Chair appoints the following conferees:

From the Committee on Energy and Commerce, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. BARTON of Texas, HALL, BILIRAKIS, UPTON, STEARNS, GILLMOR, SHIMKUS, SHADEGG, PICKERING, BLUNT, BASS, DINGELL, WAXMAN, MARKEY, BOUCHER, STUPAK, WYNN, and Ms. SOLIS.

Provided that Mrs. CAPPS is appointed in lieu of Mr. WYNN for consideration of sections 1501–1506 of the House bill, and sections 221 and 223–225 of the Senate amendment, and modifications committed to conference.

From the Committee on Agriculture, for consideration of sections 332, 344, 346, 1701, 1806, 2008, 2019, 2024, 2029, and 2030 of the House bill, and sections 251–253, 264, 303, 319, 342, 343, 345, and 347 of the Senate amendment, and modifications committed to conference: Messrs. GOODLATTE, LUCAS, and PETERSON of Minnesota.

From the Committee on Armed Services, for consideration of sections 104, 231, 601–607, 609–612, and 661 of the House bill, and sections 104, 281, 601–607, 609, 610, 625, 741–743, 1005, and 1006 of the Senate amendment, and modifications committed to conference: Messrs. HUNTER, WELDON of Pennsylvania, and SKELTON.

From the Committee on Education and the Workforce, for consideration of sections 121, 632, 640, 2206, and 2209 of the House bill, and sections 625, 1103, 1104 and 1106 of the Senate amendment, and modifications committed to conference: Messrs. NORWOOD, SAM JOHNSON of Texas, and KIND.

From the Committee on Financial Services, for consideration of sections 141–149 of the House bill, and sections 161–164 and 505 of the Senate amendment, and modifications committed to conference: Mr. OXLEY, Mr. NEY, and Ms. WATERS.

From the Committee on Government Reform, for consideration of sections 102, 104, 105, 203, 205, 502, 624, 632, 701, 704, 1002, 1227, and 2304 of the House bill, and sections 102, 104, 105, 108, 203, 502, 625, 701–703, 723–725, 741–743, 939, and 1011 of the Senate amendment, and modifications committed to conference: Mr. TOM DAVIS of Virginia, Mr. ISSA, and Ms. WATSON.

From the Committee on the Judiciary, for consideration of sections 320, 377, 612, 625, 632, 663, 665, 1221, 1265, 1270, 1283, 1442, 1502, and 2208 of the House bill, and sections 137, 211, 328, 384, 389, 625, 1221, 1264, 1269, 1270, 1275, 1280, and 1402 of the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, CHABOT, and CONYERS.

From the Committee on Resources, for consideration of sections 204, 231, 330, 344, 346, 355, 358, 377, 379, title V, sections 969–976, 1701, 1702, title XVIII, sections 1902, 2001–2019, 2022–2031, 2033, 2041, 2042, 2051–2055, title XXI, title XXII, and title XXIV of the House bill, and sections 241–245, 252, 253, 261–270, 281, 311–317, 319–323, 326, 327, 342–346, 348, 371, 387, 391, 411–414, 416, and 501–506 of the Senate amendment, and modifications committed to conference: Mr. POMBO, Mrs. CUBIN, and Mr. RAHALL.

From the Committee on Rules, for consideration of section 713 of the Senate amendment, and modifications committed to conference: Mr. DREIER, Mr. LINCOLN DIAZ-BALART of Florida, and Ms. SLAUGHTER.

From the Committee on Science, for consideration of sections 108, 126, 205,

209, 302, 401–404, 411, 416, 441, 601–607, 609–612, 631, 651, 652, 661, 711, 712, 721–724, 731, 741–744, 751, 754, 757, 759, 801–811, title IX, sections 1002, 1225–1227, 1451, 1452, 1701, 1820, and title XXIV of the House bill, and sections 125, 126, 142, 212, 230–232, 251–253, 302, 318, 327, 346, 401–407, 415, 503, 601–607, 609, 610, 624, 631–635, 706, 721, 722, 725, 731, 734, 751, 752, 757, 801, title IX, title X, sections 1102, 1103, 1105, 1106, 1224, title XIV, sections 1601, 1602, and 1611 of the Senate amendment, and modifications committed to conference: Mr. BOEHLERT, Mrs. BIGGERT, and Mr. GORDON.

Provided that Mr. COSTELLO is appointed in lieu of Mr. GORDON for consideration of sections 401–404, 411, 416 and 441 of the House bill, and sections 401–407 and 415 of the Senate amendment, and modifications committed to conference.

From the Committee on Transportation and Infrastructure, for consideration of sections 101–103, 105, 108, 109, 137, 205, 208, 231, 241, 242, 320, 328–330, 377, 379, 721–724, 741–744, 751, 755, 756, 758, 811, 1211, 1221, 1231, 1234, 1236, 1241, 1281–1283, 1285, 1295, 1442, 1446, 2008, 2010, 2026, 2029, 2030, 2207, and 2210 of the House bill, and sections 101–103, 105, 107, 108, 281, 325, 344, 345, 383, 731–733, 752, 1211, 1221, 1231, 1233, 1235, 1261, 1263, 1266, and 1291 of the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, PETRI, and OBERSTAR.

From the Committee on Ways and Means, for consideration of title XIII of the House bill, and sections 135, 405, title XV, and section 1611 of the Senate amendment, and modifications committed to conference: Messrs. THOMAS, CAMP, and RANGEL.

There was no objection.

MESSAGE FROM THE SENATE

The SPEAKER pro tempore laid before the House the following privileged message from the Senate:

In the Senate of the United States, July 11, 2005.

Ordered, That the Secretary of the Senate be directed to request the House of Representatives to return to the Senate the bill (H.R. 2985) entitled ''An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes.'', to make technical corrections in the engrossment of the Senate amendment.

Attest: Emily J. Reynolds, Secretary.

The SPEAKER pro tempore. Without objection, the request of the Senate is agreed to, and H.R. 2985 will be returned to the Senate.

There was no objection.

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 2864.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

□ 1145

WATER RESOURCES DEVELOPMENT ACT OF 2005

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 346 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2864.

□ 1145

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2864) 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, with Mr. BONILLA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Transportation and Infrastructure.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong support of this legislation. I want to thank the gentleman from Tennessee (Mr. DUNCAN) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for their hard work.

This is a bill that has been from very bipartisan work together, which made it, in fact, a great bill.

And I urge everybody to vote against the Flake amendment. Keep that in mind. The Flake amendment is not a good amendment for this bill. If we want to relieve our congestion on our highways, we have to use our waterways.

Mr. DUNCAN. Mr. Chairman, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield myself such time as I may consume.

First, let me thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR), our chairman and ranking member, and the chair of the subcommittee for their leadership. I am delighted to acknowledge that this committee works bipartisanly.

Today, we consider the Water Resources Development Act of 2005. And this bill addresses what the Congress failed to do for the past 5 years, to enact a Water Resources Development Act.

I support biennial legislation for the Corps water resources program. It is critical to maintain a 2-year cycle to provide continuity to the program and certainly to the nonfederal sponsors who support the Corps projects.

A biennial cycle also affords Congress the opportunity to monitor and, if necessary, amend the workings of the Corps program, often in response to changing circumstances.

H.R. 2864 authorizes projects for the entirety of the Corps civil works program. It includes major flood control, navigation, environmental restoration, and other water resources projects. This legislation represents roughly 5½ years of project requests and modifications, as well as oversight over how the Corps of Engineers carries out its business.

As in the past, projects included in this bill were included not on the basis of whether they were Democratic projects or Republican projects but on their individual merit. And this is as it should be.

Many of these projects provide vital public safety and economic benefits to our constituents. Their approval should not be withheld solely for partisan reasons. Again, I thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Tennessee (Mr. DUNCAN), the chairman of the subcommittee, for working with me and with individual Members on both sides of the aisle to accommodate their requests for this important legislation. All of us know that the more we delay projects like this, the more costly they become and sometimes the conditions worsen.

I also acknowledge our leadership of the gentleman from Minnesota (Mr. OBERSTAR), our ranking member, who cannot be here because he is attending the funeral of his mother-in-law, but he certainly has interest and a great deal of expertise in water resources issues.

I strongly support this legislation and recommend that my colleagues vote in favor of final passage.

Mr. Chairman, I reserve the balance of my time.

Mr. DUNCAN. Mr. Chairman, I yield myself such time as I may consume.

I rise to urge all Members to support H.R. 2864, the Water Resources Development Act of 2005. I want to first acknowledge the great assistance, the hard work, and especially the bipartisan nature of all the efforts of the staff on both sides and the gentleman from Alaska (Chairman YOUNG), our great chairman; the gentleman from Minnesota (Mr. OBERSTAR), our ranking member, who has worked on this committee as a staff member and as a member since being elected to the House and has seniority over all of us on that; and my close friendship and good working relationship with the gentlewoman from Texas (Ms. EDDIE

BERNICE JOHNSON), my ranking member. And I want to acknowledge also the hard work done by the gentleman from Illinois (Mr. COSTELLO), the former ranking member, with whom we worked out so many contentious issues the first time this bill came up.

The bill authorizes and directs the Corps to carry out various studies, projects, and programs relating to navigation, flood damage reduction, shoreline protection, dam safety, water supply, recreation, and environmental restoration and protection. H.R. 2864 is very similar to H.R. 2557 from the last Congress, which passed this House on September 24, 2003, by a vote of 412 to 8.

At the beginning of this Congress, the Committee on Transportation and Infrastructure leadership sent a Dear Colleague to all House Members to give them an opportunity to update their project requests. In response, the committee received more than 340 letters from Members making requests for more than 1,000 projects, studies and modifications. Given budgetary constraints, we could not accommodate every request. However, we were able to address over 600 separate matters.

The bill also includes provisions that reform the planning and project development process of the Corps of Engineers, including the most extensive independent peer review process ever set forth in one of these water resources bills or any other bill. These provisions were worked out in a bipartisan manner in the Committee on Transportation and Infrastructure last Congress and were in the WRDA bill that the House approved overwhelmingly at that time.

We stand by the agreement that we made during the last Congress and have made only a few clarifying changes to these policy provisions. As a result, the main difference between H.R. 2864 and the bill from the last Congress is the addition of three large projects that were not ready for authorization during the last Congress but have now completed chief's reports from the Corps of Engineers. These projects are the Indian River Lagoon Everglades Restoration project, the Louisiana Coastal Area Ecosystem Restoration program, and the Upper Mississippi River and Illinois Waterway Navigation and Ecosystem Restoration program. Together, these projects represent $5 billion in federal authorization or about half the cost of this bill. We knew these chief's reports were coming, so, in the last Congress, the Water Resources and Environment Subcommittee held separate hearings on each. Later there will be debate on part of the Upper Mississippi River and Illinois Waterway chief's report, the authorization of the seven new locks there. This is a $1.8 billion authorization, but one half of that funding comes from the Inland Waterway Trust Fund, which is funded by a 20 cents per gallon tax on inland waterway fuel.

These lock authorizations are the number one priority of the Inland Waterway Users Board, the board representing the people who pay into the inland Waterway Trust Fund. It is important to understand that the Upper Mississippi River and Illinois Waterway Navigation Authorization is not the most costly Corps project. The authorization of $1.8 billion is for seven different locks; so the per-project cost is really on average $257 million.

At the subcommittee hearing on the Upper Mississippi River and Illinois Waterway project, the subcommittee received very strong testimony in support of this project from the Department of Agriculture, the Department of Transportation, and the Department of the Interior and the Environmental Protection Agency. All of the civil works projects in this bill, all of them, Mr. Chairman, are investments in America that save capital, make our exports more competitive, make our imports more affordable, and improve our environment and our quality of life.

Over 200 organizations have sent us letters supporting this legislation, including the U.S. Chamber of Commerce, who has stated that they will make this one of their key votes of the year; the American Farm Bureau; the American Association of Port Authorities; the American Society of Civil Engineers; the Associated General Contractors of America; the National Association of Flood and Stormwater Management Agencies; the National Corn Growers Association; the National Association of Wheat Growers; the National Council of Farmer Cooperatives; the National Mining Association; the National Stone, Sand and Gravel Association; the Portland Cement Association; seven different national labor unions. In fact, I do not believe that we will deal with any bill in the Congress this year that has more bipartisan and broad support from both labor and business than this legislation, and over 180 other organizations that would be too numerous to name, and it would take too much time.

Finally, Mr. Chairman, I want to recognize again the expertise and friendship provided by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the ranking member of the subcommittee. It is an honor and privilege to work with her and also the gentleman from Alaska (Chairman YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR), ranking member, and the entire committee. We have a bill that has the unanimous support of the Committee on Transportation and Infrastructure.

Mr. Chairman, it is a good bill, and I urge all Members to support it.

Mr. Chairman, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I would also like to thank the gentleman from Alaska (Mr. YOUNG), chairman of the full committee; the gentleman from Minnesota (Mr. OBERSTAR); the gentleman from Tennessee (Mr. DUNCAN), the chairman of the subcommittee, for all of his hard work; and of course the work of the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), our ranking member on the subcommittee, for a job well done for bringing this legislation to the floor today. Without their strong leadership, dedication and persistence, we would not have a bill before us to consider.

H.R. 2864 authorizes projects for major flood control, navigation, environmental restoration, and other water resource projects, as well as it includes authorization of several important projects to restore and enhance the Nation's environmental infrastructure.

The United States transportation system is the envy of the world. We have an extensive system of highways, ports, locks and dams, and airports. Yet we have neglected to upgrade and modernize our infrastructure over the years. We should not build infrastructure in this country and then walk away from it without maintaining it and modernizing it as it becomes antiquated like we have done with the Upper Mississippi River and the Illinois Waterways lock and dam system.

This bill, after 15 years of talking and inaction, finally authorizes the modernization of the Upper Mississippi and Illinois Waterway system. The bill authorizes the replacement of 600-foot navigation locks with seven new 1,200-foot locks. In addition, the bill authorizes the largest environmental restoration program, next to the Florida Everglades, to ensure that the project goes forward respecting the environment and minimizing any adverse impact.

At a time when other countries are investing and improving their navigation systems, we are still operating a lock and dam system that is well over a half century old, built to handle 600-foot barges, not the 1,200-foot barges of today, and a system that exceeded its life expectancy over 20 years ago and is very expensive to maintain and repair. Our current system loses about 10 percent of its capacity every year due to system failures and breakdowns.

The gentleman from Oregon (Mr. BLUMENAUER) and the gentleman from Arizona (Mr. FLAKE), my friends, have offered an amendment that I urge all of my colleagues to oppose. In my opinion, if this amendment is adopted, it will further delay and most likely kill the modernization project. They raise questions about the need for the project and have concerns about the environment. They believe that, with the increased use of ethanol here in the United States, that traffic will decrease in the coming years on the Mississippi River and the Illinois waterways. On the question of the need to modernize for the future of the system, some studies have said that major increases in traffic will take place. Others have indicated that the demand

will decrease. It depends on which study we look at and read and which study we want to believe.

What we do know for certain is that other countries are investing in modernizing their navigation system and our system on the Upper Mississippi and the Illinois waterway system outlived its life expectancy over 20 years ago. The system cannot handle today's traffic in an efficient and cost-effective manner, and it is costing taxpayers tens of millions of dollars to patch it together, let alone the cost in time and money.

On the issue of ethanol, I agree with my friends that there will be an increase in the production of ethanol and more of a demand here at home.

□ 1200

Let me also say that increase in demand here at home will require that we transport both grain and DDGS both in the United States and abroad. Already, in the first quarter of this year, we have seen an 11 percent increase in DDGS shipped to other countries using ethanol through the New Orleans Port.

Lastly, the environment. I am as concerned about the environment as anyone. I would not support the modernization of the Upper Mississippi without the safeguards in this bill that respect the environment. This project will have the second largest environmental restoration program in the Nation.

Finally, we do not need another study. We do not need further delays. We need to move forward with the project to modernize the navigation system, while providing congressional oversight in making certain that the environmental restoration protections are implemented.

The gentleman from Tennessee (Chairman DUNCAN) has indicated that this bill probably has more support from the business community and labor unions than any bill that we will consider this year.

Mr. DUNCAN. Mr. Chairman, at this time I yield 1 minute to the gentleman from California (Mr. GARY G. MILLER), a member of the committee.

(Mr. GARY G. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GARY G. MILLER of California. Mr. Chairman, I rise today in support of H.R. 2864, the Water Resources Development Act of 2005. This important legislation is long overdue in addressing the needs of our Nation's water resources infrastructure. I commend the gentleman from Alaska (Chairman YOUNG) and the gentleman from Tennessee (Chairman DUNCAN) for their hard work and dedication in drafting a water infrastructure policy that sets our Nation on the course to an economically and environmentally sustainable future.

The dependability of our Nation's water infrastructure could not be more vital to the health, safety, and overall quality of life of every American. As a Representative from Southern California, where we face significant water supply challenges, a safe and reliable water supply infrastructure system is particularly important to me.

The work to implement needed flood control measures is critical to preventing loss of life and property to our Nation's communities. This bill is critical to accommodating the many more flood control projects awaiting authorization. In addition, this bill streamlines the feasibility study process and enforces policies that are based on sound science.

The enactment of this bill is of critical importance to the Nation's environmental and economic well-being. For every $1 billion spent on water resources development activities, approximately 40,000 jobs are created. In addition, an estimated $706 billion in damages has been prevented through flood reduction projects, representing a 6-to-1 return on investment.

Congress must commit to infrastructure investments now to leave behind a legacy of economic security and opportunity for future generations.

This bill provides a Federal commitment to such infrastructure investments, leaving behind a legacy of safe and reliable water infrastructure systems.

I urge my colleagues to vote for this important bill to ensure our Nation has an economically and environmentally sound water resources infrastructure.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for her leadership and the gentleman from Tennessee (Mr. DUNCAN), the gentleman from Alaska (Mr. YOUNG), and the gentleman from Minnesota (Mr. OBERSTAR). I also want to thank the staff on both sides, but the staff on our side has kept us well informed of the progress of the bill, worked with us on the projects that we needed; and I greatly appreciate the work that they have all done on this.

I support the underlying bill. I am looking forward to the manager's amendment from the gentleman from Alaska (Mr. YOUNG). Many of us throughout the Nation have projects in here. I just want to stress a couple that are important to my own constituents in Imperial and San Diego counties in California.

The New River in my district starts in Mexico, flows into the Salton Sea, one of the biggest bodies of water in the United States which I share with the gentlewoman from California (Mrs. BONO). This river, the New River, has been described as the world's most polluted river. Due to grossly inadequate sewage treatment and solid waste facilities in Mexico, raw sewage, industrial waste, and garbage, up to 50 million gallons a day, are constantly released into the New River.

It violates every water quality standard we have. Plants and animals cannot survive in the New River, and it threatens the health and safety of the residents of my district. It also runs through the Imperial County farmlands that supply many of our Nation's winter crops. By supplying the funds to treat and clean up this river in this bill, we are assuring the health and well-being of the food that we feed to the children of our Nation.

The New River also runs through the city of Brawley, California, which has its own water quality problems. The city's proximity to the United States-Mexico border makes both their air and water vulnerable to pollution that comes up from Mexico. This legislation will provide funds to the Brawley area to improve the conditions in their water.

Finally, WRDA provides the appropriate funding level to San Diego County for the removal of non-native exotic species from the drinking water in the Sweetwater Reservoir. My constituents, like everyone throughout the country, deserve clean water. This legislation provides them with the resources to make this a reality.

As our speakers have said, this is a bipartisan, well-written bill which will not only help in creating jobs across the Nation, but will help provide safe and clean water for our future. So please join me in supporting this bill and the manager's amendment. We are truly voting to ensure America's future.

Mr. DUNCAN. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MACK), an outstanding member of our committee.

Mr. MACK. Mr. Chairman, I rise today to express my strong support for the Water Resources Development Act of 2005, also known as WRDA. This important legislation affirms our continuing commitment to our Nation's water resources infrastructure and will help protect and preserve our Nation's freedom, security, and prosperity.

Today's WRDA bill includes several projects that are significant for southwest Florida. Before I highlight one of those projects, I would like to thank our colleague and my subcommittee chairman, the gentleman from Tennessee (Mr. DUNCAN), for his partnership and leadership in his efforts to produce a WRDA bill that addresses the needs of our Nation. I also want to thank the subcommittee staff for all of their hard work in getting this critical legislation to the floor.

Mr. Chairman, the Water Resources Development Act is important legislation that sets forth a comprehensive national water resources policy, together with authorization of civil works projects that are investments in America. It will improve our transportation infrastructure, bolster our environment, and enhance our quality of life.

This legislation is vitally important to Florida. In particular, this bill will support restoration of the Everglades, one of our Nation's most precious ecosystems. South Florida, which includes

my district, is home to millions of Americans, several of the fastest-growing cities in the country, and a huge tourism industry, and also contains one of the most unique environmental resources in the country.

Over the past century, manmade changes to the region's water flow have provided important economic benefits to the region, but have also had devastating effects on the environment. The Federal Government and the State of Florida have begun a long-term partnership to restore the ecosystem and preserve it for future generations.

Make no mistake: environmental restoration projects like these improve water quality and habitats, benefit our people and wildlife. The actions we are considering today will support this continued partnership.

Mr. Chairman, the Water Resources Development Act of 2005 is good for my district in southwest Florida, it is good for the State of Florida, and it is good for the Nation. I encourage my colleagues to vote for this critical legislation.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Texas (Mr. GENE GREEN).

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Chairman, I will submit my statement for the RECORD in support of this legislation and in support of the Halls Bayou Federal Flood Control Project in Houston, Texas.

Mr. Chairman, I want to congratulate the Subcommittee on Water Resources and the full Transportation and Infrastructure Committee for reporting out the Water Resources Development Act, WRDA, of 2005. I appreciate your inclusion of our language for the Halls Bayou Federal Flood Control Project in Houston, Texas.

Historic flooding along Halls Bayou has been severe and frequent in some neighborhoods. During Tropical Storm Allison in June 2001, Halls Bayou was hit very hard, with more than 8,000 homes flooding within the watershed. No project can keep all homes from flooding, but a project can help reduce the risk of flooding for a significant number of families, reducing the need for Federal assistance, property damage, and loss of life.

The purpose of section 5128 of this legislation which pertains to Halls Bayou is to allow the Harris County Flood Control District, HCFCD, to conduct the GRR and any subsequent Federal interest project on Halls Bayou. The Corps is limited in its staff, resources, and time with the many projects in the Galveston District and the Southwest Division. Local project sponsors with the necessary expertise, like Harris County, can provide efficiency by becoming more involved.

Halls Bayou, a major tributary of Greens Bayou, was authorized in WRDA 1990 as part of the Buffalo Bayou and Tributaries Project. The original Halls Bayou authorization assumed the Greens Bayou project in place, which is now finishing a General Reevaluation Review, GRR. Results indicate that the work on Greens Bayou downstream of Halls Bayou will not have Federal work although it will have significant local projects. Therefore, a GRR is now needed for Halls Bayou as well.

While conducting the GRR to find a possible Federal interest, Harris County can begin project implementation in order to reduce future flood damage as soon as possible. Adding Halls Bayou to section 211(f) allows Harris County to be reimbursed if the project is later approved by the Secretary. I thank the Subcommittee and full Committee for their work on this issue.

I support the bill and the balance that it strikes between the need to improve water resources for human purposes and to preserve our water uses for the environment and future generations.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentlewoman's courtesy in permitting me to speak on this legislation.

Mr. Chairman, this Water Resources Development Act is an important start to change the way that we do business. I salute the hard work from our chairman, the gentleman from Alaska (Mr. YOUNG); the gentleman from Minnesota (Ranking Member OBERSTAR); the gentlewoman from Texas (Ranking Member EDDIE BERNICE JOHNSON); and a special note of thanks to the vision and hard work of my friend, the gentleman from Tennessee (Mr. DUNCAN), to move forward with ways that we ought to be dealing with water resources.

Usually, in the past, Congress has produced just a collection of projects and, too often in the past, things that make the Corps of Engineers' job harder: Too little money to deal with a huge backlog that contains the good, the bad, the ugly, and the obsolete. We make the job of the Corps of Engineers even harder, since they are operating under outdated principles and guidelines that have not been updated since 1983. You would not go to a heart surgeon or a brain surgeon under that circumstance. The Corps of Engineers is facing an almost $60 billion backlog, and only $2 billion a year of construction money for these critical projects, and this makes it intensely political.

Well, this brings me to the dinosaur of the navigation projects that is in this bill which has been referenced by my good friend, the gentleman from Illinois (Mr. COSTELLO). The Upper Mississippi Lock Project is going to be the most expensive navigation project in history. Where I must take modest exception to my friend, the gentleman from Illinois, we are not walking away. We have not walked away. He would not let us walk away from the problems of Mississippi navigation.

In fact, I think we have an $88 million renovation project that is occurring right now immediately adjacent to where there is going to be a massive new lock built. We have invested appropriately almost $1 billion, almost $1 billion in the last 25 years. So, any hint that we have walked away or that we do not care about the Mississippi sysem is wrong. Congress has proven that it does care, and it has invested. Have we invested everything that one would want in all of these locks? Look at your district and see if Congress has ever invested everything that you want and need. But given a $60 billion backlog, we have done a pretty good job dealing with this channel.

Now, I deeply, deeply respect the work the gentleman from Illinois (Mr. COSTELLO) has done in the past. I do not know who is opposing this project on environmental grounds. Those words have not come from my mouth. I appreciate the hard work that the gentleman did earlier, I think that this is very important environmental restoration work, and it is work that is long overdue. We have treated the Mississippi River as a machine for well over a century; and the wildlife, the people who depend on it for recreation, for the environmental health, they need these environmental investments, they deserve it, and I hope it happens. But I think what we need to be focusing on is how we are going to deal with this massive project.

Now, I am not here today to say that it should be eliminated. I again take modest exception to the notion that you must pick studies, dueling studies. The independent studies from the National Academy of Science time and time and time again have documented that the economic justification is not there. In fact, we had the Inspector General find that the corps, under intense political pressure, cooked the books, two generals and a colonel lost their job. It was a scandal, and a whistleblower had to get protection because he was going to be fired for just telling the truth.

Well, what we have offered as an amendment is a safety valve that if the experts, the independent experts are wrong and barge traffic is going to go up, not decline, then the project goes ahead, because the corps cannot build this project for another 4 or 5 years anyway. It goes ahead, and we continue spending lots of money renovating the existing locks. But our amendment is a safety valve and a reality check.

Now, I think this bill is a good start. I hope our amendment is approved, because there is an effort here to accelerate the good work that the committee, past and present, has done. We are going to strongly urge that we make the transition to make sure that given the troubled history of this project, given the fact that it will impact every district across the country competing for scarce resources, we ought to have this safety valve and reality check.

I strongly urge approval of the bill and approval of the Flake-Blumenauer amendment at the appropriate time.

Mr. Chairman, I appreciate the opportunity to share my admiration for the good work of the subcommittee. I have enjoyed my service, and I look

forward to working as it moves forward through the legislative process.

Mr. DUNCAN. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY), a strong proponent of the Everglades portion of this legislation.

Mr. FOLEY. Mr. Chairman, let me thank the gentleman from Tennessee (Chairman DUNCAN) and the gentleman from Illinois (Mr. COSTELLO) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for all of their work in helping us improve the quality of life in Florida.

This provision in this bill is critically needed for the State of Florida and for our national treasure, the Everglades. It is being polluted. It is being destroyed. And much like a patient, it is waiting for emergency surgery. This bill finally allocates, after many years of attempts, to fund the necessary reconstruction and replumbing of Florida's Everglades, specifically, the Indian River Lagoon, which is a project of massive proportion that is important to the restoration of the Everglades and cleaning up our tributaries, our lagoons, and our estuaries.

□ 1215

I want to thank our local and State and Federal parties who have worked tirelessly to ensure this plan would be included in the bill. My constituents in Martin County have come on repeated occasions to our Nation's Capital at their own expense, to plead for funding for this important Indian River Lagoon Project. They have organized rallies. They have written letters. And they have passed on themselves a half-penny sales tax to show their commitment is not only through deeds but through fiscal actions.

So they have taken it upon themselves to assist in raising the necessary moneys to complete this project. I want to thank the U.S. Army Corps of Engineers, the Jacksonville District, who worked tirelessly with our State partner, the South Florida Water Management District, Governor Bush and the cabinet have worked and have weighed in on this issue, and I have to thank the White House as well for paving the way to make this very, very important financial commitment to the restoration of America's treasured Everglades.

The committee has listened to me many, many years pleading for this project to be included. I thank them for listening. Time now is for action, for not only the House to pass WRDA, to include the Indian River Lagoon, but for the Senate to act accordingly and bring this to fruition. I thank all parties involved, and I hope we have a very strong vote in support.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 2½ minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentlewoman for yielding me the time. I thank her for her very hard and thoughtful work on this bill.

I thank the gentleman from Tennessee, (Chairman DUNCAN) as well. I appreciated the hearings you had trying to press us really to new plateaus on water projects. I am grateful for the inclusion in the manager's amendment of an amendment that would require the Secretary to coordinate with the governor, the mayors, for a 10-year plan for restoration of the Anacostia River which flows within sight of the Congress. In many ways, it is the Congressional River, not only because it is so near, but because if you will forgive me, when Congressional toilets flush on a rainy day, the waste from the Anacostia, the waste goes into the Anacostia River and finds its way all of the way down to the Chesapeake Bay, one of the great wonders of the United States.

This is about more than beauty, however; it is about health and the ecologically integrity of the waterways of this entire region. The Federal Government is a major offender. One-third of the sewer system here serves the Federal presence. The Federal Government is a rate payer; it would not be a rate payer, of course, if it was not strongly and significantly involved. The Federal Government built the sewer system here 100 years ago. The Corps of Engineers still runs it.

But the Federal Government is not a major contributor to the billion dollar combined sewer overflow problem, much of it of its own Federal making.

There are many projects in this bill. We do have $55 million in this bill, for which I am very grateful, but historically, if you look over the last 20 years, there have been projects, large amounts of money to jurisdictions and projects which have absolutely no relationship to the Federal sector.

Here we have the Federal sector deeply involved, a billion-dollar problem, and we have yet to really get to the bottom of it.

I want to particularly thank you for the way in which the Chairman and the ranking member have understood this problem, and for the ways they have made us understand that part of the problem is a larger one, our approach to water rehabilitation, which is starkly different from the way we understand we have to rehabilitate roads. We cannot see what is happening in our water structures. We can see what is happening on our roads. It is time we saw what is happening to our health when we do not deal with our waterways in the same way.

Mr. DUNCAN. Mr. Chairman I yield 1 minute at this time to the gentlewoman from Missouri (Mrs. EMERSON.)

Mrs. EMERSON. Mr. Chairman, you will hear today and you have heard today that modernizing our locks and dams on the Mississippi River is a financial boondoggle. Nothing could be farther from the truth.

And economically, waterway transportation is the most efficient mode of transporting commercial freight. Our fleet today carries 800 tons of raw materials and finished goods each year, and it adds $5 billion to the United States' economy.

A typical inland barge holds a capacity of 15 tons greater than one rail car, and 60 times greater than one semi-trailer truck. Waterway transportation is also the most environmentally friendly mode of commercial transportation.

I would like to remind my colleagues from Oregon and Arizona that modernization of the Ohio River navigation system has been ongoing for more than 40 years, and updated to current value, investments to restore that navigation system would far surpass the cost of improvements on the Upper Mississippi and Illinois waterways.

You know, we ship millions of tons of agricultural commodities—oil, gas, chemicals, fertilizers, hazardous materials—up and down the Mississippi River because it is safer, and it is less costly. For this reason, we must continue the modernization process and defeat Flake-Blumenauer when it comes up later today.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ.)

Ms. SCHWARTZ of Pennsylvania. Mr. Chairman, I rise today in support of the Water Resources Development Act. I want to acknowledge the wonderful work, important work of the chairman and ranking member for their efforts and the gentleman from Alaska (Chairman YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) for their leadership in bringing this much needed bill to the floor today.

It has been 5 years since Congress has passed a water resources bill, legislation that is significant in recognizing the Federal Government's commitment to improving the navigational safety of our waterways and upgrading our local water infrastructure.

My colleagues, we cannot take the safety and security of our water for granted. Many of the sewer and drinking water pipes in our Nation today were installed 50 to 100 years ago. Those pipes are showing their age, leaking, cracking, breaking. By passing this legislation, we reaffirm Congress's commitment to providing clean and safe water in communities across the Nation.

The bill also contains an important provision that compliments the—recently passed in the House—bill, called the Delaware River Protection Act, legislation crafted by the gentleman from New Jersey (Mr. LOBIONDO), the gentleman from New Jersey (Mr. SAXTON), the gentleman from New Jersey (Mr. ANDREWS), the gentleman from Delaware (Mr. CASTLE) and myself, to respond to the November 2004 oil spill that occurred alongside our districts in the Port of Philadelphia.

The oil spill struck at the heart of our region, dumping 265,000 gallons of oil in the Delaware River. Its effect was devastating, temporarily shutting

down a nuclear power plant, impeding trade, injuring, killing wildlife and putting the area's drinking water at risk.

The Delaware River Protection Act will bolster our ability to better provide for the environmental integrity and economic vitality of the Delaware River and the greater Philadelphia area.

Additionally, today's legislation gives the Army Corps of Engineers the authority to remove debris from the riverbed of the Delaware River, an authority we need to keep the river safe for navigation and to prevent a similar incident in the future.

Mr. Chairman, I urge my colleagues to vote yes on this bill. It is time to let our local and State officials know that we will continue working with them to maintain our water infrastructure, something that is so important to protecting Americans' health.

Mr. DUNCAN. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. UPTON) for the purpose of making a brief statement and entering into a colloquy.

Mr. UPTON. Mr. Chairman, I want to thank the committee on both sides of the aisle, particularly all of the parties. I just want to explain, when I was in Michigan this last week, over the July 4th recess, I met with my Corps of Engineers as it related to the harbor in St. Joe and Benton Harbor.

They asked that we take steps necessary to lower the depth of the harbor from 21 feet to 23 feet, which would be consistent with the other harbors along Lake Michigan, Holland, as well as Muskegon and Traverse City.

I realize that it is too late now, as the rule has been pending, to offer that as an amendment. And I would just like to receive an assurance from both sides that we will work together in conference to include the appropriate language, so that, at the end of the day, in fact, that we will be able to see this harbor dredged, obviously with the correct appropriation from the proper subcommittee.

Mr. DUNCAN. Mr. Chairman, will the gentleman yield?

Mr. UPTON. I yield to the gentleman from Tennessee.

Mr. DUNCAN. I thank the gentleman for yielding. It is my understanding that this is a very fine project that the gentleman has endorsed and is strongly proposing here, and we will be glad to work with the gentleman in every way to assure that this ends up in the legislation.

Mr. UPTON. Thank you.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I want to say that I agree to work with this change in conference.

Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. SALAZAR.)

Mr. SALAZAR. Mr. Chairman, I would like to thank the gentlewoman from Texas for yielding me this time to speak on this important bill.

I rise today to express my strong support for the Water Resource Development Act of 2005. As a new Member of Congress, I am also proud to be on a part of the committee that works in such a bipartisan way. I would like to recognize the gentleman from Alaska (Chairman YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) the ranking member as well as the gentleman from Tennessee (Chairman DUNCAN) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for their strong leadership.

Today, each Member will have an opportunity to vote for a bill that is about investing in America. It is about investing in our infrastructure. And to me, it is about addressing rural Colorado's water resources needs.

WRDA will authorize new projects for the Corps of Engineers, including certain environmental restoration projects in our rivers and our lakes. I am pleased that WRDA contains two projects that are critical to water resources in my district out in Colorado.

The first project is out in the eastern part of my district and provides for water transmission infrastructure in Pueblo and Otero Counties for safe drinking water.

The second will help the water and wastewater related infrastructure for the Ute Mountain Ute Tribe in southeastern Colorado. Like many areas, the needs of the Third Congressional District and the county resources are stretched thin. But assistance from the Army Corps will go far.

I thank the leadership for the support of these projects. Water is the lifeblood of rural Colorado. After 5 years of delay, Congress should move quickly and put WRDA on the President's desk for signature. I urge my colleagues to vote yes for WRDA.

Mr. DUNCAN. Mr. Chairman, I yield 1 minute to a member of the committee, the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I thank my colleague, the gentleman from Tennessee (Mr. DUNCAN), the chairman. I thank him for the work that he has done on this bill, and managing this bill on the floor today.

Later on today, there will be an amendment coming forward that is being sponsored by my colleague, the gentleman from Michigan (Mr. STUPAK) any myself.

And what this amendment will do is it will ensure that the Corps of Engineers uses the criteria that it used in 2004 for the projects in the harbors that will be dredged under this bill. It is important to my district.

I represent a district with over 200 miles of Lake Michigan shoreline, and a number of different harbors, and the Corps of Engineers had proposed a criteria that would have meant that a number of my harbors would no longer have qualified for dredging.

Well, when you are along the shores of Lake Michigan, you begin to realize that, for many of these communities, both from an economic development, both recreational and commercial, the harbor is the lifeblood to these communities.

When this amendment is brought forward, and it is going to be supported by the gentleman managing the bill, I thank him for his support. As that amendment becomes part of the bill, it will ensure that the harbors, these kinds of harbors will get the dredging that is necessary to keep them open.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. EVANS).

Mr. EVANS. Mr. Chairman, I rise today to express my support for H.R. 2864, particularly the provisions authorizing the projects in the Upper Mississippi River Basin.

As many of our colleagues know, the Corps began studying the locking needs on the river nearly 12 years ago. Those locks were designed a long time ago. They need to be modernized and improved sooner rather than later.

Farmers in Brazil, China and other competing countries have had the advantage of government investment in infrastructure to ship their goods. We must invest in expanding our locks so that our farmers can compete.

Additionally the bill addresses the ecosystem's needs for the areas of the river. The Corps projects will help restore the wildlife along the Mississippi. These resources put to improving the ecosystem are a necessary compliment to lock improvement.

Mr. Chairman, I urge my colleagues to support this improvement and support H.R. 2864.

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Mr. DUNCAN. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. LAHOOD), a former member of the committee.

(Mr. LAHOOD asked and was given permission to revise and extend his remarks.)

Mr. LAHOOD. Mr. Chairman, I thank the chairman very much for his leadership and certainly on the minority side, I thank them for their leadership over there to all the staff.

Mr. Chairman, I rise in support of this bill and certainly against the Flake amendment. But the important part of this bill, I think, for the country is we are going to fix the potholes in the river. That is what I call the locks and dams. They have not been touched for over 50 years. They need to be replaced. They need to be repaired. These are the pot holes; and if we have potholes in our roads, we fix them up. The potholes on the rivers are the locks and dams.

This bill provides the authorization that will allow the Committee on Appropriations to come up with the money to implement the plan that has been long overdue and long coming with the Corps of Engineers' $3.2 billion over 15 years that will help those who use the Illinois and Mississippi Rivers

to continue to have it be the navigable waterway that is so important for the transportation of the food and fiber that is used and produced all along those two waterways.

I encourage all to support the bill and to vote against the Flake amendment.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Chairman, I thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for yielding me time, and I appreciate the great job that she and the gentleman from Tennessee (Mr. DUNCAN) have done with this bill along with the gentleman from Alaska (Mr. YOUNG) and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR).

I rise in support of this bill and the good work it does with the environment and with environmental restoration, but I must speak against the Flake-Blumenauer amendment. I know that these gentlemen have good intentions and good will in their hearts, but I have to tell you that I think they are terribly misguided.

It is interesting to me that we have two folks opposed to something on the Mississippi River that live a thousand miles from there and live in States where they do not have any water. There are rivers in their States that are empty. They are just nothing but a hole in the ground. Those of us in the Mississippi River Valley understand what a critical, essential thing it is to our economy to have a navigable Mississippi River, and that is what we are talking about here is maintaining and improving the ability to have a superhighway into the international marketplace at a time when we are moving into a world economy for that part of the central United States.

It would be absolutely insane not to complete the restoration of the navigation capacity of the upper Mississippi River, and that is why you should oppose the Flake-Blumenauer amendment.

This is a good thing. It would make just as much sense for me to offer an amendment to do away with the maintenance on the interstate highways in the States of Arizona and Oregon. I would not do that. What we need to do is to expedite the repair and maintenance and restoration of the capacity to navigate the upper Mississippi River and the entire navigation system of this country. It is absolutely essential to our economic growth and our economic well-being in today's worldwide economy.

Mr. DUNCAN. Mr. Chairman, I yield 4 minutes to the very distinguished gentleman from Missouri (Mr. HULSHOF).

(Mr. HULSHOF asked and was given permission to revise and extend his remarks.)

Mr. HULSHOF. Mr. Chairman, I thank the gentleman for yielding me time. I rise to speak in favor of this long overdue Water Resources Development Act and to applaud the chairman and ranking member for bringing it to the floor, but specifically to speak strongly in opposition to the amendment offered by my colleagues, the gentleman from Arizona (Mr. FLAKE) and the gentleman from Oregon (Mr. BLUMENAUER).

I grew up in the shadow of the levees along the Mississippi River that protect the fertile farm land in southeast Missouri and delivered grain from our family's farm to barge terminals; and those extra cents per bushel have helped keep food on our table and keep that family farm within our family.

I am presently privileged to represent Missouri's ninth district which includes about 120 miles of the Mississippi, four of the locks in question, several important environmental projects, including mitigation and habitat restoration. Let me echo what the gentleman who just spoke, my friend from Arkansas, said, that it is a little bit frustrating for those of us who know and understand and appreciate the character and the many facets of the Mississippi River to deal with an amendment that has been offered by those whose personal knowledge of locks and dams is a seat on a plane 30,000 feet above these very structures which maintain the navigable waterway of the Mississippi River.

When the gentleman from Oregon (Mr. BLUMENAUER) was a signatory to a letter to the gentleman from Ohio (Chairman HOBSON) back in March of 2004 urging a line item appropriation to dredge the Columbia River channel from 40 to 43 feet, I did not object because the gentleman should know his own district and how it affects his infrastructure in his area.

Let me just address some of the concerns that have been raised by the gentleman from Oregon (Mr. BLUMENAUER). First of all, I have been hearing that this amendment by the gentleman from Arizona (Mr. FLAKE) and the gentleman from Oregon (Mr. BLUMENAUER) is a compromise.

The underlying bill is a compromise. There are 29 locks and dams on the upper Mississippi River. We are talking about modernizing five of those locks on the upper Mississippi along with two on the Illinois River.

We have heard the discussion about this being a costly boondoggle, that the cost-benefit analysis does not justify modernization of locks and dams. Here are some facts. First of all, I did not hear from the gentleman offering the amendment that we should have a cost-benefit analysis for the environmental restoration portion of the bill. Secondly, as the chairman pointed out in his opening remarks, $900 million, half of the cost of modernizing the locks and dams, is already being borne by the barge owners and operators with this 20-cent-per-fuel excise tax that is now going into the Inland Waterway Trust Fund.

What is interesting, Mr. Chairman, is the fact that 40 percent of the funds in that trust fund have been placed there by the upper Mississippi barge owners and operators, and yet only about 15 percent of the trust fund is used on projects that help those operators on the upper Mississippi.

It is not the first time those of us in the Midwest helped subsidize infrastructure across the country. Highway 89 that cuts through the gentleman from Arizona's (Mr. FLAKE) district, those of us in the Midwest helped subsidize the maintenance of that highway.

Just as the light rail project the gentleman from Oregon (Mr. BLUMENAUER) has pushed for, about 48 cents out of a dollar is borne by the passengers of the light rail system. We pick up the rest of the cost. I think that is appropriate just as the users of the upper Mississippi are paying for half the cost.

Let me say on the issue of traffic decreasing, because the gentleman talked about the $900 million that has been invested in modernization already. Even with those investments, these 1930s facilities, we are losing 10 percent a year and have for the last 10 years, 10 percent reliability. And so the fact is if a project is broken, it is time to fix it. You do not wait to see if it gets better.

Traffic has been increasing on the inland waterway system everywhere except in the upper Mississippi because of the declining condition of these locks and dams. It is time we modernize them.

I urge a vote for the water bill and a strong vote ''no'' against the Flake-Blumenauer amendment.

I thank the gentleman for bringing forth a WRDA bill that balances all needs. I also want to thank both Chairman YOUNG and Chairman DUNCAN for honoring my request and including the modernization of seven locks on the Upper Mississippi River and Illinois Waterway in this legislation.

I urge all members to support the modernization of these locks and oppose the Flake-Blumenauer amendment that would ensure that the Mississippi and Illinois Rivers remain gravel roads in a world filled with interstates.

No one would say that our Nation's trucks should transport materials on roads built in the 1930s. But we are forcing the barges on the Mississippi River to use locks built in that fargone era. Doing so limits our access to export markets and increases the load on our already over-burdened road and rail system.

Today we will hear supporters of this amendment say that river traffic has decreased; this is true but is very misleading. Barge traffic has decreased only in the section of river that contains these woefully outdated and undersized locks. When you look at stretches of the river that are unencumbered by 1930's technology, barge traffic is increasing.

Why? Because this section is plagued by delays and unscheduled maintenance closures, in fact, the capacity of the system is decreasing by 10 percent per year because of these closures. Thus, shippers are forced to stay away from this section of the river and

must use road or rail to transport their crops. Doing so increases transportation costs by almost 30 percent.

When something is broke you don't wait to see if it will get better on its own, you fix it before the problem gets worse. Yet Congressmen FLAKE and BLUMENAUER publicly say they want to wait and see if the situation improves. In reality they are using these costly lock delays and the shippers' regrettable but understandable lack of confidence in 1930's technology to achieve their goal of eliminating this project, saying, "If they come we might build it."

Additionally, the Flake-Blumenauer amendment contains no exceptions for droughts, floods or other factors outside of anyone's control that could impact the amount of cargo transported during their three-year window. Quite frankly, acts of God should not preclude us from helping farmers secure export markets.

Nor should we be forced to justify this project during a very small window of time; we need to look long term. The long-term effects of inaction more than justify the project. If we allow the delays at our outdated locks to continue, farmers will lose $562 million per year, the Nation would lose more than 20,000 jobs and our trade deficit will increase by $264 million. Moreover, corn exports will be decreased by 68 million bushels per year, soybean exports by 10 million per year, all before the year 2020.

And every day we delay is a day where more cargo is taken off of the river and put on trucks and rails. These are dangerous options for all Americans, dangerous to the driving public because every tow and barge that is taken off the river is replaced by 870 trucks on our highways, increasing the likelihood of accidents by 5,967 percent. And dangerous for the shipper because every barge is replaced by 225 rail cars that even the rail industry says it does not have, creating a situation where farmers will be able to grow crops and even sell crops but never be able to ship these crops.

If you support trade, providing farmers access to as many markets as possible and oppose adding 4 million semi trucks to our overcrowded roads, come join me and the American Farm Bureau, the Carpenters Union, the Illinois Chamber of Commerce, the National Corn Growers, and the American Soybean Association—to name a few—in our opposition to the Flake-Blumenauer Amendment.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. BOSWELL).

(Mr. BOSWELL asked and was given permission to revise and extend his remarks.)

Mr. BOSWELL. Mr. Chairman, I appreciate sharing with the committee I used to serve on.

As you know, Mr. Chairman, we just came from talking to Iowa corn growers a few minutes ago, and this is a terribly important thing to Iowa and many States which I will mention as we discuss this very important matter.

Today we have the opportunity to support and extend the vitality of the Nation's economy by supporting the upper Mississippi River locks and dams projects included in this bill.

The upper Mississippi River waterway system is in severe need of update and repair. Until these projects are completed, many of our farmer owners who ship out of Iowa, Illinois, Indiana, Wisconsin, Minnesota, North Dakota, South Dakota, Montana, Nebraska, Kansas, and Missouri will continue to experience costly delays and inefficient transportation.

This legislation is crucial to preserving U.S. agricultural competitiveness in markets worldwide.

Last year we saw an emergency closure of Lock & Dam 27 in Granite City, Illinois. The effect of a 2-week closure at a single site can be felt in the pocketbooks of many of my constituents. If we do not act now to repair these locks and dams, we continue to risk shutdown at any number of sites, the effect of which would be disastrous.

Barge traffic on the Mississippi River represents the most efficient, most cost-effective, most environmentally sound means of transporting commodity goods from this region of the country to market. If we move away from the barge traffic, the expense we would have of creating new roads and rail to accommodate this traffic would be daunting. Each year hundreds of millions of tons of commerce move through the upper Mississippi River system; this is equivalent to roughly 67,000 barges. To replace barge traffic with truck and rail traffic would require 1 million rail cars or 4 million trucks. This is the most cost-efficient way to support and maintain the agriculture economy in our Nation.

The 2005 Water Resources Development Act is important in many ways; but at its heart it is about job creation, reducing the burden of transportation costs of American producers, promoting U.S. agriculture exports, and supporting the most environmental friendly mode of transportation.

For the good of our environment, the good of the economy, and the good of the Nation, I strongly urge support of the upper Mississippi locks and dams project.

Mr. DUNCAN. Mr. Chairman, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Chairman, I rise in support of the Water Resources Development Act.

As Congressman Mo Udall used to say, Everything that has been said has been said. It just has not been said by everybody that needs to say it.

There are a lot of good things in this bill. I am particularly supportive of the sections pertaining to the Mississippi and Illinois rivers.

Enlarging and improving the navigation on these rivers will create jobs, promote economic growth, and also strengthen the environment by providing $1.6 billion in environmental restoration funding. This is good for the economy and the environment.

If everything we did in this country was like this legislation on other pieces of legislation, other problems that we were trying to tackle in this country, we would be a better place and a better country.

Navigation in the upper Mississippi supports more than 400,000 jobs and 90,000 high-paying manufacturing jobs. Every year, shipping in the upper Mississippi River adds up to about $1.2 billion to our economy. Lock modernization will provide 48 million man hours of labor for Midwest workers. But just as important, the bill provides $1.6 billion in Federal funding for environmental restoration which will also be important economically. In fact, under the bill, for every dollar spent on construction, we spend $2 on environmental restoration.

Mr. Chairman, this is a good bill. It is a balanced approach. It is right for the economy. It is right for the environment, and it is good for the Nation.

Mr. DUNCAN. Mr. Chairman, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, how much time is remaining?

The Acting CHAIRMAN (Mr. LATHAM). The gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) has 4 minutes remaining. The gentleman from Tennessee (Mr. DUNCAN) has 10½ minutes remaining.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentlewoman's courtesy in permitting me to speak.

I wanted to just clarify something. I really appreciate the interaction that we are having here, but there is an element of confusion.

Some of the talking points that the opposition to our amendment in the upper Mississippi have been distributing contain the notion that we have ignored the upper Mississippi River, that the locks are ignored. They are antiquated. They are crumbling. We have not done anything. One of my colleagues from Illinois said that we had not touched them for 50 years.

Now, it may be in the talking points, but it is not true. Right now there is $88 million that is being spent on Lock 24 for important reconstruction. And I appreciated the anecdote that my friend from Missouri pointed out in terms of a problem that occurred when there was a visitation recently to the big 1,200-foot lock where there were seven bolts that were sheared off. That story he shared with me is exactly the point.

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We need to spend money to maintain what we have in place right now. We have spent almost $1 billion. We are not adequately maintaining the current locks. My friends are confusing building elaborate expensive new construction, which may or may not happen in its entirety, with adequate

maintenance for what is there now. This is missing the point. I respectfully suggest that we not in the course of this debate confuse these points.

I take modest exception to the notion that just because we are moving forward with efforts to invest in America's infrastructure and trying to protect what we have, that we are somehow alleging that we have this vast river system that we are ignoring. We have not, we are not, and we will not ignore the river's needs.

Mr. DUNCAN. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Chairman, to my friend from Oregon I would personally invite him to come out and view these. Some of these locks, built, again, Mr. Chairman, in the 1930s, are standing just out of habit, with bailing wire and duct tape. And the Corps of Engineers has done a magnificent job.

Here is the reason, which I did not get to address earlier as far as the trigger that is in the gentleman's amendment. The trigger, the tonnage requirement the gentleman has in his amendment, does not take into account, for instance, the weather. A year ago, because of high water, the river was shut down as far as barge navigation. In low-water years, barges can only fill halfway, for instance.

So by putting this trigger mechanism in place, it does not take into account the many variables like weather, like the failure of one of the locks, which I did share with the gentleman, a bad harvest year, fluctuating market prices that may mean farmers choose to store their grain rather than ship their grain.

Again, I certainly acknowledge the intent with which the gentleman is bringing this amendment; but, again, because of the age of these locks and dams, it is time for modernization.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. DUNCAN. Mr. Chairman, I yield myself such time as I may consume. I think everyone here knows that I am one of the most fiscally conservative Members of this Congress, but this is a very fiscally conservative bill. It is not fiscally conservative to let a very important asset to deteriorate, and so I urge passage of this bill.

Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the chairman for yielding me this time.

I did not plan to come and speak before the amendment was offered, but hearing the debate on the floor now, I am wondering which amendment is being described. Surely it cannot be the one we are offering, because the one we are offering does not scrub the project and does not say it cannot go forward. It simply says it should go forward only if the minimum requirements that have been laid out are met in terms of it being economically viable and useful. That is all we are saying. It is a pretty darn low bar.

We are saying, let us take the bottom standard that the corps, the National Academy of Sciences, CRS, and other groups have said is feasible in order to make the project go forward. If it is not, it should not be built. If it is met, it should be built.

I heard some discussion about, well, we would not go to your district and say you should not build that road or should not build that waterway or whatever if it is something you want. Well, if I say I need a road and it is going to carry 1,000 people per day, and over the next 3 years we find out it is only going to carry 800 per day or 500 per day, I hope my colleagues vote against it. They ought to. That is why they are here. That is why we are all here in this position.

We have a near-$400 billion deficit this year; a nearly $8 trillion debt. If we are not willing to husband our resources better than that, what hope do we have of getting ahold over this debt and deficit?

Our amendment, again to be clear, does not say this project should not go forward. It simply says it ought to meet the requirements that have been laid out by those who are advocating the project itself. So this amendment that has been spoken of, I can assure all of my colleagues, it is not being offered. The amendment that is being offered, the Flake-Blumenauer amendment, says that the requirements simply need to be met. It needs to be economically viable and feasible.

Mr. Chairman, we need to protect taxpayer resources and make sure that they are spent prudently. That is what this amendment is all about; and I would urge my colleagues, when it comes time, to vote for the Flake-Blumenauer amendment.

Mr. BOUSTANY. Mr. Chairman, I rise today in strong support of the Water Resources Development Act.

I'd first like to thank Chairmen YOUNG and DUNCAN, Ranking Members OBERSTAR and JOHNSON, and the committee staff. They have worked tirelessly on this bill. I appreciate all they have done to be responsive to member requests, and to work across the aisle to reach bipartisan agreement on many contentious issues.

This bill is important for me for both its regional and national significance.

In Louisiana, we will see a very direct impact from this legislation. Louisiana is losing its coastline from erosion at the staggering rate of a 15,000 acres per year. USGS estimates that the state has already lost about 1.22 million acres of coastal wetland in the past 70 years, which is roughly equivalent to the area of Delaware.

As "America's Wetlands", the coast of Louisiana provides much of the seafood and shellfish, oil and natural gas, and agricultural commodities enjoyed by the rest of the country. In fact, more than 80 percent of the country's offshore oil and gas is produced off our coast, and 25 percent of the foreign and domestic oil used in this country comes ashore through our ports. It is estimated that more than 25 percent of the seafood consumed in the country comes through Louisiana, and that more than 75 percent of the marine species in the northern Gulf of Mexico spend a portion of their lifecycles in the wetlands of Louisiana. The land also serves as a buffer against ocean storms and protects industries and cities located further inland. Without the shelter provided by our wetlands, the damage done by a major hurricane could be catastrophic in terms of dollars and life. The loss of our coast is more than Louisiana's problem; it's America's problem. I appreciate the committee's recognition of this problem, and strongly support provisions in this bill that address Coastal Louisiana.

This bill is good for more than just Louisiana, though; it is good for the nation. H.R. 2864 contains important reform provisions that will improve the way the Corps does business. It streamlines the approval process for projects; it encourages the Corps of Engineers to carry out projects in partnerships with its local sponsors; and it streamlines the process for entering into agreements with local sponsors. In the end, these reform provisions will save taxpayers money and speed up the completion time for projects.

H.R. 2864 also benefits American consumers by improving on the nation's greatly outdated water infrastructure. Shipping via waterway is the single most cost-effective way to get goods to market, and improving our waterways will make American exports more competitive and our imports more affordable.

Mr. Chairman, I strongly support this legislation and urge my colleagues to do the same.

Mr. EVANS. Mr. Chairman, I rise today to express my support for H.R. 2864, particularly the provisions authorizing the projects in the Upper Mississippi River basin.

As many of my colleagues know, the Corps began studying the locking needs on the Mississippi River nearly 12 years ago. These locks were built in the 1930s, and were never expected to carry the workload that they have as long as they have. Today, over 100 million tons of materials are carried along the Mississippi and Illinois waterways.

Because of their age and their use, the locks are deteriorating and breaking down. The Corps has done its best to maintain these locks, but their efforts are compromised due to lack of funding. We have locks using temporary gates, crumbling concrete, and a host of other concerns through out the lock system. This leads to costly delays and increased costs to everyone.

Additionally, the process of double locking, made necessary by the smaller lock chambers, doubles the workload and the chance for serious accidents at all of these locks. The added costs and the added risks could easily be overcome by building 1,200-foot locks.

The locks on the Mississippi and Illinois rivers are vital to the regions economy creating a cheaper method to ship goods to ports and then overseas. However, these locks are facing many potential problems and are getting older every day. They need to be modernized and improved sooner rather than later.

While some people have expressed concerns about the need to expand the locks, the people whose livelihood is dependant on them know the necessity of this project. Farmers in Brazil, China, and other competing nations

have had the advantage of government investment in the infrastructure used to ship their goods. We must invest in expanding our locks so that our farmers can compete in the global market.

Additionally, this bill also addresses the environmental needs of the Upper Mississippi River. Water systems are transportation routes for ships, homes for wildlife, and recreation areas for communities. By improving the environment of the Mississippi River Basin, we are investing in all three of these uses.

The Corps projects will help restore the wildlife along the Mississippi and help with water management. By restoring wildlife habitat, we will bring back nesting grounds for the bald eagle. By restoring natural features to the river, we will help mitigate some of the flooding that can devastate the surrounding area. By restoring fish passages, we are bringing opportunities for families to come together to play and fish along the river. it

The resources put in to improving the ecosystem are a necessary compliment to the lock improvements. The Corps efforts to improve the ecosystem surrounding the locks and dams will help mitigate the effects that we have on the Mississippi and Illinois Rivers. We have a responsibility to take advantage of the opportunity to provide the resources for these projects. I am pleased to see that the Committee took that opportunity.

There are many other vital programs that are in this legislation. For example, the aquatic ecosystem restoration project at Emiquon in Fulton County, Illinois will provide researchers and the public an opportunity to learn about how wetlands work to protect and preserve the surrounding areas, on land and in the river. The inclusion of the authorization to complete the Upper Mississippi River Comprehensive Plan will allow the Corps to finish this vital study that will help communities along the river to protect themselves from disastrous flooding. There are many other such projects that will help us examine what we can do to improve our water resources and implement what we know.

I urge my colleagues to support the vital Mississippi River lock improvements and support the underlying legislation.

Mr. CUMMINGS. Mr. Chairman, I rise today to congratulate Chairman JOHN DUNCAN and Ranking Member EDDIE BERNICE JOHNSON—and of course Chairman YOUNG and Ranking Member OBERSTAR—for bringing the Water Resources Development Act, H.R. 2864, to the floor.

Congress has not enacted a new WRDA since 2000—and I applaud the leaders of the Transportation and Infrastructure Committee for bringing a bill to the floor of the House before this year's August recess.

The WRDA Act guides the Army Corps of Engineers' management of our Nation's waterways and water resources by authorizing projects that in many cases have literally reshaped the rivers and waterways of our Nation. For example, past WRDA bills have authorized the massive restoration of the Florida Everglades—and this WRDA bill authorizes significant changes to the Upper Mississippi-Illinois Waterway and as well as projects to restore coastal wetlands in Louisiana.

When we as a Nation assume this kind of control over our environment—particularly over elements as powerful as our rivers and coastal plains—I believe it is imperative that policies and procedures be in place that will ensure that the projects undertaken by the Corps will achieve clear objectives. It is also essential that the potential impact of such projects on our natural resources be fully studied and understood.

We are the stewards of our planet's riches—and we must remember that we will bequeath them to generations yet unborn. I encourage Congress to continue to move thoughtfully as this bill is refined and deliberated through the conference process, which I hope will begin sooner rather than later.

In closing, I want to thank the committee for authorizing a study in the 2005 WRDA that will enable us to undertake the kind of informed interventions that are necessary to preserve the health of the Patapsco River, which is a critical natural resource in my district in Baltimore and indeed in the State of Maryland.

WRDA instructs the Corps to assess the impact of debris accumulating in the Patapsco River basin on wetlands, water quality, and public health. Using the results of this study, the Corps can assess the impact of this debris on wetlands, water quality, and public health, and can then develop strategies to help clean up Baltimore's Inner Harbor.

I am hopeful that this project will be a component of a larger initiative planned to restore the water quality and habitat of the Patapsco River Basin—and I thank the Committee for their continued support.

Mr. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of the manager's amendment to the overall measure as introduced by the gentleman from Florida because it authorizes additional projects and calls for a series of additional studies. In addition to authorizing $349 million, with an estimated Federal cost of $174 million, for environmental restoration on Picayune Strand, FL; $193 million, with an estimated federal cost of $123 million, for navigation at Port of Iberia, LA.; $99 million, with an estimated Federal cost of $64 million, for hurricane and storm-damage reduction in New Jersey; and other allocations for many critical projects across the country, it seeks to bring improvement projects to my district of Houston, Texas.

I applaud the Chairman for the inclusion of section 4104 that calls for a "study to determine the feasibility of carrying out a project for flood damage reduction" in Harris County. Tropical Storm Allison destroyed expansive areas of my district in June 2001. More than 1,400 homes in the Bellaire section received serious flood damage. About 90 percent of Bellaire is in the Brays Bayou flood plain, according to new maps drawn by the Harris County Flood Control District after that storm, and I did submit requests in the fiscal year 2006 Energy and Water Development Appropriations Act for $12,500,000 to be used to fund for ongoing contracts and to initiate additional construction contracts to mitigate some of this residual damage.

In addition, it is pleasing that this legislation contains a provision, section 5123, that will extend funding from the Federal Emergency Management Agency, FEMA, hazard mitigation grant program to "the project for flood control, Upper White Oak Bayou, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986." Upper White Oak Bayou, almost in its entirety, serves the northwest corridor of the 18th Congressional District and communities such as the Heights, Lazybrook-Timbergrove, Oak Forest, Garden Oaks, and many others.

Mr. Chairman, I hope that as negotiations begin with the other body that these important projects are retained for their tremendous value to the communities that have been affected by flood damage.

Mr. WELDON of Florida. Mr. Chairman, I rise in support of H.R. 2863, The Water Resources and Development Act of 2005, WRDA 05. I commend the chairman for including in this bill provisions I requested that are important to Port Canaveral and my constituents in Brevard County, Florida.

This bill includes several provisions that are important to the residents of Brevard County as a whole and those living in what has been referred to as the "Mid-Reach" or "wormrock" area in particular.

First, the bill makes it clear that the Corps of Engineers is to accept the ICE report that was completed by and independent panel assessing the true impact of Canaveral inlet on the beach south of that inlet. The ICE report concluded that considerably larger share of the costs of the Brevard County Storm Damage Protection Project should have been borne by the federal government. The provision in WRDA 05 will ensure that Brevard County, Florida is able to recover, as a part of future renourishment activities, that portion of the costs of the original renourishment project that should have been borne by the Federal government.

Second, the bill corrects an error that has been promulgated through several Corps documents since the mid-1990s and in WRDA 2000 that incorrectly calculated the length of the "MidReach" section of the Brevard County Storm Damage Protection Project as 7.1 miles rather than 7.6 miles. This encompasses the shoreline from the north end of the "South Reach" of the Brevard Beach project to the south end of Patrick Air Force Base. The correct length of this section of beach is 7.6 miles and it is important that references to this section of beach be corrected in law.

Third, H.R. 2864 directs the Corps to expedite the General Reevaluation Report, GRR, for the Mid-Reach section of the Brevard shoreline. This section of beach will be included as a part of the original project and mitigation and storm damage protection efforts can be undertaken.

Finally, H.R. 2864 includes an important provision to ensure that a sediment trap can be constructed as a part of regular operation and maintenance at Port Canaveral. This sediment trap south of the approach channel and east of the south jetty will reduce the probability of a repeat of severe shoaling in the event of future hurricanes. It is appropriate to accomplish this work under the operation and maintenance since this measure is being taken to reduce future maintenance dredging of the Federal navigation channel. There will be cost savings if this is accomplished together with regular scheduled maintenance dredging.

The hurricanes that occurred in September 2004 caused severe shoaling in the approach channel to Port Canaveral. This led to the shutting down of the port due to inadequate channel depth. This caused the loss of business and serious problems for cruise ships that had to be diverted to Miami, for oil tankers that could not deliver fuel to the port, and for the power station and cargo ships carrying

lumber and other building materials that were needed for repairs and reconstruction after the hurricanes. This also impacted access to the Navy submarine base and Port Canaveral.

I thank the chairman for including these important provisions in this legislation and I look forward to passage of this legislation in the Senate.

Mr. PASCRELL. Mr. Chairman, let me offer my congratulations to Chairman YOUNG and Ranking Member OBERSTAR, and Subcommittee Chairman DUNCAN and Congresswoman JOHNSON, for shepherding this Water Resources bill to the House floor.

After 5 long years, we know this bill is well overdue.

The bipartisan nature of this WRDA bill, and of the operation of our committee in general, should be a model for the entire Congress. It is a credit to this committee that the work of the Corps translates into a better economy, a cleaner environment, and improved livability for the people of this Nation.

The Corps has a record of accomplishment that has enhanced communities across America.

Every year, billions of tons of commerce move over the navigable waterways the Corps maintains. This creates jobs and assures our leadership in the global economy. We know that maritime transportation will become even more critical in the years to come as we grow and expand our congested intermodal system.

Another key element of the Corps mission is flood control. Death and displacement due to severe flooding has reoccurred throughout our Nation's history. Today, many of our major cities in the United States are protected by Corps of Engineers flood control structures. Flood protection on average prevents $16 billion in damages each year, saving us $6 for every $1 invested.

The Passaic River Flood Basin is located smack in the middle of my Congressional District. People in my district are up in arms about what is too often a matter of life and death. Like along the Acid Brook in Pompton Lakes, New Jersey, it is important that the Corps has adequate authority to address and mitigate flooding issues.

We know that Corps projects are sometimes described as pork barrel spending. Those who downplay the Corps' importance do not see the tangible benefit neighborhood by neighborhood. Members of Congress know their districts, we know what needs to be done, and by voting for this bill, we will reject the ''pork barrel'' label.

That we have worked out bipartisan compromise on Corps reform, that we have agreed upon what the Corps needs to focus on in the years ahead, and that we are on the floor today is a huge victory for the American people.

I would like to again thank the Committee leadership, especially the always fair-minded Chairman DUNCAN, for their strong and untiring effort to bring this bill to the floor.

Let us urge the other body to complete its work as well, so we might finally renew our water resources program.

Mr. HOLT. Mr. Chairman, I rise to express my concerns with the Water Resource Development Act of 2005.

I would like to begin by thanking the committee for authorizing projects that are important to my district in their bill. Water and infrastructure are important issues to the sprawling, populated area that I represent. Each of these projects is important to the residents of central New Jersey and will enhance the quality of life in my district.

Although I am pleased that this legislation includes important civil works projects that will better our nation, I am disappointed that this legislation does not include stronger reforms of the Army Corps of Engineers. The U.S. Army Corps of Engineers is charged with an important mission—operating our Nation's water resources and civil works projects. The projects they undertake provide our communities with clean drinking water, electric power production, river transportation, ecosystem restoration, and flood protection. Regrettably, the Army Corps has been plagued by mismanagement that has resulted in significant delays and distress to the communities that are in need of these projects.

Although Congress specifically authorizes projects, the Army Corps has repeatedly ignored these guidelines and set their own priorities. For years, I have personally been frustrated with the Army Corps handling of projects in the 12th Congressional District. The most egregious example of the Army Corps disregard for authorized projects in my district is the environmental restoration of Grover's Mill Pond. Located at the site made famous by Orson Well's ''War of the Worlds'' radio broadcast, Grover's Mill is not only a historic site, but it is a recreation destination and the pond is a vital link to stream corridors. Years of sediment build-up and runoff from the watershed have caused the pond to become overrun with aquatic weeds and algae.

In fiscal year 2003, Congress specifically designated $500,000 in funding for this project, but only a fraction of this amount has been spent by the Corps on Grover's Mill pond. This pond in its current condition is not only an eyesore for the community and the residents who live near it, but gives off an unpleasant smell in the summer. Completion of this project is long overdue and is just one example of how the Army Corps fiscal irresponsibility impacts projects across the Nation.

The Army Corps should be a leading environmental organization, but too often environmental protection seems to be a secondary consideration. One large deficiency is their dependence on a planning policy that was created by the Water Resources Council in 1983. More than 20 years later, these policies have seen little revision. In addition, I am concerned with provisions of this bill that would give the Army Corps new authority to limit dramatically the alternatives it will consider during project planning and the National Environmental Policy Act, NEPA, review process. This will undermine NEPA and allow the Army Corps to proceed with projects before evaluating a full range of reasonable alternatives.

The proposed plan for the Upper Mississippi River-Illinois Waterway is another disconcerting provision in the bill. H.R. 2648 would allow the Army Corps to spend $1.8 billion to improve the water route and ease travel time. The Army Corps claims that this large project is necessary due to its projections that traffic will increase. However, both the National Academy of Sciences and the Congressional Research Service dispute this finding. Investing nearly 10 percent of total Corps spending into a project based on faulty predictions is simply unacceptable. I will support the amendment being offered by Representative BLUMENAUER and Representative FLAKE that will ensure that this project is economically justified by authorizing it only if the Army Corps meets their lowest projected traffic scenario.

Although I have strong concerns that this bill does not go far enough in reforming the Army Corps, I believe that the projects and programs in this bill are important and need to be reauthorized. Therefore, I will reluctantly vote in favor of this legislation. I hope in the future that Congress will be able to enact reformative measure to address the Army Corps fiscal, environmental, and logistical oversights.

Mr. DREIER. Mr. Chairman, I rise in strong support of the Water Resources Development Act, which authorizes flood protection and environmental restoration projects to be undertaken by the U.S. Army Corps of Engineers in order to reduce flood damage and improve environmental restoration. The House would not be considering this bill were it not for the hard work and leadership of Transportation and Infrastructure Committee Chairman DON YOUNG, and Water Resources and Environment Subcommittee Chairman JOHN DUNCAN.

In our ongoing efforts to manage our water supplies, this bill provides the critical partnership of the U.S. Army Corps of Engineers to assist local water agencies in drought-proofing our region and improving our water infrastructure.

Specifically, the bill authorizes $20 million for the cities of Arcadia and Sierra Madre, for their Water Environmental Infrastructure Program. This program will improve the water infrastructure that both cities rely upon, which is at risk due to deterioration from age and from the potential impact from a major seismic event in the region.

The bill also authorizes $13 million for the city of Upland's storm drainage project for the Upland Basin to provide greater flood control retention and groundwater aquifer recharge capacities. This project will provide the opportunity to recharge 1326 acre-feet per year of storm flows that would otherwise be conveyed outside of the Chino Groundwater Basin. Additionally, the project will provide the opportunity to recharge approximately 2300 acre-feet per year of excess imported water supplies or potentially recycled water for future groundwater extraction and use during dry drought periods. Completion of the project will increase water conservation and increase water reliability for local water producers by utilizing the Chino Groundwater Basin for water storage, reducing the dependence on imported water during peak demands or drought periods.

Additionally, the bill authorizes $5 million for the Raymond Basin Management Board's Southern California Foothill Communities Water Supply Reliability Program. The Raymond Basin Management Board encompasses the cities of La Canada, Sierra Madre, Pasadena, Arcadia and Alhambra, six water companies, three water districts, and three associations, and has brought together the communities along the San Gabriel mountain range and four groundwater basins in meeting the water needs in this region. The authorization will help in their planning, design and construction of groundwater quality and supply projects throughout the San Gabriel Mountain foothill region including the Six Basins, Chino, San Gabriel and Raymond groundwater basins.

With the passage of the Water Resources Development Act, we can work with the Senate to send a good bill to the President for his signature. Again, I thank my colleagues on the Transportation and Infrastructure Committee for their dedication to providing this foundation for sound water management. I also want to applaud the hard work of the local water agencies and local governments that do such terrific work in our communities.

Mr. RAHALL. Mr. Chairman, the House of Representatives today passed the Water Resources Development Act of 2005, a bill that will have positive and lasting effects on communities throughout America, including southern West Virginia. I commend T&I Chairman YOUNG, Ranking Member OBERSTAR, Subcommittee Chairman DUNCAN and Ranking Member JOHNSON for moving this important bill.

WRDA, which traditionally follows a biannual schedule, was last enacted in 2000. Therefore, the Corps of Engineers has been forced to continue its work since then without any significant guidance from Congress. This is not how the program is supposed to work and has created considerable hardship for both local communities in need of assistance and the Corps itself. I hope today's action will be the first major step in reversing this five year trend.

Mr. Chairman, southern West Virginia has been ravaged by significant flooding since WRDA was last enacted, and the people of southern West Virginia have suffered. Many live in homes that were built well before flood patterns and the risks associated were known. Absent action from Congress in the form of WRDA, families have been forced to move from their homes and businesses have picked up and moved out of the area. In many cases, a simple authorization and appropriation would have mitigated many of these problems.

I have worked tirelessly with the Army Corps of Engineers and the Appalachian Regional Commission to combat flood damage, seeking to prevent future flooding. WRDA will help us in that endeavor.

Mr. Chairman, the House today made a strong statement by overwhelmingly passing WRDA. I urge the other body to take up and pass the Water Resources Development Act of 2005, as further inaction by Congress will continue to negatively affect our Nation's communities.

Mr. GUTKNECHT. Mr. Chairman, I rise today in support of the underlying bill, the Water Resources Development Act. In particular, I support the authorization given to the Army Corps of Engineers to begin work on renovating the locks and dams on the Mississippi River and to restore the diverse ecosystem of the river. I will oppose amendments meant to stop this construction from moving forward.

I believe the bill's well-balanced approach will meet the needs of those who depend on the river for commerce, restore and protect the diverse natural environment, and enhance recreational opportunities.

Much of the American Midwest's economy is dependent on the Mississippi river. In 1999, more than 151 million tons of commodities moved on the river system with a combined value of nearly $24 billion. The State of Minnesota sent about $1.4 billion worth of grain down the river—most of it traveled to New Orleans and Baton Rouge for export to foreign markets.

Approximately 70 percent of our nation's agricultural exports travel along the Mississippi. A 2002 study determined that, if congestion increases on the river, $562 million could be lost in farm income alone. The Upper Mississippi supports more than 400,000 jobs in manufacturing, agriculture, and shipping—all of which support local businesses.

Unfortunately, the day-to-day wear and tear on the river has taken its toll. The locks on the Mississippi river were built in the 1930s with 1930's technology and standards and for 1930's needs. They were designed for a 50-year life-span and are now more than 70 years old. Today's barge traffic is significantly different than when the locks were designed. The barges today average 1,100 feet in length while the current locks were built for barges only 600 feet in length. Towboats have to drop off half their barges in order to pass through the locks, and then reconnect, and then repeat the procedure upon arriving at the next lock. Building 1,200-foot locks will cut dock time and costs—and those savings are passed on to farmers, manufacturers, and consumers, creating jobs for our economy.

Not only will refurbishing and expanding the locks facilitate commerce, but it will reduce stress on our roadways. A typical tow of 15 barges down the river can carry as much as 870 semi-trucks with 60 percent fewer emissions. One 15-barge tow can carry the same amount of grain as a three mile long train or 35 miles of trucks lined end to end. Clearly, using the River for transportation is much more efficient and makes our air cleaner.

This project will not just benefit the transportation sector. I have spent time on the river and have seen the amazing ecosystem restoration projects that are underway and are sure to be continued under this plan. The Upper Mississippi valley provides habitat for 305 species of birds, 57 species of mammals, 45 species of amphibians and reptiles, and 134 species of fish. There are even bald eagles in the area, which can be seen year-round. In fact, the National Eagle Center is located along the Mississippi River, in Wabasha, Minnesota.

The upper Mississippi is a haven for boating, fishing, hunting and other forms of recreation. Locals and tourists alike enjoy year-round fishing for walleye, northern pike, bass, perch, crappies, and catfish up and down the river. On summer days, thousands of private boaters enjoy the river, and hunters enjoy harvesting ducks in the fall.

The river is a beautiful place. The proper balance between commerce, recreation, and the environment must be maintained. I ask for my colleagues to support the bill and reject amendments that prevent the modernization of the locks and dams from moving forward.

Ms. BROWN of Florida. Mr. Chairman, I want to thank Chairmen YOUNG and DUNCAN, and Mr. OBERSTAR and Ms. JOHNSON for their hard work in bringing this bill to the floor. Like the TEA–LU bill, we have been waiting several years to pass this important legislation.

These water projects are extremely important for my home state of Florida and for my District. I have port dredging project that has been funded, but can not get started because the Corps of Engineers doesn't have authorization to do it. We are also still recovering from the ecological damage created by last year's hurricanes, and we can use this funding to continue to restore our state's waterways.

Like all transportation projects, those included in this bill will put people back to work, improve our communities, and creates economic activity.

By delaying the passage of this much needed legislation any further, we are doing a disservice to the people we represent.

I encourage my colleagues here in the House and in the Senate to pass this legislation quickly so we can move forward with the critical projects this bill contains.

Mr. LEACH. Mr. Chairman, I rise in support of the Water Resources Development Act, specifically the Upper Mississippi River-Illinois Waterway.

This long overdue bill recommits the United States Government to the enhancement of our greatest national wonder—the Mississippi River basin. This national wonder is a kaleidoscope of beauty: birds, fish, fowl, the landscape of plains and valleys rolling into creeks, small rivers and other tributaries of a river that facilitates recreation as well as commerce.

Our mightiest river demands our respect—for its beauty, for its sport, and not incidentally for its commerce. It is true that man has intruded with footprints on this river system with locks and dams. It is also true that these footprints have been restrained, particularly in relation to the commercial footprints that other transportation techniques have wrought in other environments.

Indeed the introduction of a man-made channel has caused the river to be more hospitable to fish-life than that which existed when parts of the upper Mississippi were prone to persistent rapids and shallows. The maintenance of a constant channel has made possible more lake-like conditions for recreation boating and fishing. It has also made the Mississippi River basin part of world commerce. Indeed it has not only facilitated the marketing of grain to paying customers, but it has made possible the transfer of gifted grain to impoverished parts of the world to sustain lives that otherwise would have starved.

Commerce, it must be understood, is not a four-letter word. Efficient transportation creates jobs. Barging grains, for instance, embellishes the livelihood of farm producers as it enables citizens of the world to be nourished. This bill which balances concern for the environment with realistic upgrading and maintenance of our lock and dam infrastructure deserves our support.

Mr. WELLER. Mr. Chairman, I rise today to express my strong support for H.R. 2864, the Water Resources Development Act (WRDA) of 2005. This historic legislation will provide funding for valuable projects across our Nation and the 11th Congressional District of Illinois.

I want to thank and commend the Committee for including three projects specific to the 11th Congressional District of Illinois within H.R. 2864. Legislative language was included in the bill which will ensure the Army Corps continued commitment to the Village of Utica, the Illinois and Michigan Canal, and Ballard's Island in the Illinois River.

The Village of Utica, IL has experienced periodic flood damage ranging from annual nuisance flooding to widespread flooding causing major damage. A majority of the commercial development in the village and multiple downtown municipal buildings are located in the 100-year floodplain. The impacts of recurring flood damage, along with the continuous risk of future damage, restrict the economic potential of the area. Additionally, since

much of the downtown was destroyed in a massive tornado during April of 2004, rebuilding efforts have been hampered by having to adhere to floodplain guidelines.

Changing the delineation of the 100-year floodplain is a complex process, and there is no easy way to immediately remove the downtown area from the plain as the post-tornado rebuilding proceeds. However, long-range flood protection options do exist including the construction of a flood control basin on Clark Run Creek upstream from downtown Utica, or the construction of a high flow bypass that would channel water typically flowing overland into downtown Utica into the Illinois and Michigan Canal instead. I am pleased that the Army Corps will be taking a closer look at these options.

The City of LaSalle, IL has taken an aggressive approach to promoting itself as a historical tourism destination as a way to compensate for the loss of manufacturing. The highpoint of this project is the Port of LaSalle and the I & M Canal. The I & M Canal was integral to the success of Chicago as a transportation hub back in the 19th century as it connected the City to the Illinois River. While it fell into disuse and disrepair, the Canal Corridor Association and the City of LaSalle have remade a stretch at the Lock 14 site in LaSalle. A replica canal boat is planned to be constructed and act a tourist attraction and also a unique venue that can be rented for private functions to bring further revenue to the community.

However, further contaminate testing (including cadmium and zinc) needs to be completed so that dredging may take place in order to create a long and deep enough channel for the canal boat to be successfully operated. I thank the committee for their continued support of this important project, and in making the Port of LaSalle initiative an Army Corps priority.

Finally, I am pleased to thank the Committee for their support for studying the opening up of the Ballard's Island Channel in the Illinois River. The Army Corps completed its last dredging and stone removal at the Ballard's Island site in October 2003 with the intent to study the effects and ramifications. A significant time having passed, it is time for the Corps to continue with opening up this channel which the Corps closed almost 60 years ago. Cutting through the very large riparian bar which has built up over 60 years and which now blocks the original channel may be a means to this goal and I congratulate the Committee for their willingness to look further at this possibility.

Passage of this all-important bill is not only important to the 11th Congressional District, but it is also imperative to the competitiveness and survival of Illinois and Midwestern agriculture within the global market. WRDA 2005 funds the Upper Mississippi and Illinois River Locks and Dams Restoration Project. This project will replace seven key 600-foot navigation locks with seven new 1,200-foot locks. Improvements to the inland water transportation system are long past due. Many structures were built over 60 years ago, when barge tows were less than 600 feet long. Today's barge tows are nearly 1,200 feet long, creating vast backlogs at many locks, and slowing the speed with which Illinois products can be shipped abroad.

In order for U.S. agriculture to compete globally, we must have an updated water transportation system. Argentina, for example, has invested over $650 million in agricultural transportation. Brazil is reconstructing its waterway system in an effort to reduce the shipping costs of agricultural commodities by 75 percent. Due in large part to transportation advancements, these two countries have captured 50 percent of the total growth in world soybean sales during the past 3 years.

The price farmers receive at their local market is often largely based on the price of transportation from the Mississippi River to the export markets. The lower the cost of transportation, the lower the cost of U.S. products on the world market; thus, the more demand for U.S. products in the global marketplace.

Passage of H.R. 2864 with the inclusion of the Upper Mississippi and Illinois River Locks and Dams Restoration Project is also a jobs creation mechanism. According to the Army Corps of Engineers, construction of the 7 locks will provide at least 3,000–6,000 jobs per year for the construction period, estimated 12–20 years.

I thank the Committee for their hard work on this important bill and strongly urge the Congress to join me in voting in support of WRDA 2005's final passage.

Mr. OBERSTAR. Mr. Chairman, I rise in support of H.R. 2864, the Water Resources Development Act of 2005. This legislation fulfills the commitment of the Committee on Transportation and Infrastructure to produce water resources legislation for the Nation on a biennial basis. Unfortunately, while the Committee produced a bill in the last Congress, it was not enacted into law.

We are now nearly 5 years since the last water resources bill was enacted. That is too long.

The Corps of Engineers has served the Nation well for 230 years. During those years it has established itself as the Nation's oldest, largest, and most experienced government organization in the area of water and related land engineering matters. From its early works during the Revolutionary War, to navigation improvements, to the unrivaled efforts to reduce the devastating floods in the Mississippi River valley, to the current efforts to save the Everglades from extinction, the Corps is the entity that the people call upon to solve the problems facing the Nation's vast water resources.

Few people today know that the Corps of Engineers, among its many responsibilities, had jurisdiction over Yellowstone National Park. The Corps managed Yellowstone Park for 30 years. Lieutenant Dan Kingman of the Corps, who would later become the chief of engineers, wrote:

> The plan of development which I have submitted is given upon the supposition and in the earnest hope that it will be preserved as nearly as may be as the hand of nature left it, a source of pleasure to all who visit and a source of wealth to no one.

A few years later, John Muir, founder of the Sierra Club, said:

> The best service in forest protection, almost the only efficient service, is that rendered by the military. For many years, they have guarded the great Yellowstone Park, and now they are guarding Yosemite. They found it a desert as far as underbrush, grass and flowers are concerned. But, in 2 years, the skin of the mountains is healthy again, blessings on Uncle Sam's soldiers, as they have done the job well, and every pine tree is waving its arms for joy.

Another great American said: "The military engineers are taking upon their shoulders the job of making the Mississippi River over again, a job transcended in size only by the original job of creating it." That was Mark Twain.

Those statements together pay tribute to what the Corps of Engineers has done so admirably, and the great legacy they have left for all Americans protected in floods, enhanced with river navigation programs, and, of immense importance to me, protecting the great resource of the Great Lakes—one fifth of all the fresh water on the face of the Earth.

The bill before us today includes as great a variety of projects as have ever been included in water resources legislation. The scope of this bill includes projects and programs for the Nation's inland navigation system, flood protection, shoreline protection, and environmental protection and enhancement.

This bill both builds and rebuilds the Nation's infrastructure. It will allow us to expand international trade through projects to improve our coastal ports and inland navigation system. Flood control and hurricane and storm damage reduction measures will help meet critical needs to protect lives and property.

This legislation includes 30 projects for which the Chief of Engineers has submitted a report to Congress.

In addition, the bill contains over 100 project modifications of existing or on-going projects, over 100 requests for Corps of Engineers' studies for future projects, and an equal number of requests for the Corps to carry out projects consistent with the primary missions of the Corps of navigation, flood control, and ecosystem restoration.

All told, the bill, including additions adopted at Subcommittee, contains roughly $10 billion in new and modified project authorizations. This number should come as no surprise to those familiar with the Corps process, because this bill represents approximately 5½ years of requests since the last Water Resources Development Act of 2000.

I am pleased that this legislation includes the legislative proposal developed in the previous Congress to address programmatic issues in the Corps program that have become collectively known as "Corps Reform." This bi-partisan agreement calling for independent review of larger and more controversial projects will address many of the concerns raised by stakeholders, and outside academics, and will improve the process of moving project proposals from study to completion.

There should be no doubt that I am a strong supporter of the Corps and the valuable work that it does for this country. This Nation needs the Corps of Engineers, but the Corps also needs to be free from outside criticisms. That is why I believe Congress must act to implement a few common sense revisions to the process by which the Corps develops and implements projects.

Nothing in this bill hampers the ability of the Corps to study and recommend new projects. To the contrary, the Corps study process is improved by ensuring that completed studies can withstand outside scrutiny or challenge.

This bill represents a fair effort to address the varied water resources needs of the Nation. It is worthy of bipartisan support, and I urge all Members to support the bill.

Mr. KIND. Mr. Chairman, I rise in support of this bill which, among other things, authorizes the U.S. Army Corps of Engineers' sustainability plan for the upper Mississippi River.

The navigation and ecosystem sustainability in title VIII of the bill is the product of the Upper Mississippi River-Illinois Waterway System Navigation feasibility study, which has had, unfortunately, a long and controversial history.

As many will remember, a respected Army Corps economist filed a whistleblower complaint about the Corps' use of faulty data to justify lock and dam expansion. Partly in response to that incident, I introduced legislation to revamp the project review and authorization procedures at the U.S. Army Corps of Engineers. The goals of my bill were to increase transparency and accountability; ensure fiscal responsibility; balance economic and environmental interests; and allow greater stakeholder involvement in proposed projects.

Many elements of my reform measures are in this bill, though not to the degree I believe is still needed. For example, I believe the Corps' outdated principles and guidelines should be updated to reflect current laws and public values, and much more should be done to strengthen the peer review provisions—section 2030—to create a truly independent and effective review process. It is my hope the other body will include the full scope of these sensible reform measures in their version of this important bill.

In addition, in the wake of the whistleblower scandal, my colleagues and I in the Army Corps reform caucus called for the scientific, nonpartisan, national research council to review the Corps' final recommended plan. Regrettably the NRC's report concluded there remained some questions about the Corps' commercial traffic predictions on the Mississippi—but expressed support for the Corps' inclusion of adaptive management ecosystem restoration components in their plan.

While I remain troubled by the Corps' inability to fully justify the Model they used for their commercial traffic predictions, America clearly has an aging lock and dam infrastructure on the Mississippi. Most of the locks and dams on the upper Mississippi River system are over 60 years old and many are in serious need of repair and rehabilitation. For the past 19 years, the Corps has been undertaking major rehabilitation of individual facilities throughout the navigation system in an effort to extend their useful life. This work is critical to ensuring navigation reliability and safety.

Furthermore, I represent a rural district where agriculture plays an important role in the economy and the life of many of its citizens. Updating this vital water transportation system by modernizing these aging locks will mean greater export opportunities for our farmers, and will create and sustain jobs throughout rural america which has been hit hard by the sluggish economy.

Finally, the ecological health of the Mississippi River and its economic importance to the many people that make their living or seek their recreation is based on a healthy river system. Scientists studying the river agree that without significant efforts to restore habitat, this vital national resource will continue to decline. A strong and consistent Federal role for ecosystem restoration is necessary for the entire basin, both because of the large acreage of Federal lands, including the upper Mississippi River National Wildlife and Fish Refuge (the longest river refuge in the continental U.S.), as well as its major importance as a continental and international flyway for migratory birds, and as a habitat for federally listed threatened and endangered species.

We must ensure Federal resources are balanced between lock construction and ecosystem needs. That is why I offered an amendment to this bill that seeks to do two things: First, it adds a new provision requiring the secretary to make an annual report to congress specifically on whether the lock and dam construction and ecosystem restoration projects are being carried out at comparable rates. In addition, the amendment makes it clear that congress intends to share the authority with the secretary in determining if the projects are moving forward at a comparable rate and adjust the annual funding accordingly. Mississippi lock and dam modernization and ecosystem restoration are an expensive provision of this bill and the American taxpayer deserves to know it is being done right.

Mr. Chairman, the Mississippi River is one of America's national treasures. People come from all over the U.S., and all over the world come to its banks to see the natural splendor captured so well by authors like Mark Twain.

As founder and co-chair of the upper Mississippi River Congressional task force, I have long sought to preserve the river's health and historical multiple uses, including as a natural waterway and a home to wildlife, for the benefit of future generations of Americans. While this is not a perfect bill, if implemented appropriately, I believe it will benefit both rural economies and the wildlife that depend on a healthy Mississippi River.

Mr. SHUSTER. Mr. Chairman, I rise in strong support of H.R. 2864, the Water Resources Development Act of 2005. I want to begin by applauding Chairman DUNCAN for his continued effort to move this critical legislation forward. As a Member of the Water Resource Subcommittee, I have had the opportunity to see first hand his dedication to improving our Nation's infrastructure.

I also want to express my thanks to Ranking Member EDDIE BERNICE JOHNSON, as well as our Leadership on the Committee, Chairman YOUNG and Ranking Member OBERSTAR. They have always led our Committee in a bipartisan manner which places our Nation's interest ahead of politics.

Mr. Chairman, wastewater infrastructure is not the flashiest of issues, but it is absolutely fundamental to improving quality of life, protecting the environment and enhancing economic development. My staff frequently gives me a hard time as I like to point out that if you cannot turn on the spicket and get clean and flush toilets you do not have basic sewer infrastructure in place, you simply cannot have economic development. It may not be the prettiest of analogies, but I find it is one that rings very true. And Mr. Chairman, that is why the bill we have before is so important.

To emphasize this point, I would point to a project that took place in my home district in Pennsylvania. When I was first elected to this body, community officials came to me seeking funding for a small infrastructure project. A local creek, which flows into the Juniata River and eventually into the Susquehanna, was being filled with sewage from nearby houses because of lack of proper sewer lines. The health concerns, as well as the harm to the environment terribly hampered the quality of life for the local residents and prevented business from settling there.

For the last four years, I have worked with officials to equip the community with a proper sewer system. I am happy to report that now roughly over 200 homes located in Broadtop Township are now properly hooked up to sewer lines. That may not seem like a big deal to some, but to my rural Pennsylvania district it means a great deal. And it would not be possible if it were not for the bill before us today.

In short Mr. Chairman, the quality of life of the citizens of Pennsylvania and indeed throughout this Nation has been improved by the critical projects that are funded under this bill. Again, my congratulations to Chairman DUNCAN and the staff which has worked so diligently on this bill. I urge my colleagues to support the measure.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased that today the House is considering the Water Resources Development Act of 2005.

In this bill, we have been able to get past the rhetoric, identify real issues, and come up with workable, bipartisan, solutions that will actually help the Corps of Engineers carry out its missions.

This negotiation involved a lot of give and take. The result does not represent my initial positions, or Mr. OBERSTAR's. That is the nature of a compromise.

The compromise language gives the Corps of Engineers the tools it needs to improve and expedite water resources projects.

These provisions earned the support of all the members of the Transportation and Infrastructure Committee, received the support of 412 Members of the House last Congress, and deserve the support of all the Members of the House this Congress.

Now that the debate over ''Corps Reform'' is past us, both the Congress and the Corps of Engineers can focus on meeting the Nation's navigation, flood control, and environmental restoration needs to provide economic and national security and to improve our quality of life.

Some complain about the cost of Corps of Engineers projects, but these investments are critically important to our economy.

Over 13 million American jobs are dependent on trade, but our harbors are not ready to meet the increasing demands of international trade.

Our farmers and our electric utilities depend on efficient waterways to move grain and coal, but over half of our locks are over 50 years old and two have been operating since the 19th century.

Many communities along rivers and shores are not protected from hurricanes and flooding, even though the cost of recovering from a flood is on average six times greater than the cost of investing in the infrastructure needed to prevent those damages.

Finally, there are worthwhile environmental restoration projects that provide both environmental and economic benefits.

The Water Resources Development Act of 2005 addresses these needs in communities all over the country.

I want to thank the ranking member of the committee, Mr. OBERSTAR, for his help in resolving some very contentious issues and I appreciate his willingness to work together in a bipartisan fashion.

I want to commend Mr. DUNCAN and Ms. JOHNSON and the Water Resources and Environment Subcommittee for their hard work in crafting this legislation.

I urge all Members to support H.R. 2864 and join me in encouraging the other body to act expeditiously once this bill has passed the House.

Mr. FITZPATRICK. Mr. Chairman, I rise today in support of Chairman YOUNG's exemplary work on the Water Resources Development Act. In addition, I stand here to endorse The Chairman's Manager's Amendment—which contains my bipartisan legislation—H.R. 1983.

H.R. 1983 called for a new flood mitigation study of the Delaware River covering four states: Delaware, Pennsylvania, New Jersey and New York. I would like to thank the effort and support of my bipartisan coalition of the Delaware River corridor: Representatives DENT, HINCHEY, KELLY, MENENDEZ, SMITH and HOLT.

This is the first piece of legislation I introduced as a member of Congress. I would like to thank Chairman YOUNG again for including H.R. 1983 in the Manager's Amendment because this bill is needed for my constituents who were devastated by two floods in only six months.

Mr. DUNCAN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The Acting CHAIRMAN (Mr. LATHAM). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2864

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Water Resources Development Act of 2005''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 1001. Project authorizations.
Sec. 1002. Small projects for flood damage reduction.
Sec. 1003. Small projects for emergency streambank protection.
Sec. 1004. Small projects for navigation.
Sec. 1005. Small projects for improvement of the quality of the environment.
Sec. 1006. Small projects for aquatic ecosystem restoration.
Sec. 1007. Small projects for shoreline protection.
Sec. 1008. Small projects for snagging and sediment removal.

TITLE II—GENERAL PROVISIONS

Sec. 2001. Non-Federal contributions.
Sec. 2002. Harbor cost sharing.
Sec. 2003. Funding to process permits.
Sec. 2004. National shoreline erosion control development and demonstration program.
Sec. 2005. Small shore and beach restoration and protection projects.
Sec. 2006. Written agreement for water resources projects.
Sec. 2007. Assistance for remediation, restoration, and reuse.
Sec. 2008. Compilation of laws.
Sec. 2009. Dredged material disposal.
Sec. 2010. Wetlands mitigation.
Sec. 2011. Remote and subsistence harbors.
Sec. 2012. Beneficial uses of dredged material.
Sec. 2013. Cost-sharing provisions for certain areas.
Sec. 2014. Revision of project partnership agreement.
Sec. 2015. Cost sharing.
Sec. 2016. Credit for work performed before partnership agreement.
Sec. 2017. Recreation user fee revenues.
Sec. 2018. Expedited actions for emergency flood damage reduction.
Sec. 2019. Watershed and river basin assessments.
Sec. 2020. Tribal partnership program.
Sec. 2021. Wildfire firefighting.
Sec. 2022. Credit for nonconstruction services.
Sec. 2023. Technical assistance.
Sec. 2024. Coordination and scheduling of Federal, State, and local actions.
Sec. 2025. Project streamlining.
Sec. 2026. Lakes program.
Sec. 2027. Mitigation for fish and wildlife losses.
Sec. 2028. Cooperative agreements.
Sec. 2029. Project planning.
Sec. 2030. Independent peer review.
Sec. 2031. Training funds.
Sec. 2032. Access to water resource data.
Sec. 2033. Shore protection projects.
Sec. 2034. Ability to pay.
Sec. 2035. Aquatic ecosystem restoration.
Sec. 2036. Small flood damage reduction projects.
Sec. 2037. Leasing authority.
Sec. 2038. Cost estimates.
Sec. 2039. Studies and reports for water resources projects.
Sec. 2040. Fiscal transparency report.

TITLE III—PROJECT-RELATED PROVISIONS

Sec. 3001. King Cove Harbor, Alaska.
Sec. 3002. St. Paul Harbor, St. Paul Island, Alaska.
Sec. 3003. Sitka, Alaska.
Sec. 3004. Tatitlek, Alaska.
Sec. 3005. Grand Prairie Region and Bayou Meto basin, Arkansas.
Sec. 3006. Osceola Harbor, Arkansas.
Sec. 3007. Pine Mountain Dam, Arkansas.
Sec. 3008. Saint Francis Basin, Arkansas.
Sec. 3009. American River Watershed, California.
Sec. 3010. Compton Creek, California.
Sec. 3011. Grayson Creek/Murderer's Creek, California.
Sec. 3012. Hamilton Airfield, California.
Sec. 3013. John F. Baldwin Ship Channel and Stockton Ship Channel, California.
Sec. 3014. Kaweah River, California.
Sec. 3015. Larkspur Ferry Channel, Larkspur, California.
Sec. 3016. Llagas Creek, California.
Sec. 3017. Los Angeles Harbor, California.
Sec. 3018. Magpie Creek, California.
Sec. 3019. Pacific Flyway Center, Sacramento, California.
Sec. 3020. Pinole Creek, California.
Sec. 3021. Prado Dam, California.
Sec. 3022. Sacramento and American Rivers Flood Control, California.
Sec. 3023. Sacramento Deep Water Ship Channel, California.
Sec. 3024. Sacramento River, Glenn-Colusa, California.
Sec. 3025. Santa Cruz Harbor, California.
Sec. 3026. Seven Oaks Dam, California.
Sec. 3027. Upper Guadalupe River, California.
Sec. 3028. Walnut Creek Channel, California.
Sec. 3029. Wildcat/San Pablo Creek Phase I, California.
Sec. 3030. Wildcat/San Pablo Creek Phase II, California.
Sec. 3031. Yuba River Basin project, California.
Sec. 3032. Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland.
Sec. 3033. Brevard County, Florida.
Sec. 3034. Broward County and Hillsboro Inlet, Florida.
Sec. 3035. Canaveral Harbor, Florida.
Sec. 3036. Gasparilla and Estero Islands, Florida.
Sec. 3037. Jacksonville Harbor, Florida.
Sec. 3038. Lido Key Beach, Sarasota, Florida.
Sec. 3039. Miami Harbor, Florida.
Sec. 3040. Peanut Island, Florida.
Sec. 3041. Tampa Harbor-Big Bend Channel, Florida.
Sec. 3042. Tampa Harbor Cut B, Florida.
Sec. 3043. Allatoona Lake, Georgia.
Sec. 3044. Latham River, Glynn County, Georgia.
Sec. 3045. Dworshak Dam and Reservoir improvements, Idaho.
Sec. 3046. Beardstown Community Boat Harbor, Beardstown, Illinois.
Sec. 3047. Cache River Levee, Illinois.
Sec. 3048. Chicago River, Illinois.
Sec. 3049. Chicago Sanitary and Ship Canal, Illinois.
Sec. 3050. Emiquon, Illinois.
Sec. 3051. LaSalle, Illinois.
Sec. 3052. Spunky Bottoms, Illinois.
Sec. 3053. Fort Wayne and vicinity, Indiana.
Sec. 3054. Koontz Lake, Indiana.
Sec. 3055. Little Calumet River, Indiana.
Sec. 3056. White River, Indiana.
Sec. 3057. Des Moines River and Greenbelt, Iowa.
Sec. 3058. Prestonsburg, Kentucky.
Sec. 3059. Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed.
Sec. 3060. Atchafalaya Basin, Louisiana.
Sec. 3061. Bayou Plaquemine, Louisiana.
Sec. 3062. Atchafalaya Basin Floodway System, Louisiana.
Sec. 3063. J. Bennett Johnston Waterway, Mississippi River to Shreveport, Louisiana.
Sec. 3064. Mississippi Delta Region, Louisiana.
Sec. 3065. New Orleans to Venice, Louisiana.
Sec. 3066. West bank of the Mississippi River (East of Harvey Canal), Louisiana.
Sec. 3067. Camp Ellis, Saco, Maine.
Sec. 3068. Union River, Maine.
Sec. 3069. Gwynns Falls Watershed, Baltimore, Maryland.
Sec. 3070. Boston Harbor, Massachusetts.
Sec. 3071. Detroit River Shoreline, Detroit, Michigan.
Sec. 3072. St. Joseph Harbor, Michigan.
Sec. 3073. Sault Sainte Marie, Michigan.
Sec. 3074. Ada, Minnesota.
Sec. 3075. Duluth Harbor, McQuade Road, Minnesota.
Sec. 3076. Grand Portage Harbor, Minnesota.
Sec. 3077. Granite Falls, Minnesota.
Sec. 3078. Knife River Harbor, Minnesota.
Sec. 3079. Red Lake River, Minnesota.
Sec. 3080. Silver Bay, Minnesota.
Sec. 3081. Taconite Harbor, Minnesota.
Sec. 3082. Two Harbors, Minnesota.
Sec. 3083. Deer Island, Harrison County, Mississippi.
Sec. 3084. Pearl River Basin, Mississippi.
Sec. 3085. Festus and Crystal City, Missouri.
Sec. 3086. Monarch-Chesterfield, Missouri.
Sec. 3087. River Des Peres, Missouri.
Sec. 3088. Antelope Creek, Lincoln, Nebraska.
Sec. 3089. Sand Creek watershed, Wahoo, Nebraska.
Sec. 3090. Lower Cape May Meadows, Cape May Point, New Jersey.
Sec. 3091. Passaic River Basin flood management, New Jersey.
Sec. 3092. Buffalo Harbor, New York.
Sec. 3093. Orchard Beach, Bronx, New York.
Sec. 3094. Port of New York and New Jersey, New York and New Jersey.
Sec. 3095. New York State Canal System.
Sec. 3096. Lower Girard Lake Dam, Ohio.
Sec. 3097. Mahoning River, Ohio.

Sec. 3098. Arcadia Lake, Oklahoma.
Sec. 3099. Waurika Lake, Oklahoma.
Sec. 3100. Willamette River temperature control, McKenzie Subbasin, Oregon.
Sec. 3101. Delaware River, Pennsylvania, New Jersey, and Delaware.
Sec. 3102. Raystown Lake, Pennsylvania.
Sec. 3103. Sheraden Park Stream and Chartiers Creek, Allegheny County, Pennsylvania.
Sec. 3104. Solomon's Creek, Wilkes-Barre, Pennsylvania.
Sec. 3105. South Central Pennsylvania.
Sec. 3106. Wyoming Valley, Pennsylvania.
Sec. 3107. Cedar Bayou, Texas.
Sec. 3108. Freeport Harbor, Texas.
Sec. 3109. Johnson Creek, Arlington, Texas.
Sec. 3110. Lake Kemp, Texas.
Sec. 3111. Lower Rio Grande Basin, Texas.
Sec. 3112. North Padre Island, Corpus Christi Bay, Texas.
Sec. 3113. Pat Mayse Lake, Texas.
Sec. 3114. Proctor Lake, Texas.
Sec. 3115. San Antonio Channel, San Antonio, Texas.
Sec. 3116. James River, Virginia.
Sec. 3117. Lee, Russell, Scott, Smyth, Tazewell, and Wise Counties, Virginia.
Sec. 3118. Tangier Island Seawall, Virginia.
Sec. 3119. Duwamish/Green, Washington.
Sec. 3120. Yakima River, Port of Sunnyside, Washington.
Sec. 3121. Greenbrier River Basin, West Virginia.
Sec. 3122. Lesage/Greenbottom Swamp, West Virginia.
Sec. 3123. Northern West Virginia.
Sec. 3124. Manitowoc Harbor, Wisconsin.
Sec. 3125. Mississippi River headwaters reservoirs.
Sec. 3126. Continuation of project authorizations.
Sec. 3127. Project reauthorizations.
Sec. 3128. Project deauthorizations.
Sec. 3129. Land conveyances.
Sec. 3130. Extinguishment of reversionary interests and use restrictions.

TITLE IV—STUDIES

Sec. 4001. John Glenn Great Lakes Basin program.
Sec. 4002. Lake Erie dredged material disposal sites.
Sec. 4003. Southwestern United States drought study.
Sec. 4004. Upper Mississippi River comprehensive plan.
Sec. 4005. Knik Arm, Cook Inlet, Alaska.
Sec. 4006. Kuskokwim River, Alaska.
Sec. 4007. St. George Harbor, Alaska.
Sec. 4008. Susitna River, Alaska.
Sec. 4009. Gila Bend, Maricopa, Arizona.
Sec. 4010. Searcy County, Arkansas.
Sec. 4011. Dry Creek Valley, California.
Sec. 4012. Elkhorn Slough estuary, California.
Sec. 4013. Fresno, Kings, and Kern Counties, California.
Sec. 4014. Los Angeles River, California.
Sec. 4015. Lytle Creek, Rialto, California.
Sec. 4016. Mokelumne River, San Joaquin County, California.
Sec. 4017. Napa River, St. Helena, California.
Sec. 4018. Orick, California.
Sec. 4019. Rialto, Fontana, and Colton, California.
Sec. 4020. Sacramento River, California.
Sec. 4021. San Diego County, California.
Sec. 4022. San Francisco Bay, Sacramento-San Joaquin Delta, California.
Sec. 4023. South San Francisco Bay shoreline study, California.
Sec. 4024. Twentynine Palms, California.
Sec. 4025. Yucca Valley, California.
Sec. 4026. Boulder Creek, Boulder, Colorado.
Sec. 4027. Roaring Fork River, Basalt, Colorado.
Sec. 4028. Delaware and Christina Rivers and Shellpot Creek, Wilmington, Delaware.
Sec. 4029. Collier County beaches, Florida.
Sec. 4030. Vanderbilt Beach Lagoon, Florida.
Sec. 4031. Meriwether County, Georgia.
Sec. 4032. Tybee Island, Georgia.
Sec. 4033. Kaukonahua-Helemano watershed, Oahu, Hawaii.
Sec. 4034. West Maui, Maui, Hawaii.
Sec. 4035. Boise River, Idaho.
Sec. 4036. Ballard's Island Side Channel, Illinois.
Sec. 4037. Chicago, Illinois.
Sec. 4038. South Branch, Chicago River, Chicago, Illinois.
Sec. 4039. Utica, Illinois.
Sec. 4040. Lake and Porter Counties, Indiana.
Sec. 4041. Salem, Indiana.
Sec. 4042. Buckhorn Lake, Kentucky.
Sec. 4043. Dewey Lake, Kentucky.
Sec. 4044. Louisville, Kentucky.
Sec. 4045. Bastrop-Morehouse Parish, Louisiana.
Sec. 4046. Offshore oil and gas fabrication ports, Louisiana.
Sec. 4047. Vermilion River, Louisiana.
Sec. 4048. West Feliciana Parish, Louisiana.
Sec. 4049. Patapsco River, Maryland.
Sec. 4050. Fall River Harbor, Massachusetts and Rhode Island.
Sec. 4051. Hamburg and Green Oak Townships, Michigan.
Sec. 4052. St. Clair River, Michigan.
Sec. 4053. Duluth-Superior Harbor, Minnesota and Wisconsin.
Sec. 4054. Wild Rice River, Minnesota.
Sec. 4055. Mississippi coastal area, Mississippi.
Sec. 4056. Northeast Mississippi.
Sec. 4057. St. Louis, Missouri.
Sec. 4058. Dredged material disposal, New Jersey.
Sec. 4059. Bayonne, New Jersey.
Sec. 4060. Carteret, New Jersey.
Sec. 4061. Elizabeth River, Elizabeth, New Jersey.
Sec. 4062. Gloucester County, New Jersey.
Sec. 4063. Perth Amboy, New Jersey.
Sec. 4064. Wreck Pond, Monmouth County, New Jersey.
Sec. 4065. Batavia, New York.
Sec. 4066. Big Sister Creek, Evans, New York.
Sec. 4067. East Chester Bay, Turtle Cove, New York.
Sec. 4068. Finger Lakes, New York.
Sec. 4069. Hudson-Raritan Estuary, New York and New Jersey.
Sec. 4070. Lake Erie Shoreline, Buffalo, New York.
Sec. 4071. Newtown Creek, New York.
Sec. 4072. Niagara River, New York.
Sec. 4073. Upper Delaware River watershed, New York.
Sec. 4074. Lincoln County, North Carolina.
Sec. 4075. Wilkes County, North Carolina.
Sec. 4076. Yadkinville, North Carolina.
Sec. 4077. Cincinnati, Ohio.
Sec. 4078. Euclid, Ohio.
Sec. 4079. Lake Erie, Ohio.
Sec. 4080. Ohio River, Ohio.
Sec. 4081. Sutherlin, Oregon.
Sec. 4082. Tillamook Bay and Bar, Oregon.
Sec. 4083. Ecosystem restoration and fish passage improvements, Oregon.
Sec. 4084. Walla Walla River Basin, Oregon.
Sec. 4085. Chartiers Creek watershed, Pennsylvania.
Sec. 4086. Kinzua Dam and Allegheny Reservoir, Pennsylvania.
Sec. 4087. North Central Pennsylvania.
Sec. 4088. Northampton and Lehigh Counties streams, Pennsylvania.
Sec. 4089. Western Pennsylvania flood damage reduction.
Sec. 4090. Williamsport, Pennsylvania.
Sec. 4091. Yardley Borough, Pennsylvania.
Sec. 4092. Rio Valenciano, Juncos, Puerto Rico.
Sec. 4093. Crooked Creek, Bennettsville, South Carolina.
Sec. 4094. Broad River, York County, South Carolina.
Sec. 4095. Georgetown and Williamsburg Counties, South Carolina.
Sec. 4096. Chattanooga, Tennessee.
Sec. 4097. Cleveland, Tennessee.
Sec. 4098. Cumberland River, Nashville, Tennessee.
Sec. 4099. Lewis, Lawrence, and Wayne Counties, Tennessee.
Sec. 4100. Wolf River and Nonconnah Creek, Memphis Tennessee.
Sec. 4101. Abilene, Texas.
Sec. 4102. Coastal Texas ecosystem protection and restoration, Texas.
Sec. 4103. Fort Bend County, Texas.
Sec. 4104. Harris County, Texas.
Sec. 4105. Port of Galveston, Texas.
Sec. 4106. Roma Creek, Texas.
Sec. 4107. Walnut Creek, Texas.
Sec. 4108. Grand County and Moab, Utah.
Sec. 4109. Southwestern Utah.
Sec. 4110. Chowan River Basin, Virginia and North Carolina.
Sec. 4111. James River, Richmond, Virginia.
Sec. 4112. Elliott Bay Seawall, Seattle, Washington.
Sec. 4113. Monongahela River Basin, Northern West Virginia.
Sec. 4114. Kenosha Harbor, Wisconsin.
Sec. 4115. Wauwatosa, Wisconsin.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 5001. Maintenance of navigation channels.
Sec. 5002. Watershed management.
Sec. 5003. Dam safety.
Sec. 5004. Structural integrity evaluations.
Sec. 5005. Flood mitigation priority areas.
Sec. 5006. Additional assistance for authorized projects.
Sec. 5007. Expedited completion of reports and construction for certain projects.
Sec. 5008. Expedited completion of reports for certain projects.
Sec. 5009. Southeastern water resources assessment.
Sec. 5010. Upper Mississippi River environmental management program.
Sec. 5011. Missouri and Middle Mississippi Rivers enhancement project.
Sec. 5012. Great Lakes fishery and ecosystem restoration.
Sec. 5013. Great Lakes remedial action plans and sediment remediation.
Sec. 5014. Great Lakes tributary model.
Sec. 5015. Susquehanna, Delaware, and Potomac River Basins.
Sec. 5016. Chesapeake Bay Environmental Restoration and Protection Program.
Sec. 5017. Chesapeake Bay oyster restoration.
Sec. 5018. Hypoxia assessment.
Sec. 5019. Potomac River Watershed Assessment and Tributary Strategy Evaluation and Monitoring Program.
Sec. 5020. Lock and dam security.
Sec. 5021. Pinhook Creek, Huntsville, Alabama.
Sec. 5022. Tallapoosa, Alabama.
Sec. 5023. Alaska.
Sec. 5024. Barrow, Alaska.
Sec. 5025. Coffman Cove, Alaska.
Sec. 5026. Fort Yukon, Alaska.
Sec. 5027. Kotzebue Harbor, Alaska.
Sec. 5028. Lowell Creek Tunnel, Seward, Alaska.
Sec. 5029. St. Herman and St. Paul Harbors, Kodiak, Alaska.
Sec. 5030. Tanana River, Alaska.
Sec. 5031. Valdez, Alaska.
Sec. 5032. Whittier, Alaska.
Sec. 5033. Wrangell Harbor, Alaska.
Sec. 5034. Augusta and Clarendon, Arkansas.
Sec. 5035. Des Arc levee protection, Arkansas.
Sec. 5036. Helena and vicinity, Arkansas.
Sec. 5037. Loomis Landing, Arkansas.
Sec. 5038. St. Francis River Basin, Arkansas and Missouri.
Sec. 5039. White River basin, Arkansas.
Sec. 5040. Cambria, California.
Sec. 5041. Contra Costa Canal, Oakley and Knightsen, California; Mallard Slough, Pittsburg, California.

Sec. 5042. Dana Point Harbor, California.
Sec. 5043. East San Joaquin County, California.
Sec. 5044. Eastern Santa Clara Basin, California.
Sec. 5045. Pine Flat Dam and Reservoir, California.
Sec. 5046. Sacramento deep water ship channel, California.
Sec. 5047. San Francisco, California.
Sec. 5048. San Francisco, California, waterfront area.
Sec. 5049. Santa Venetia, California.
Sec. 5050. Stockton, California.
Sec. 5051. Victor V. Veysey Dam, California.
Sec. 5052. Whittier, California.
Sec. 5053. Charles Hervey Townshend Breakwater, New Haven Harbor, Connecticut.
Sec. 5054. Christina River shipwreck, Delaware.
Sec. 5055. Anacostia River, District of Columbia, Maryland, and Virginia.
Sec. 5056. Florida Keys water quality improvements.
Sec. 5057. Lake Worth, Florida.
Sec. 5058. Lake Lanier, Georgia.
Sec. 5059. Riley Creek Recreation Area, Idaho.
Sec. 5060. Reconstruction of Illinois flood protection projects.
Sec. 5061. Kaskaskia River Basin, Illinois, restoration.
Sec. 5062. Floodplain mapping, Little Calumet River, Chicago, Illinois.
Sec. 5063. Natalie Creek, Midlothian and Oak Forest, Illinois.
Sec. 5064. Illinois River basin restoration.
Sec. 5065. Promontory Point, Lake Michigan, Illinois.
Sec. 5066. Burns Waterway Harbor, Indiana.
Sec. 5067. Calumet region, Indiana.
Sec. 5068. Floodplain mapping, Missouri River, Iowa.
Sec. 5069. Rathbun Lake, Iowa.
Sec. 5070. Cumberland River basin, Kentucky.
Sec. 5071. Louisville, Kentucky.
Sec. 5072. Mayfield Creek and tributaries, Kentucky.
Sec. 5073. North Fork, Kentucky River, Breathitt County, Kentucky.
Sec. 5074. Paducah, Kentucky.
Sec. 5075. Southern and eastern Kentucky.
Sec. 5076. Winchester, Kentucky.
Sec. 5077. Baton Rouge, Louisiana.
Sec. 5078. Calcasieu Ship Channel, Louisiana.
Sec. 5079. Cross Lake, Shreveport, Louisiana.
Sec. 5080. West Baton Rouge Parish, Louisiana.
Sec. 5081. Charlestown, Maryland.
Sec. 5082. Delmarva Conservation Corridor, Maryland and Delaware.
Sec. 5083. Massachusetts dredged material disposal sites.
Sec. 5084. Ontonagon Harbor, Michigan.
Sec. 5085. St. Clair River and Lake St. Clair, Michigan.
Sec. 5086. Crookston, Minnesota.
Sec. 5087. Garrison and Kathio Township, Minnesota.
Sec. 5088. Minneapolis, Minnesota.
Sec. 5089. Northeastern Minnesota.
Sec. 5090. Harrison, Hancock, and Jackson Counties, Mississippi.
Sec. 5091. Mississippi River, Missouri, and Illinois.
Sec. 5092. St. Louis, Missouri.
Sec. 5093. Acid Brook, Pompton Lakes, New Jersey.
Sec. 5094. Hackensack Meadowlands area, New Jersey.
Sec. 5095. Central New Mexico, New Mexico.
Sec. 5096. Atlantic Coast of New York.
Sec. 5097. College Point, New York City, New York.
Sec. 5098. Flushing Bay and Creek, New York City, New York.
Sec. 5099. Hudson River, New York.
Sec. 5100. Mount Morris Dam, New York.
Sec. 5101. Onondaga Lake, New York.
Sec. 5102. John H. Kerr Dam and Reservoir, North Carolina.
Sec. 5103. Stanly County, North Carolina.
Sec. 5104. W. Kerr Scott Dam and Reservoir, North Carolina.
Sec. 5105. Ohio.
Sec. 5106. Toussaint River, Ohio.
Sec. 5107. Eugene, Oregon.
Sec. 5108. John Day Lock and Dam, Lake Umatilla, Oregon and Washington.
Sec. 5109. Lowell, Oregon.
Sec. 5110. Allegheny County, Pennsylvania.
Sec. 5111. Lehigh River, Lehigh County, Pennsylvania.
Sec. 5112. Northeast Pennsylvania.
Sec. 5113. Upper Susquehanna River Basin, Pennsylvania and New York.
Sec. 5114. Cano Martin Pena, San Juan, Puerto Rico.
Sec. 5115. Beaufort and Jasper Counties, South Carolina.
Sec. 5116. Fritz Landing, Tennessee.
Sec. 5117. J. Percy Priest Dam and Reservoir, Tennessee.
Sec. 5118. Town Creek, Lenoir City, Tennessee.
Sec. 5119. Tennessee River partnership.
Sec. 5120. Upper Mississippi Embayment, Tennessee, Arkansas, and Mississippi.
Sec. 5121. Bosque River watershed, Texas.
Sec. 5122. Dallas Floodway, Dallas, Texas.
Sec. 5123. Harris County, Texas.
Sec. 5124. Onion Creek, Texas.
Sec. 5125. Dyke Marsh, Fairfax County, Virginia.
Sec. 5126. Eastern Shore and southwest Virginia.
Sec. 5127. James River, Virginia.
Sec. 5128. Baker Bay and Ilwaco Harbor, Washington.
Sec. 5129. Hamilton Island campground, Washington.
Sec. 5130. Puget Island, Washington.
Sec. 5131. Willapa Bay, Washington.
Sec. 5132. Bluestone, West Virginia.
Sec. 5133. West Virginia and Pennsylvania flood control.
Sec. 5134. Lower Kanawha River Basin, West Virginia.
Sec. 5135. Central West Virginia.
Sec. 5136. Southern West Virginia.
Sec. 5137. Johnsonville Dam, Johnsonville, Wisconsin.
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TITLE VI—FLORIDA EVERGLADES

Sec. 6001. Hillsboro and Okeechobee Aquifer, Florida.
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TITLE VIII—UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM

Sec. 8001. Definitions.
Sec. 8002. Navigation improvements and restoration.
Sec. 8003. Authorization of construction of navigation improvements.
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Sec. 8005. Comparable progress.

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) AKUTAN, ALASKA.—

(A) IN GENERAL.—The project for navigation, Akutan, Alaska: Report of the Chief of Engineers dated December 20, 2004, at a total cost of $19,700,000.

(B) TREATMENT OF CERTAIN DREDGING.—The headlands dredging for the mooring basin shall be considered a general navigation feature for purposes of estimating the non-Federal share of the cost of the project.

(2) HAINES SMALL BOAT HARBOR, HAINES, ALASKA.—The project for navigation, Haines Small Boat Harbor, Haines, Alaska: Report of the Chief of Engineers dated December 20, 2004, at a total of $12,200,000, with an estimated Federal cost of $9,700,000 and an estimated non-Federal cost of $2,500,000.

(3) TANQUE VERDE CREEK, ARIZONA.—The project for environmental restoration, Tanque Verde Creek, Arizona: Report of the Chief of Engineers, dated July 22, 2003, at a total cost of $4,978,000, with an estimated Federal cost of $3,236,000 and an estimated non-Federal cost of $1,742,000.

(4) VA SHILY' AY AKIMEL, SALT RIVER RESTORATION, ARIZONA.—The project for ecosystem restoration, Va Shily' Ay Akimel, Salt River, Arizona: Report of the Chief of Engineers dated January 3, 2005, at a total cost of $138,968,000, with an estimated Federal cost of $90,129,000 and an estimated non-Federal cost of $48,839,000.

(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 $50,600,000, with an estimated Federal cost of $33,000,000 and estimated non-Federal cost of $17,600,000.

(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 $11,862,000, with an estimated Federal cost of $7,592,000 and an estimated non-Federal cost of $4,270,000, and at an estimated total cost of $38,004,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $19,002,000 and an estimated non-Federal cost of $19,002,000.

(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 $130,335,000, with an estimated Federal cost of $78,973,000 and an estimated non-Federal cost of $51,362,000.

(8) MIDDLE CREEK, LAKE COUNTY, CALIFORNIA.—The project for ecosystem restoration and flood damage reduction, Middle Creek, Lake County, California: Report of the Chief of Engineers dated November 29, 2004, at a total cost of $41,793,000, with an estimated Federal cost of $27,256,000 and an estimated non-Federal cost of $14,537,000.

(9) NAPA RIVER SALT MARSH, CALIFORNIA.—

(A) IN GENERAL.—The project for ecosystem restoration, Napa River Salt Marsh, Nap River, California: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $100,500,000, with an estimated Federal cost of $64,000,000 and an estimated non-Federal cost of $36,500,000.

(B) PROJECT FEATURES.—In carrying out the project, the Secretary shall include construction of 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 as part of the project and restoration and enhancement of Salt Ponds 1, 1A, 2, and 3.

(10) SOUTH PLATTE RIVER, DENVER, COLORADO.—The project for environmental restoration Denver County Reach, South Platte River, Denver, Colorado: Report of the Chief of Engineers, dated May 16, 2003, at a total cost of $18,824,000, with an estimated Federal cost of $12,236,000 and an estimated non-Federal cost of $6,588,000.

(11) MIAMI HARBOR, MIAMI-DADE COUNTY, FLORIDA.—

(A) IN GENERAL.—The project for navigation, Miami Harbor, Miami-Dade County, Florida: Report of the Chief of Engineers dated April 25, 2005, at a total cost of $121,127,000, with an estimated Federal cost of $64,843,000 and an estimated non-Federal cost of $56,284,000.

(B) GENERAL REEVALUATION REPORT.—The non-Federal share of the cost of the general reevaluation report that resulted in the report of the Chief of Engineers referred to in subparagraph (A) shall be the same percentage as the non-Federal share of cost of construction of the project.

(C) AGREEMENT.—The Secretary shall enter into a new partnership with the non-Federal interest to reflect the cost sharing required by subparagraph (B).

(12) EAST ST. LOUIS AND VICINITY, ILLINOIS.—The project for ecosystem restoration, East St. Louis and vicinity, Illinois: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $191,158,000, with an estimated Federal cost of $123,807,000 and an estimated non-Federal cost of $67,351,000.

(13) PEORIA RIVERFRONT, ILLINOIS.—The project for environmental restoration, Peoria Riverfront, Illinois: Report of the Chief of Engineers, dated July 28, 2003, at a total cost of $16,000,000, with an estimated Federal cost of $10,400,000 and an estimated non-Federal cost of $5,600,000.

(14) BAYOU SORREL LOCK, LOUISIANA.—The project for navigation, Bayou Sorrel Lock, Louisiana: Report of the Chief of Engineers dated January 3, 2005, at a total cost of $9,000,000. The costs of construction of the project 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.

(15) MORGANZA TO THE GULF OF MEXICO, LOUISIANA.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana: Reports of the Chief of Engineers, dated August 23, 2002, and July 22, 2003, at a total cost of $788,000,000 with an estimated Federal cost of $512,200,000 and an estimated non-Federal cost of $275,800,000.

(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(16) SWOPE PARK INDUSTRIAL AREA, MISSOURI.—The project for flood damage reduction, Swope Park Industrial Area, Missouri: Report of the Chief of Engineers, dated December 30, 2003, at a total cost of $15,683,000, with an estimated Federal cost of $10,194,000 and an estimated non-Federal cost of $5,489,000.

(17) MANASQUAN TO BARNEGAT INLET, NEW JERSEY.—The project for hurricane and storm damage reduction, Manasquan to Barnegat Inlet, New Jersey: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $65,800,000, with an estimated Federal cost of $42,800,000 and an estimated non-Federal cost of $23,000,000, and at an estimated total cost of $108,000,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $54,000,000 and an estimated non-Federal cost of $54,000,000.

(18) SOUTH RIVER, NEW JERSEY.—The project for hurricane and storm damage reduction and environmental restoration, South River, New Jersey: Report of the Chief of Engineers, dated July 22, 2003, at a total cost of $112,623,000, with an estimated Federal cost of $73,205,000 and an estimated non-Federal cost of $39,418,000.

(19) SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO.—The project for flood damage reduction, Southwest Valley, Albuquerque, New Mexico: Report of the Chief of Engineers dated November 29, 2004, at a total cost of $19,494,000, with an estimated Federal cost of $12,671,000 and an estimated non-Federal cost of $6,823,000.

(20) CORPUS CHRISTI SHIP CHANNEL, CORPUS CHRISTI, TEXAS.—The project for navigation and environmental restoration, Corpus Christi Ship Channel, Texas, Channel Improvement Project: Report of the Chief of Engineers dated June 2, 2003, at a total cost of $172,940,000, with an estimated Federal cost of $80,086,000 and an estimated non-Federal cost of $92,823,000.

(21) GULF INTRACOASTAL WATERWAY, HIGH ISLAND TO BRAZOS RIVER, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, Sabine River to Corpus Christi, Texas: Report of the Chief of Engineers, dated April 16, 2004, at a total cost of $13,104,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(22) MATAGORDA BAY, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, Brazos River to Port O'Connor, Matagorda Bay Re-Route, Texas: Report of the Chief of Engineers, dated December 24, 2002, at a total cost of $15,960,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(23) RIVERSIDE OXBOW, FORT WORTH, TEXAS.—

(A) IN GENERAL.—The project for environmental restoration, Riverside Oxbow, Fort Worth, Texas: Report of the Chief of Engineers dated May 29, 2003, at a total cost of $25,200,000, with an estimated Federal cost of $10,400,000 and an estimated non-Federal cost of $14,800,000.

(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of design and construction work carried out on the Beach Street Dam and associated features by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(24) 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 Federal cost of $35,573,000.

(25) CHEHALIS RIVER, CENTRALIA, WASHINGTON.—

(A) IN GENERAL.—The project for flood damage reduction, Chehalis River, Centralia, Washington: Report of the Chief of Engineers dated September 27, 2004, at a total cost of $109,850,000, with an estimated Federal cost of $66,425,000 and an estimated non-Federal cost of $43,425,000.

(B) CREDIT.—The Secretary shall—

(i) credit up to $6,500,000 toward the non-Federal share of the cost of the project for the cost of planning and design work carried out by the non-Federal interest in accordance with the project study plan dated November 28, 1999; and

(ii) credit toward the non-Federal share of the cost of the project the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(C) ADDITIONAL FLOOD STORAGE AT SKOOKUMCHUCK DAM.—The Secretary shall integrate into the project the locally preferred plan to provide an additional 9,000 acre-feet of storage capacity at Skookumchuck Dam, Washington, upon a determination by the Secretary that providing such additional storage capacity is feasible.

SEC. 1002. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.

(a) IN GENERAL.—The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) HALEYVILLE, ALABAMA.—Project for flood damage reduction, Haleyville, Alabama.

(2) WEISS LAKE, ALABAMA.—Project for flood damage reduction, Weiss Lake, Alabama.

(3) CHINO VALLEY WASH, ARIZONA.—Project for flood damage reduction, Chino Valley Wash, Arizona.

(4) LITTLE COLORADO RIVER LEVEE, ARIZONA.—Project for flood damage reduction, Little Colorado River Levee, Arizona.

(5) CACHE RIVER BASIN, GRUBBS, ARKANSAS.—Project for flood damage reduction, Cache River Basin, Grubbs, Arkansas.

(6) BARREL SPRINGS WASH, PALMDALE, CALIFORNIA.—Project for flood damage reduction, Barrel Springs Wash, Palmdale, California.

(7) BORREGO SPRINGS, CALIFORNIA.—Project for flood damage reduction, Borrego Springs, California.

(8) COLTON, CALIFORNIA.—Project for flood damage reduction, Colton, California.

(9) DUNLAP STREAM, SAN BERNARDINO, CALIFORNIA.—Project for flood damage reduction, Dunlap Stream, San Bernardino, California.

(10) HUNTS CANYON WASH, PALMDALE, CALIFORNIA.—Project for flood damage reduction, Hunts Canyon Wash, Palmdale, California.

(11) WILDWOOD CREEK, YUCAIPA, CALIFORNIA.—Project for flood damage reduction, Wildwood Creek, Yucaipa, California.

(12) UTICA AND VICINITY, ILLINOIS.—Project for flood damage reduction, Utica and vicinity, Illinois.

(13) DES MOINES AND RACCOON RIVERS, IOWA.—Project for flood damage reduction, Des Moines and Raccoon Rivers, Iowa.

(14) PEABODY, MASSACHUSETTS.—Project for flood damage reduction, Peabody, Massachusetts.

(15) SALEM, MASSACHUSETTS.—Project for flood damage reduction, Salem, Massachusetts.

(16) CASS RIVER, MICHIGAN.—Project for flood damage reduction, Cass River, Vassar and vicinity, Michigan.

(17) CROW RIVER, ROCKFORD, MINNESOTA.—Project for flood damage reduction, Crow River, Rockford, Minnesota.

(18) ITASCA COUNTY, MINNESOTA.—Project for flood damage reduction, Trout Lake and Canisteo Pit, Itasca County, Minnesota.

(19) MARSH CREEK, MINNESOTA.—Project for flood damage reduction, Marsh Creek, Minnesota.

(20) ROSEAU RIVER, ROSEAU, MINNESOTA.—Project for flood damage reduction, Roseau River, Roseau, Minnesota.

(21) SOUTH BRANCH OF THE WILD RICE RIVER, BORUP, MINNESOTA.—Project for flood damage reduction, South Branch of the Wild Rice River, Borup, Minnesota.

(22) BLACKSNAKE CREEK, ST. JOSEPH, MISSOURI.—Project for flood damage reduction, Blacksnake Creek, St. Joseph, Missouri.

(23) CANNISTEO RIVER, ADDISON, NEW YORK.—Project for flood damage reduction, Cannisteo River, Addison, New York.

(24) COHOCTON RIVER, CAMPBELL, NEW YORK.—Project for flood damage reduction, Cohocton River, Campbell, New York.

(25) EAST RIVER, SILVER BEACH, NEW YORK CITY, NEW YORK.—Project for flood damage reduction, East River, Silver Beach, New York City, New York.

(26) EAST VALLEY CREEK, ANDOVER, NEW YORK.—Project for flood damage reduction, East Valley Creek, Andover, New York.

(27) SUNNYSIDE BROOK, WESTCHESTER COUNTY, NEW YORK.—Project for flood damage reduction, Sunnyside Brook, Westchester County, New York.

(28) LITTLE YANKEE RUN, OHIO.—Project for flood damage reduction, Little Yankee Run, Ohio.

(29) LITTLE NESHAMINY CREEK, WARRENTON, PENNSYLVANIA.—Project for flood damage reduction, Little Neshaminy Creek, Warrenton, Pennsylvania.

(30) SOUTHAMPTON CREEK WATERSHED, SOUTHAMPTON, PENNSYLVANIA.—Project for flood damage reduction, Southampton Creek watershed, Southampton, Pennsylvania.

(31) SPRING CREEK, LOWER MACUNGIE TOWNSHIP, PENNSYLVANIA.—Project for flood damage reduction, Spring Creek, Lower Macungie Township, Pennsylvania.

(32) YARDLEY AQUEDUCT, SILVER AND BROCK CREEKS, YARDLEY, PENNSYLVANIA.—Project for flood damage reduction, Yardley Aqueduct, Silver and Brock Creeks, Yardley, Pennsylvania.

(33) SURFSIDE BEACH, SOUTH CAROLINA.—Project for flood damage reduction, Surfside Beach and vicinity, South Carolina.

(34) CONGELOSI DITCH, MISSOURI CITY, TEXAS.—Project for flood damage reduction, Congelosi Ditch, Missouri City, Texas.

(35) DILLEY, TEXAS.—Project for flood damage reduction, Dilley, Texas.

(b) SPECIAL RULES.—

(1) CACHE RIVER BASIN, GRUBBS, ARKANSAS.—The Secretary may proceed with the project for the Cache River Basin, Grubbs, Arkansas, referred to in subsection (a)(5), notwithstanding that the project is located within the boundaries of the flood control project, Cache River Basin, Arkansas and Missouri, authorized by section 204 of the Flood Control Act of 1950, (64 Stat. 172) and modified by section 99 of the Water Resources Development Act of 1974 (88 Stat. 41).

(2) WILDWOOD CREEK, YUCAIPA, CALIFORNIA.—The Secretary shall review the locally prepared plan for the project for flood damage, Wildwood Creek, California, referred to in subsection (a)(11) and, if the Secretary determines that the plan meets the evaluation and design standards of the Corps of Engineers and that the plan is feasible, the Secretary may use the plan to carry out the project and shall provide credit toward the non-Federal share of the cost of the project for the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(3) BORUP, MINNESOTA.—In carrying out the project for flood damage reduction, South Branch of the Wild Rice River, Borup, Minnesota, referred to in subsection (a)(21) the Secretary may consider national ecosystem restoration benefits in determining the Federal interest in the project and shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

(4) ITASCA COUNTY, MINNESOTA.—In carrying out the project for flood damage reduction, Itasca County, Minnesota, referred to in subsection (a)(18) the Secretary may consider national ecosystem restoration benefits in determining the Federal interest in the project.

(5) DILLEY, TEXAS.—The Secretary shall carry out the project for flood damage reduction, Dilley, Texas, referred to in subsection (a)(35) if the Secretary determines that the project is feasible.

SEC. 1003. SMALL PROJECTS FOR EMERGENCY STREAMBANK PROTECTION.

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 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

(1) OUACHITA AND BLACK RIVERS, ARKANSAS AND LOUISIANA.—Projects for emergency streambank protection, Ouachita and Black Rivers, Arkansas and Louisiana.

(2) FRANKLIN POINT PARK, ANNE ARUNDEL COUNTY, MARYLAND.—Project for emergency streambank protection, Franklin Point Park, Anne Arundel County, Maryland.

(3) MAYO BEACH PARK, ANNE ARUNDEL COUNTY, MARYLAND.—Project for emergency streambank protection, Mayo Beach Park, Anne Arundel County, Maryland.

(4) PINEY POINT LIGHTHOUSE, ST. MARY'S COUNTY, MARYLAND.—Project for emergency streambank protection, Piney Point Lighthouse, St. Mary's County, Maryland.

(5) ST. JOSEPH HARBOR, MICHIGAN.—Project for emergency streambank protection, St. Joseph Harbor, Michigan.

(6) PUG HOLE LAKE, MINNESOTA.—Project for emergency streambank protection, Pug Hole Lake, Minnesota.

(7) MIDDLE FORK GRAND RIVER, GENTRY COUNTY, MISSOURI.—Project for emergency streambank protection, Middle Fork Grand River, Gentry County, Missouri.

(8) PLATTE RIVER, PLATTE CITY, MISSOURI.—Project for emergency streambank protection, Platte River, Platte City, Missouri.

(9) RUSH CREEK, PARKVILLE, MISSOURI.—Project for emergency streambank protection, Rush Creek, Parkville, Missouri, including measures to address degradation of the creek bed.

(10) KEUKA LAKE, HAMMONDSPORT, NEW YORK.—Project for emergency streambank protection, Keuka Lake, Hammondsport, New York.

(11) KOWAWESE UNIQUE AREA AND HUDSON RIVER, NEW WINDSOR, NEW YORK.—Project for emergency streambank protection, Kowawese Unique Area and Hudson River, New Windsor, New York.

(12) HOWARD ROAD OUTFALL, SHELBY COUNTY, TENNESSEE.—Project for emergency streambank protection, Howard Road outfall, Shelby County, Tennessee.

(13) MITCH FARM DITCH AND LATERAL D, SHELBY COUNTY, TENNESSEE.—Project for emergency streambank protection, Mitch Farm Ditch and Lateral D, Shelby County, Tennessee.

(14) WOLF RIVER TRIBUTARIES, SHELBY COUNTY, TENNESSEE.—Project for emergency streambank protection, Wolf River tributaries, Shelby County, Tennessee.

(15) JOHNSON CREEK, ARLINGTON, TEXAS.—Project for emergency streambank protection, Johnson Creek, Arlington, Texas.

(16) WELLS RIVER, NEWBURY, VERMONT.—Project for emergency streambank protection, Wells River, Newbury, Vermont.

SEC. 1004. SMALL PROJECTS FOR NAVIGATION.

(a) IN GENERAL.—The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) BLYTHEVILLE COUNTY HARBOR, ARKANSAS.—Project for navigation, Blytheville County Harbor, Arkansas.

(2) MAHUKONA BEACH PARK, HAWAII.—Project for navigation, Mahukona Beach Park, Hawaii.

(3) NORTH KOHALA HARBOR, HAWAII.—Project for navigation, North Kohala Harbor in the vicinity of Kailua Kona, Hawaii.

(4) WAILOA SMALL BOAT HARBOR, HAWAII.—Project for navigation, Wailoa Small Boat Harbor, Hawaii.

(5) MISSISSIPPI RIVER SHIP CHANNEL, LOUISIANA.—Project for navigation, Mississippi River Ship Channel, Louisiana.

(6) PORT TOBACCO RIVER AND GOOSE CREEK, MARYLAND.—Project for navigation, Port Tobacco River and Goose Creek, Maryland.

(7) ST. JEROME CREEK, ST. MARY'S COUNTY, MARYLAND.—Project for navigation, St. Jerome Creek, St. Mary's County, Maryland.

(8) EAST BASIN, CAPE COD CANAL, SANDWICH, MASSACHUSETTS.—Project for navigation, East Basin, Cape Cod Canal, Sandwich, Massachusetts.

(9) LYNN HARBOR, LYNN, MASSACHUSETTS.—Project for navigation, Lynn Harbor, Lynn, Massachusetts.

(10) MERRIMACK RIVER, HAVERHILL, MASSACHUSETTS.—Project for navigation, Merrimack River, Haverhill, Massachusetts.

(11) OAK BLUFFS HARBOR, OAK BLUFFS, MASSACHUSETTS.—Project for navigation, Oak Bluffs Harbor, Oak Bluffs, Massachusetts.

(12) WOODS HOLE GREAT HARBOR, FALMOUTH, MASSACHUSETTS.—Project for navigation, Woods Hole Great Harbor, Falmouth, Massachusetts.

(13) AU SABLE RIVER, MICHIGAN.—Project for navigation, Au Sable River in the vicinity of Oscoda, Michigan.

(14) TRAVERSE CITY HARBOR, TRAVERSE CITY, MICHIGAN.—Project for navigation, Traverse City Harbor, Traverse City, Michigan.

(b) SPECIAL RULES.—

(1) BLYTHEVILLE COUNTY HARBOR, ARKANSAS.—The Secretary shall carry out the project for navigation, Blytheville County Harbor, Arkansas, referred to in subsection (a)(1) if the Secretary determines that the project is feasible.

(2) TRAVERSE CITY HARBOR, TRAVERSE CITY, MICHIGAN.—The Secretary shall review the locally prepared plan for the project for navigation, Traverse City Harbor, Michigan, referred to in subsection (a)(14), and, if the Secretary determines that the plan meets the evaluation and design standards of the Corps of Engineers and that the plan is feasible, the Secretary may use the plan to carry out the project and shall provide credit toward the non-Federal share of the cost of the project for the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 1005. SMALL PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.

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 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a):

(1) BALLONA CREEK, LOS ANGELES COUNTY, CALIFORNIA.—Project for improvement of the quality of the environment, Ballona Creek, Los Angeles County, California.

(2) BALLONA LAGOON TIDE GATES, MARINA DEL REY, CALIFORNIA.—Project for improvement of the quality of the environment, Ballona Lagoon Tide Gates, Marina Del Rey, California.

(3) RATHBUN LAKE, IOWA.—Project for improvement of the quality of the environment, Rathbun Lake, Iowa.

(4) SMITHVILLE LAKE, MISSOURI.—Project for improvement of the quality of the environment, Smithville Lake, Missouri.

(5) DELAWARE BAY, NEW JERSEY AND DELAWARE.—Project for improvement of the quality of the environment, Delaware Bay, New Jersey and Delaware, for the purpose of oyster restoration.

(6) TIOGA-HAMMOND LAKES, PENNSYLVANIA.—Project for improvement of the quality of the environment, Tioga-Hammond Lakes, Pennsylvania.

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) CYPRESS CREEK, MONTGOMERY, ALABAMA.—Project for aquatic ecosystem restoration, Cypress Creek, Montgomery, Alabama.

(2) BEN LOMOND DAM, SANTA CRUZ, CALIFORNIA.—Project for aquatic ecosystem restoration, Ben Lomond Dam, Santa Cruz, California.

(3) DOCKWEILER BLUFFS, LOS ANGELES COUNTY, CALIFORNIA.—Project for aquatic ecosystem

restoration, Dockweiler Bluffs, Los Angeles County, California.

(4) SALT RIVER, CALIFORNIA.—Project for aquatic ecosystem restoration, Salt River, California.

(5) SANTA ROSA CREEK, SANTA ROSA, CALIFORNIA.—Project for aquatic ecosystem restoration, Santa Rosa Creek in the vicinity of the Prince Memorial Greenway, Santa Rosa, California.

(6) STOCKTON DEEP WATER SHIP CHANNEL AND LOWER SAN JOAQUIN RIVER, CALIFORNIA.—Project for aquatic ecosystem restoration, Stockton Deep Water Ship Channel and lower San Joaquin River, California.

(7) SWEETWATER RESERVOIR, SAN DIEGO COUNTY, CALIFORNIA.—Project for aquatic ecosystem restoration, Sweetwater Reservoir, San Diego County, California, including efforts to address invasive aquatic plant species.

(8) BAYOU TEXAR, PENSACOLA, FLORIDA.—Project for aquatic ecosystem restoration, Bayou Texar, Pensacola, Florida.

(9) BISCAYNE BAY, FLORIDA.—Project for aquatic ecosystem restoration, Biscayne Bay, Key Biscayne, Florida.

(10) CLAM BAYOU AND DINKINS BAYOU, SANIBEL ISLAND, FLORIDA.—Project for aquatic ecosystem restoration, Clam Bayou and Dinkins Bayou, Sanibel Island, Florida.

(11) DESTIN HARBOR, FLORIDA.—Project for aquatic ecosystem restoration, Destin Harbor, Florida.

(12) CHATTAHOOCHEE FALL LINE, GEORGIA AND ALABAMA.—Project for aquatic ecosystem restoration, Chattahoochee Fall Line, Georgia and Alabama.

(13) LONGWOOD COVE, GAINESVILLE, GEORGIA.—Project for aquatic ecosystem restoration, Longwood Cove, Gainesville, Georgia.

(14) CITY PARK, UNIVERSITY LAKES, LOUISIANA.—Project for aquatic ecosystem restoration, City Park, University Lakes, Louisiana.

(15) MILL POND, LITTLETON, MASSACHUSETTS.—Project for aquatic ecosystem restoration, Mill Pond, Littleton, Massachusetts.

(16) PINE TREE BROOK, MILTON, MASSACHUSETTS.—Project for aquatic ecosystem restoration, Pine Tree Brook, Milton, Massachusetts.

(17) KALAMAZOO RIVER WATERSHED, BATTLE CREEK, MICHIGAN.—Project for aquatic ecosystem restoration, Kalamazoo River watershed, Battle Creek, Michigan.

(18) RUSH LAKE, MINNESOTA.—Project for aquatic ecosystem restoration, Rush Lake, Minnesota.

(19) SOUTH FORK OF THE CROW RIVER, HUTCHINSON, MINNESOTA.—Project for aquatic ecosystem restoration, South Fork of the Crow River, Hutchinson, Minnesota.

(20) ST. LOUIS COUNTY, MISSOURI.—Project for aquatic ecosystem restoration, St. Louis County, Missouri.

(21) TRUCKEE RIVER, RENO, NEVADA.—Project for aquatic ecosystem restoration, Truckee River, Reno, Nevada, including features for fish passage.

(22) GROVER'S MILL POND, NEW JERSEY.—Project for aquatic ecosystem restoration, Grover's Mill Pond, New Jersey.

(23) DUGWAY CREEK, BRATENAHL, OHIO.—Project for aquatic ecosystem restoration, Dugway Creek, Bratenahl, Ohio.

(24) JOHNSON CREEK, GRESHAM, OREGON.—Project for aquatic ecosystem restoration, Johnson Creek, Gresham, Oregon.

(25) BEAVER CREEK, BEAVER AND SALEM, PENNSYLVANIA.—Project for aquatic ecosystem restoration, Beaver Creek, Beaver and Salem, Pennsylvania.

(26) CEMENTON DAM, LEHIGH RIVER, PENNSYLVANIA.—Project for aquatic ecosystem restoration, Cementon Dam, Lehigh River, Pennsylvania.

(27) DELAWARE RIVER, PHILADELPHIA NAVAL SHIPYARD, PENNSYLVANIA.—Project for aquatic ecosystem restoration, Delaware River in the vicinity of the Philadelphia Naval Shipyard, Pennsylvania.

(28) SAUCON CREEK, NORTHAMPTON COUNTY, PENNSYLVANIA.—Project for aquatic ecosystem restoration, Saucon Creek, Northampton County, Pennsylvania.

(29) BLACKSTONE RIVER, RHODE ISLAND.—Project for aquatic ecosystem restoration, Blackstone River, Rhode Island.

(30) WILSON BRANCH, CHERAW, SOUTH CAROLINA.—Project for aquatic ecosystem restoration, Wilson Branch, Cheraw, South Carolina.

(31) WHITE RIVER, BETHEL, VERMONT.—Project for aquatic ecosystem restoration, White River, Bethel, Vermont.

SEC. 1007. SMALL PROJECTS FOR SHORELINE PROTECTION.

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 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):

(1) NELSON LAGOON, ALASKA.—Project for shoreline protection, Nelson Lagoon, Alaska.

(2) SANIBEL ISLAND, FLORIDA.—Project for shoreline protection, Sanibel Island, Florida.

(3) APRA HARBOR, GUAM.—Project for shoreline protection, Apra Harbor, Guam.

(4) PITI, CABRAS ISLAND, GUAM.—Project for shoreline protection, Piti, Cabras Island, Guam.

(5) NARROWS AND GRAVESEND BAY, UPPER NEW YORK BAY, BROOKLYN, NEW YORK.—Project for shoreline protection in the vicinity of the confluence of the Narrows and Gravesend Bay, Upper New York Bay, Brooklyn, New York.

(6) DELAWARE RIVER, PHILADELPHIA NAVAL SHIPYARD, PENNSYLVANIA.—Project for shoreline protection, Delaware River in the vicinity of the Philadelphia Naval Shipyard, Pennsylvania.

(7) PORT ARANSAS, TEXAS.—Project for shoreline protection, Port Aransas, Texas.

SEC. 1008. SMALL PROJECTS FOR SNAGGING AND SEDIMENT REMOVAL.

The Secretary shall conduct a study for the following project and, if the Secretary determines that the project is feasible, the Secretary may carry out the project under section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g): Project for removal of snags and clearing and straightening of channels for flood control, Kowawese Unique Area and Hudson River, New Windsor, New York.

TITLE II—GENERAL PROVISIONS

SEC. 2001. NON-FEDERAL CONTRIBUTIONS.

Section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213) is amended by adding at the end the following:

''(n) NON-FEDERAL CONTRIBUTIONS.—

''(1) PROHIBITION ON SOLICITATION OF EXCESS CONTRIBUTIONS.—The Secretary may not solicit contributions from non-Federal interests for costs of constructing authorized water resources development projects or measures in excess of the non-Federal share assigned to the appropriate project purposes listed in subsections (a), (b), and (c) or condition Federal participation in such projects or measures on the receipt of such contributions.

''(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to affect the Secretary's authority under section 903(c) of this Act.''.

SEC. 2002. HARBOR COST SHARING.

(a) PAYMENTS DURING CONSTRUCTION.—Section 101(a)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(1); 100 Stat. 4082) is amended in each of subparagraphs (B) and (C) by striking ''45 feet'' and inserting ''53 feet''.

(b) OPERATION AND MAINTENANCE.—Section 101(b)(1) of such Act (33 U.S.C. 2211(b)(1)) is amended by striking ''45 feet'' and inserting ''53 feet''.

(c) DEFINITIONS.—Section 214 of such Act (33 U.S.C. 2241; 100 Stat. 4108) is amended in each of paragraphs (1) and (3) by striking ''45 feet'' and inserting ''53 feet''.

(d) APPLICABILITY.—The amendments made by subsections (a), (b), and (c) shall apply only to a project, or separable element of a project, on which a contract for physical construction has not been awarded before October 1, 2003.

(e) REVISION OF PARTNERSHIP AGREEMENT.—The Secretary shall revise any partnership agreement entered into after October 1, 2003, for any project to which the amendments made by subsections (a), (b), and (c) apply to take into account the change in non-Federal participation in the project as a result of such amendments.

SEC. 2003. FUNDING TO PROCESS PERMITS.

Section 214 of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594; 117 Stat. 1836) is amended—

(1) in subsection (a) by striking ''In fiscal years 2001 through 2005, the'' and inserting ''The''; and

(2) by adding at the end the following:

''(c) DURATION OF AUTHORITY.—The authority provided under this section shall be in effect from October 1, 2000, through December 31, 2007.''.

SEC. 2004. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.

(a) EXTENSION OF PROGRAM.—Section 5(a) 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. 426h(a)), is amended by striking ''6 years'' and inserting ''10 years''.

(b) EXTENSION OF PLANNING, DESIGN, AND CONSTRUCTION PHASE.—Section 5(b)(1)(A) of such Act (33 U.S.C. 426h(b)(1)(A)) is amended by striking ''3 years'' and inserting ''6 years''.

(c) COST SHARING; REMOVAL OF PROJECTS.—Section 5(b) of such Act (33 U.S.C. 426h(b)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) COST SHARING.—The Secretary may enter into a cost sharing agreement with a non-Federal interest to carry out a project, or a phase of a project, under the erosion control program in cooperation with the non-Federal interest.

''(4) REMOVAL OF PROJECTS.—The Secretary may pay all or a portion of the costs of removing a project, or an element of a project, constructed under the erosion control program if the Secretary determines during the term of the program that the project or element is detrimental to the environment, private property, or public safety.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 5(e)(2) of such Act (33 U.S.C. 426h(e)(2)) is amended by striking ''$21,000,000'' and inserting ''$31,000,000''.

SEC. 2005. SMALL SHORE AND BEACH RESTORATION AND PROTECTION PROJECTS.

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 by striking ''$3,000,000'' and inserting ''$5,000,000''.

SEC. 2006. WRITTEN AGREEMENT FOR WATER RESOURCES PROJECTS.

(a) PARTNERSHIP AGREEMENTS.—Section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) is amended—

(1) in subsection (a)—

(A) by striking ''under the provisions'' and all that follows through ''under any other'' and inserting ''under any'';

(B) by striking ''to furnish its required cooperation for'' and inserting ''under which each party agrees to carry out its responsibilities and requirements for implementation or construction of''; and

(C) by inserting after ''$25,000.'' the following: ''Such agreement may include a provision for damages in the event of a failure of one or more parties to perform.'';

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

''(e) LIMITATION.—Nothing in subsection (a) shall be construed as limiting the authority of the Secretary to ensure that an agreement under this section meets all requirements of law and policies of the Secretary in effect on the date of entry into the agreement.''.

(b) LOCAL COOPERATION.—Section 912(b) of the Water Resources Development Act of 1986 (101 Stat. 4190) is amended—

(1) in paragraph (2)—

(A) by striking ''shall'' the first place it appears and inserting ''may''; and

(B) by striking the last sentence; and

(2) in paragraph (4)—

(A) by inserting after ''injunction, for'' the following: ''payment of damages or, for'';

(B) by striking ''to collect a civil penalty imposed under this section,''; and

(C) by striking ''any civil penalty imposed under this section,'' and inserting ''any damages,''.

(c) APPLICABILITY.—The amendments made by subsections (a) and (b) only apply to partnership agreements entered into after the date of enactment of this Act; except that at the request of a non-Federal interest for a project, the district engineer for the district in which the project is located may amend a project partnership agreement entered into on or before such date and under which construction on the project has not been initiated as of such date of enactment for the purpose of incorporating such amendments.

(d) PARTNERSHIP AND COOPERATIVE ARRANGEMENTS.—

(1) IN GENERAL.—A goal of agreements entered into under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5(b)) shall be to further partnership and cooperative arrangements, and the agreements shall be referred to as ''partnership agreements''.

(2) REFERENCES TO 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.

(3) REFERENCES TO PARTNERSHIP AGREEMENTS.—Any reference to a partnership agreement or project partnership agreement in this Act (other than this section) shall be considered as a reference to a cooperation agreement or a project cooperation agreement, respectively.

(e) DELEGATION OF AUTHORITY.—Not later than September 30, 2006, the Secretary shall issue policies and guidelines for partnership agreements that delegate to the district engineers, at a minimum—

(1) the authority to approve any policy in a partnership agreement that has appeared in an agreement previously approved by the Secretary;

(2) the authority to approve any policy in a partnership agreement the specific terms of which are dictated by law, or by a final feasibility study, final environmental impact statement, or other final decision document for a water resources development project;

(3) the authority to approve any partnership agreement that complies with the policies and guidelines issued by the Secretary; and

(4) the authority to sign any partnership agreement for any water resources development project unless, within 30 days of the date of authorization of the project, the Secretary notifies the district engineer in which the project will be carried out that the Secretary wishes to retain the prerogative to sign the partnership agreement for that project.

(f) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, and every year thereafter, the Secretary shall submit to Congress a report detailing the following:

(1) the number of partnership agreements signed by district engineers and the number of partnership agreements signed by the Secretary, and

(2) for any partnership agreement signed by the Secretary, an explanation of why delegation to the district engineer was not appropriate.

(g) PUBLIC AVAILABILITY.—Not later than the 120th day following the date of enactment of this Act, the Chief of Engineers shall ensure that each district engineer has made available on the Internet all partnership agreements entered into under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5(b)) within the preceding 10 years and all partnership agreements for water resources development projects currently being carried out in that district and shall make any partnership agreements entered into after such date of enactment available on the Internet within 7 days of the date on which such agreement is entered into.

SEC. 2007. ASSISTANCE FOR REMEDIATION, RESTORATION, AND REUSE.

(a) IN GENERAL.—The Secretary may provide to State and local governments assessment, planning, and design assistance for remediation, environmental restoration, or reuse of areas located within the boundaries of such State or local governments where such remediation, environmental restoration, or reuse will contribute to the improvement of water quality or the conservation of water and related resources of drainage basins and watersheds within the United States.

(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of assistance provided under subsection (a) shall be 50 percent.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2006 through 2010.

SEC. 2008. COMPILATION OF LAWS.

Within one year after the date of enactment of this Act, the laws of the United States relating to the improvement of rivers and harbors, flood control, beach erosion, and other water resources development enacted after November 8, 1966, and before January 1, 2006, shall be compiled under the direction of the Secretary and the Chief of Engineers and printed for the use of the Department of the Army, Congress, and the general public. The Secretary shall reprint the volumes containing such laws enacted before November 8, 1966. In addition, the Secretary shall include an index in each volume so compiled or reprinted. Not later than December 1, 2006, the Secretary shall transmit at least 25 copies of each such volume to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate. The Secretary shall also ensure that such compilations are available through electronic means, including the Internet.

SEC. 2009. DREDGED MATERIAL DISPOSAL.

Section 217 of the Water Resources Development Act of 1996 (33 U.S.C. 2326a; 110 Stat. 3694–3696) is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) the following:

''(c) GOVERNMENTAL PARTNERSHIPS.—

''(1) IN GENERAL.—The Secretary may enter into cost sharing agreements with one 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. One or more of the parties of the agreement may perform the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility. If appropriate, the Secretary may combine portions of separate construction or maintenance appropriations from separate Federal projects with the appropriate combined cost sharing between the various projects when the facility serves to manage dredged material from multiple Federal projects located in the geographic region of the facility.

''(2) PUBLIC FINANCING.—

''(A) AGREEMENTS.—

''(i) SPECIFIED FEDERAL FUNDING SOURCES AND COST SHARING.—The cost-sharing agreement used shall clearly specify the Federal funding sources and combined cost sharing when applicable to multiple Federal navigation projects and the responsibilities and risks of each of the parties related to present and future dredged material managed by the facility.

''(ii) MANAGEMENT OF SEDIMENTS.—The cost-sharing agreement may include the management of sediments from the maintenance dredging of Federal navigation projects that do not have partnership agreements. The cost-sharing agreement may allow the non-Federal sponsor to receive reimbursable payments from the Federal Government for commitments made by the sponsor 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.—Nothing in this subsection supersedes or modifies existing agreements between the Federal Government and any non-Federal sponsors for the cost sharing, construction, and operation and maintenance of Federal navigation projects. Subject to the approval of the Secretary and in accordance with existing laws, regulations, and policies, a non-Federal public sponsor of a Federal navigation project may seek credit for funds provided in 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. The non-Federal sponsor shall be responsible for providing all necessary lands, easements, rights-of-way, or relocations associated with the facility and shall receive credit for these items.''; and

(3) in each of subsections (d)(1) and (d)(2)(A), as so redesignated—

(A) by inserting ''and maintenance'' after ''operation''; and

(B) by inserting ''processing, treatment, or'' after ''dredged material'' the first place it appears.

SEC. 2010. WETLANDS MITIGATION.

In carrying out a water resources project that involves wetlands mitigation and that has impacts that occur within the service area of a mitigation bank, the Secretary, to the maximum extent practicable and where appropriate, shall give preference to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605) or other applicable Federal law (including regulations).

SEC. 2011. REMOTE AND SUBSISTENCE HARBORS.

(a) IN GENERAL.—In conducting a study of harbor and navigation improvements, the Secretary may recommend a project without the need to demonstrate that the project is justified solely by national economic development benefits if the Secretary determines that—

(1)(A) the community to be served by the project is at least 70 miles from the nearest surface accessible commercial port and has no direct rail or highway link to another community served by a surface accessible port or harbor; or

(B) the project would be located in the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, or American Samoa;

(2) the harbor is economically critical such that over 80 percent of the goods transported through the harbor would be consumed within the community served by the harbor and navigation improvement; and

(3) the long-term viability of the community would be threatened without the harbor and navigation improvement.

(b) JUSTIFICATION.—In considering whether to recommend a project under subsection (a), the Secretary shall consider the benefits of the project to—

(1) public health and safety of the local community, including access to facilities designed to protect public health and safety;

(2) access to natural resources for subsistence purposes;

(3) local and regional economic opportunities;

(4) welfare of the local population; and

(5) social and cultural value to the community.

SEC. 2012. BENEFICIAL USES OF DREDGED MATERIAL.

(a) IN GENERAL.—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended by striking subsections (c) through (g) and inserting the following:

''(c) IN GENERAL.—The Secretary may carry out projects to transport and place sediment obtained in connection with the construction, operation, or maintenance of an authorized water resources project at locations selected by a non-Federal entity for use in the construction, repair, or rehabilitation of projects determined by the Secretary to be in the public interest and associated with navigation, flood damage reduction, hydroelectric power, municipal and industrial water supply, agricultural water supply, recreation, hurricane and storm damage reduction, aquatic plant control, and environmental protection and restoration.

''(d) COOPERATIVE AGREEMENT.—Any project undertaken pursuant to this section shall be initiated only after non-Federal interests have entered into an agreement with the Secretary in which the non-Federal interests agree to pay the non-Federal share of the cost of construction of the project and 100 percent of the cost of operation, maintenance, replacement, and rehabilitation of the project in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

''(e) SPECIAL RULE.—Construction of a project under subsection (a) for one or more of the purposes of protection, restoration, or creation of aquatic and ecologically related habitat, the cost of which does not exceed $750,000 and which will be located in a disadvantaged community as determined by the Secretary, may be carried out at Federal expense.

''(f) DETERMINATION OF CONSTRUCTION COSTS.—Costs associated with construction of a project under this section 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 the authorized water resources project in the most cos- effective way, consistent with economic, engineering, and environmental criteria.

''(g) SELECTION OF SEDIMENT DISPOSAL METHOD.—In developing and carrying out a water resources project involving the disposal of sediment, 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 such 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. The Federal share of such incremental costs shall be determined in accordance with subsections (d) and (f).

''(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.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $30,000,000 annually for projects under this section of which not more than $3,000,000 annually may be used for construction of projects described in subsection (e). Such sums shall remain available until expended.

''(j) REGIONAL SEDIMENT MANAGEMENT PLANNING.—In consultation with appropriate State and Federal agencies, the Secretary may develop, at Federal expense, plans for regional management of sediment obtained in conjunction with the construction, operation, or maintenance of water resources projects, including potential beneficial uses of sediment for construction, repair, or rehabilitation of public projects for navigation, flood damage reduction, hydroelectric power, municipal and industrial water supply, agricultural water supply, recreation, hurricane and storm damage reduction, aquatic plant control, and environmental protection and restoration.

''(k) USE OF FUNDS.—

''(1) NON-FEDERAL INTEREST.—The non-Federal interest for a project described in this section may use, and the Secretary shall accept, funds provided under any other Federal program, to satisfy, in whole or in part, the non-Federal share of the cost of such project if such funds are authorized to be used to carry out such project.

''(2) OTHER FEDERAL AGENCIES.—The non-Federal share of the cost of construction of a project under this section may be met through contributions from a Federal agency made directly to the Secretary, with the consent of the affected local government, if such funds are authorized to be used to carry out such project. Before initiating a project to which this paragraph applies, the Secretary shall enter into an agreement with a non-Federal interest in which the non-Federal interest agrees to pay 100 percent of the cost of operation, maintenance, replacement, and rehabilitation of the project.''.

(b) REPEAL.—

(1) IN GENERAL.—Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is repealed.

(2) HOLD HARMLESS.—The repeal made by paragraph (1) shall not affect the authority of the Secretary to complete any project being carried out under such section 145 on the day before the date of enactment of this Act.

(c) PRIORITY AREAS.—In carrying out section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326), the Secretary shall give priority to the following:

(1) A project at Little Rock Slackwater Harbor, Arkansas.

(2) A project at Egmont Key, Florida.

(3) A project in the vicinity of Calcasieu Ship Channel, Louisiana.

(4) A project in the vicinity of the Smith Point Park Pavilion and the TWA Flight 800 Memorial, Brookhaven, New York.

(5) A project in the vicinity of Morehead City, North Carolina.

(6) A project in the vicinity of Galveston Bay, Texas.

SEC. 2013. COST-SHARING PROVISIONS FOR CERTAIN AREAS.

Section 1156 of the Water Resources Development Act of 1986 (33 U.S.C. 2310; 100 Stat. 4256) is amended to read as follows:

''SEC. 1156. COST-SHARING PROVISIONS FOR CERTAIN AREAS.

''(a) IN GENERAL.—The Secretary shall waive local cost-sharing requirements up to $500,000 for all studies and projects in the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands, in Indian country (as defined in section 1151 of title 18, United States Code, and including lands that are within the jurisdictional area of an Oklahoma Indian tribe, as determined by the Secretary of the Interior, and are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations) or on land in the State of Alaska owned by an Alaska Native Regional Corporation or an Alaska Native Village Corporation (as those terms are defined in the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)) or the Metlakatla Indian community.

''(b) USE OF FUNDS.—The non-Federal interest for a study or project for an area described in subsection (a) may use, and the Secretary shall accept, funds provided under any other Federal program, to satisfy, in whole or in part, the non-Federal share of such study or project if such funds are authorized to be used to carry out such study or project.''.

SEC. 2014. REVISION OF PROJECT PARTNERSHIP AGREEMENT.

Upon authorization by law of an increase in the maximum amount of Federal funds that may be allocated for a project or an increase in the total cost of a project authorized to be carried out by the Secretary, the Secretary shall revise the project partnership agreement for the project to take into account the change in Federal participation in the project.

SEC. 2015. COST SHARING.

An increase in the maximum amount of Federal funds that may be allocated for a project or an increase in the total cost of a project authorized to be carried out by the Secretary shall not affect any cost-sharing requirement applicable to the project under title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.).

SEC. 2016. CREDIT FOR WORK PERFORMED BEFORE PARTNERSHIP AGREEMENT.

If the Secretary is authorized to credit toward the non-Federal share the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project and such work has not been carried out as of the date of enactment of this Act, the Secretary shall enter into an agreement with the non-Federal interest for the project under which the non-Federal interest shall carry out such work, and the credit shall apply only to work carried out under the agreement.

SEC. 2017. RECREATION USER FEE REVENUES.

Section 225 of the Water Resources Development Act of 1999 (113 Stat. 297–298) is amended—

(1) in subsection (a)(1)—

(A) by striking ''During fiscal years 1999 through 2002, the'' and inserting ''The''; and

(B) by striking ''$34,000,000'' and inserting ''$42,000,000''; and

(2) in subsection (a)(3) by striking ''September 30, 2005'' and inserting ''expended''.

SEC. 2018. EXPEDITED ACTIONS FOR EMERGENCY FLOOD DAMAGE REDUCTION.

The Secretary shall expedite any authorized planning, design, and construction of any project for flood damage reduction for an area that, within the preceding 5 years, has been subject to flooding that resulted in the loss of life and caused damage of sufficient severity and magnitude to warrant a declaration of a major disaster by the President under the Robert T. Stafford Disaster and Emergency Relief Act (42 U.S.C. 5121 et seq.).

SEC. 2019. WATERSHED AND RIVER BASIN ASSESSMENTS.

(a) IN GENERAL.—Section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a; 114 Stat. 2587–2588; 100 Stat. 4164) is amended—

(1) in subsection (d)—

(A) by striking ''and'' at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(C) by adding at the end the following:

''(6) Tuscarawas River Basin, Ohio;

''(7) Sauk River Basin, Snohomish and Skagit Counties, Washington;

''(8) Niagara River Basin, New York; and

''(9) Genesee River Basin, New York.'';

(2) by striking paragraph (1) of subsection (f) and inserting the following:

''(1) NON-FEDERAL SHARE.—The non-Federal share of the costs of an assessment carried out under this section on or after December 11, 2000, shall be 25 percent.''; and

(3) by striking subsection (g).

(b) REVISION OF PARTNERSHIP AGREEMENT.—The Secretary shall revise the partnership agreement for any assessment being carried out under such section 729 to take into account the change in non-Federal participation in the assessment as a result of the amendments made by subsection (a).

SEC. 2020. TRIBAL PARTNERSHIP PROGRAM.

(a) SCOPE.—Section 203(b)(1)(B) of the Water Resources Development Act of 2000 (33 U.S.C. 2269(b)(1)(B); 114 Stat. 2589) is amended by inserting after ''Code'' the following: '', and including lands that are within the jurisdictional area of an Oklahoma Indian tribe, as determined by the Secretary of the Interior, and are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 203(e) of such Act is amended by striking ''2006'' and inserting ''2010''.

SEC. 2021. 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. 2022. CREDIT FOR NONCONSTRUCTION SERVICES.

(a) IN GENERAL.—The Secretary is authorized to allow a non-Federal interest credit toward its share of project costs for any authorized water resources development project for the cost of materials and in-kind services, including design and management services but not including construction, provided by the non-Federal interest for carrying out the project.

(b) LIMITATION.—Credit authorized under subsection (a)—

(1) shall not exceed the non-Federal share of project costs;

(2) shall not alter any other requirements that require a non-Federal interest to provide lands, easements, rights-of-way, and dredged material disposal areas for the project;

(3) shall not exceed the actual and reasonable costs of the materials or in-kind services provided by the non-Federal interest, as determined by the Secretary; and

(4) shall not be allowed unless the Secretary has determined that such materials or services are integral to the project.

SEC. 2023. TECHNICAL ASSISTANCE.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) in subsection (a) by striking ''The Secretary'' and inserting the following:

''(a) FEDERAL STATE COOPERATION.—

''(1) COMPREHENSIVE PLANS.—The Secretary'';

(2) by inserting after the last sentence in subsection (a) 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 such 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 1/2 of the'' and inserting ''The'';

(5) in subsection (c) by striking ''(c) There is'' and inserting the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) FEDERAL AND STATE COOPERATION.—There is'';

(6) in subsection (c)(1) (as designated by paragraph (5))—

(A) by striking ''the provisions of this section'' and inserting ''subsection (a)(1);''; and

(B) by striking ''$500,000'' and inserting ''$1,000,000'';

(7) by inserting at the end of subsection (c) the following:

''(2) TECHNICAL ASSISTANCE.—There is authorized to be appropriated $5,000,000 annually to carry out subsection (a)(2), of which not more than $2,000,000 annually may be used by the Secretary to enter into cooperative agreements with nonprofit organizations to provide assistance to rural and small communities.'';

(8) by redesignating subsection (d) as subsection (e); and

(9) by inserting after subsection (c) the following:

''(d) ANNUAL SUBMISSION OF PROPOSED ACTIVITIES.—Concurrent with the President's submission to Congress of the President's request for appropriations for the Civil Works Program for a fiscal year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the individual activities proposed for funding under subsection (a)(1) for that fiscal year.''.

SEC. 2024. COORDINATION AND SCHEDULING OF FEDERAL, STATE, AND LOCAL ACTIONS.

(a) NOTICE OF INTENT.—Upon request of the non-Federal interest in the form of a written notice of intent to construct or modify a non-Federal water supply, wastewater infrastructure, flood damage reduction, storm damage reduction, ecosystem restoration, or navigation project that requires the approval of the Secretary, the Secretary shall initiate, subject to subsection (g)(1), procedures to establish a schedule for consolidating Federal, State, and local agency and Indian tribe environmental assessments, project reviews, and issuance of all permits for the construction or modification of the project. The non-Federal interest shall submit to the Secretary, with the notice of intent, studies and documentation, including environmental reviews, that may be required by Federal law for decisionmaking on the proposed project. All States and Indian tribes having jurisdiction over the proposed project shall be invited by the Secretary, but shall not be required, to participate in carrying out this section with respect to the project.

(b) PROCEDURAL REQUIREMENTS.—Within 15 days after receipt of notice under subsection (a), the Secretary shall publish such notice in the Federal Register. The Secretary also shall provide written notification of the receipt of a notice under subsection (a) to all State and local agencies and Indian tribes that may be required to issue permits for the construction of the project or related activities. The Secretary shall solicit the cooperation of those agencies and request their entry into a memorandum of agreement described in subsection (c) with respect to the project. Within 30 days after publication of the notice in the Federal Register, State and local agencies and Indian tribes that intend to enter into the memorandum of agreement with respect to the project shall notify the Secretary of their intent in writing.

(c) SCHEDULING AGREEMENT.—Within 90 days after the date of receipt of notice under subsection (a) with respect to a project, the Secretary of the Interior, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, as necessary, and any State or local agencies that have notified the Secretary under subsection (b) shall enter into an agreement with the Secretary establishing a schedule of decisionmaking for approval of the project and permits associated with the project and with related activities.

(d) CONTENTS OF AGREEMENT.—An agreement entered into under subsection (c) with respect to a project, to the extent practicable, shall consolidate hearing and comment periods, procedures for data collection and report preparation, and the environmental review and permitting processes associated with the project and related activities. The agreement shall detail, to the extent possible, the non-Federal interest's responsibilities for data development and information that may be necessary to process each permit required for the project, including a schedule when the information and data will be provided to the appropriate Federal, State, or local agency or Indian tribe.

(e) REVISION OF AGREEMENT.—The Secretary may revise an agreement entered into under subsection (c) with respect to a project once to extend the schedule to allow the non-Federal interest the minimum amount of additional time necessary to revise its original application to meet the objections of a Federal, State, or local agency or Indian tribe that is a party to the agreement.

(f) FINAL DECISION.—Not later than the final day of a schedule established by an agreement entered into under subsection (c) with respect to a project, the Secretary shall notify the non-Federal interest of the final decision on the project and whether the permit or permits have been issued.

(g) REIMBURSEMENT.—

(1) COSTS OF COORDINATION.—The costs incurred by the Secretary to establish and carry out a schedule to consolidate Federal, State, and local agency and Indian tribe environmental assessments, project reviews, and permit issuance for a project under this section shall be paid by the non-Federal interest.

(2) COSTS INCURRED TO EXPEDITE PERMITS AND REVIEWS.—

(A) ACCEPTANCE OF NON-FEDERAL FUNDS.—The Secretary may accept funds from the non-Federal interest to hire additional staff or obtain the services of consultants, or to provide financial, technical, and administrative support to agencies that have entered into an agreement with the Secretary under subsection (c) with respect to a project in order to facilitate the timely processing, review, and completion of applicable Federal, State, and local agency and Indian tribe environmental assessments, project reviews, and permits for the project.

(B) USE OF FUNDS.—Funds accepted under this paragraph shall be used to supplement existing resources of the Secretary or a participating agency.

(C) ASSURANCE OF LEVEL OF SERVICE AND IMPARTIALITY.—The Secretary shall ensure that the Department of the Army and any participating agency that accepts funds under this paragraph shall continue to provide the same level of service to other projects and other responsibilities not covered by this section as it would provide, notwithstanding any activities carried out under this section, and that acceptance of such funds will not impact impartial decisionmaking either substantively or procedurally.

(h) REPORT ON TIMESAVINGS METHODS.—Not later than 3 years after the date of enactment of this section, the Secretary shall prepare and transmit to Congress a report estimating the time required for the issuance of all Federal, State, local, and tribal permits for the construction of non-Federal projects for water supply, wastewater infrastructure, flood damage reduction, storm damage reduction, ecosystem restoration, and navigation. The Secretary shall include in that report recommendations for further reducing the amount of time required for the issuance of those permits, including any proposed changes in existing law.

SEC. 2025. PROJECT STREAMLINING.

(a) POLICY.—The benefits of water resources projects are important to the Nation's economy

and environment, and recommendations to Congress regarding such projects should not be delayed due to uncoordinated and sequential environmental reviews or the failure to timely resolve disputes during the development of water resources projects.

(b) SCOPE.—This section shall apply to each study initiated after the date of enactment of this Act to develop a feasibility report under section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282), or a reevaluation report, for a water resources project if the Secretary determines that such study requires an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) WATER RESOURCES PROJECT REVIEW PROCESS.—The Secretary shall develop and implement a coordinated review process for water resources projects.

(d) COORDINATED REVIEWS.—

(1) IN GENERAL.—The coordinated review process under this section shall provide that all environmental reviews, analyses, opinions, permits, licenses, and approvals that must be issued or made by a Federal, State, or local government agency or Indian tribe for a water resources project will be conducted concurrently, to the maximum extent practicable, and completed within a time period established by the Secretary, in cooperation with the agencies identified under subsection (e) with respect to the project.

(2) AGENCY PARTICIPATION.—Each Federal agency identified under subsection (e) shall formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of environmental reviews, analyses, opinions, permits, licenses, and approvals described in paragraph (1) in a timely and environmentally responsible manner.

(e) IDENTIFICATION OF JURISDICTIONAL AGENCIES.—With respect to each water resources project, the Secretary shall identify, as soon as practicable, all Federal, State, and local government agencies and Indian tribes that may have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project.

(f) STATE AUTHORITY.—If a coordinated review process is being implemented under this section by the Secretary with respect to a water resources project within the boundaries of a State, the State, consistent with State law, may choose to participate in such process and provide that all State agencies that have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project, be subject to the process.

(g) MEMORANDUM OF UNDERSTANDING.—The coordinated review process developed under this section may be incorporated into a memorandum of understanding for a project between the Secretary and the heads of other Federal, State, and local government agencies and Indian tribes identified under subsection (e) with respect to the project and the non-Federal interest for the project.

(h) EFFECT OF FAILURE TO MEET DEADLINE.—

(1) NOTIFICATION OF CONGRESS AND CEQ.—If the Secretary determines that a Federal, State, or local government agency, Indian tribe, or non-Federal interest that is participating in a coordinated review process under this section with respect to a project has not met a deadline established under subsection (d) for the project, the Secretary shall notify, within 30 days of the date of such determination, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, the Council on Environmental Quality, and the agency, Indian tribe, or non-Federal interest involved about the failure to meet the deadline.

(2) AGENCY REPORT.—Not later than 30 days after the date of receipt of a notice under paragraph (1), the Federal, State, or local government agency, Indian tribe, or non-Federal interest involved shall submit a report to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Council on Environmental Quality explaining why the agency, Indian tribe, or non-Federal interest did not meet the deadline and what actions it intends to take to complete or issue the required review, analysis, opinion, permit, license, or approval.

(i) PURPOSE AND NEED AND DETERMINATION OF REASONABLE ALTERNATIVES.—

(1) IN GENERAL.—As an official of the lead Federal agency that is responsible for carrying out a study to which this section applies and its associated process for meeting the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and as the Federal agency with expertise in water resources development, the Secretary, in carrying out such study and process, shall—

(A) define the purpose and need for the proposed water resources project; and

(B) determine which alternatives are reasonable and may be reasonably anticipated to meet project purposes and needs.

(2) STREAMLINING STUDY.—To streamline a study to which this section applies and its associated process for meeting the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary may eliminate from consideration any alternatives the Secretary determines are not reasonable or are not reasonably anticipated to meet project purposes and needs.

(j) SOLICITATION AND CONSIDERATION OF COMMENTS.—In applying subsection (i), the Secretary shall solicit, consider, and respond to comments from interested persons and governmental entities.

(k) CATEGORICAL EXCLUSIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall develop and publish a list of categorical exclusions from the requirement that an environmental assessment or an environmental impact statement be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for water resources projects.

(l) LIMITATIONS.—Nothing in this section shall preempt or interfere with—

(1) any practice of seeking public comment;

(2) any power, jurisdiction, or authority that a Federal, State, or local government agency, Indian tribe, or non-Federal interest has with respect to carrying out a water resources project; or

(3) any obligation to comply with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et seq.) and the regulations issued by the Council on Environmental Quality to carry out such Act.

(m) BENCHMARKS.—Within 12 months of the date of enactment of this Act, the Chief of Engineers shall establish benchmarks for determining the length of time it should take to conduct a feasibility study for a water resources development project and its associated review process under the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et seq.). Benchmarks may be established for activities based on project type, size, cost, and complexity. The Chief of Engineers shall use such benchmarks as a management tool to make the feasibility study process more efficient in all districts of the Army Corps of Engineers.

SEC. 2026. 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) by striking ''and'' at end of paragraph (18);

(2) by striking the period at the end of paragraph (19) and inserting a semicolon; and

(3) by adding at the end the following:

''(20) Kinkaid Lake, Jackson County, Illinois, removal of silt and aquatic growth and measures to address excessive sedimentation;

''(21) McCarter Pond, Borough of Fairhaven, New Jersey, removal of silt and measures to address water quality;

''(22) Rogers Pond, Franklin Township, New Jersey, removal of silt and restoration of structural integrity;

''(23) Greenwood Lake, New York and New Jersey, removal of silt and aquatic growth;

''(24) Lake Rodgers, Creedmoor, North Carolina, removal of silt and excessive nutrients and restoration of structural integrity; and

''(25) Lake Luxembourg, Pennsylvania.''.

SEC. 2027. MITIGATION FOR FISH AND WILDLIFE LOSSES.

(a) MITIGATION PLAN CONTENTS.—Section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)) is amended by adding at the end the following:

''(3) CONTENTS.—A mitigation plan shall include—

''(A) a description of the physical action to be undertaken to achieve the mitigation objectives within the watershed in which such losses occur and, in any case in which mitigation must take place outside the watershed, a justification detailing the rationale for undertaking the mitigation outside of the watershed;

''(B) a description of the lands or interests in lands to be acquired for mitigation and the basis for a determination that such lands are available for acquisition;

''(C) the type, amount, and characteristics of the habitat being restored;

''(D) success criteria for mitigation based on replacement of lost functions and values of the habitat, including hydrologic and vegetative characteristics; and

''(E) a plan for any necessary monitoring to determine the success of the mitigation, including the cost and duration of any monitoring and, to the extent practicable, the entities responsible for any monitoring.

''(4) RESPONSIBILITY FOR MONITORING.—In any case in which it is not practicable to identify in a mitigation plan for a water resources project, the entity responsible for monitoring at the time of a final report of the Chief of Engineers or other final decision document for the project, such entity shall be identified in the partnership agreement entered into with the non-Federal interest.''.

(b) STATUS REPORT.—

(1) IN GENERAL.—Concurrent with the President's submission to Congress of the President's request for appropriations for the Civil Works Program for a fiscal year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the status of construction of projects that require mitigation under section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283; 100 Stat. 4186) and the status of such mitigation.

(2) PROJECTS INCLUDED.—The status report shall include the status of all projects that are under construction, all projects for which the President requests funding for the next fiscal year, and all projects that have completed construction, but have not completed the mitigation required under section 906 of the Water Resources Development Act of 1986.

SEC. 2028. COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—For the purpose of expediting the cost-effective design and construction of wetlands restoration that is part of an authorized water resources project, the Secretary may enter into cooperative agreements under section 6305 of title 31, United States Code, with nonprofit organizations with expertise in wetlands restoration to carry out such design and construction on behalf of the Secretary.

(b) LIMITATIONS.—

(1) PER PROJECT LIMIT.—A cooperative agreement under this section shall not obligate the Secretary to pay the nonprofit organization more than $1,000,000 for any single wetlands restoration project.

(2) ANNUAL LIMIT.—The total value of work carried out under cooperative agreements under this section may not exceed $5,000,000 in any fiscal year.

SEC. 2029. PROJECT PLANNING.

(a) OBJECTIVES.—

(1) FLOOD DAMAGE REDUCTION, NAVIGATION, AND HURRICANE AND STORM DAMAGE REDUCTION PROJECTS.—The Federal objective of any study of the feasibility of a water resources project carried out by the Secretary for flood damage reduction, navigation, or hurricane and storm damage reduction shall be to maximize the net national economic development benefits associated with the project, consistent with protecting the Nation's environment.

(2) ECOSYSTEM RESTORATION PROJECTS.—The Federal objective of any study of the feasibility of a water resources project for ecosystem restoration carried out by the Secretary shall be to maximize the net national ecosystem restoration benefits associated with the project, consistent with national economic development.

(3) PROJECTS WITH MULTIPLE PURPOSES.—In the case of a study that includes multiple project purposes, the primary and other project purposes shall be evaluated, based on the relevant Federal objective identified under paragraphs (1) and (2).

(4) SELECTION OF PROJECT ALTERNATIVES.—

(A) IN GENERAL.—Notwithstanding the Federal objectives identified in this subsection, the Secretary may select a project alternative that does not maximize net benefits if there is an overriding reason based upon other Federal, State, local, or international concerns.

(B) FLOOD DAMAGE REDUCTION, NAVIGATION, AND HURRICANE STORM DAMAGE REDUCTION PROJECTS.—With respect to a water resources project described in paragraph (1), an overriding reason for selecting a plan other than the plan that maximizes national economic development benefits may be if the Secretary determines, and the non-Federal interest concurs, that an alternative plan is feasible and achieves the project purposes while providing greater ecosystem restoration benefits.

(C) ECOSYSTEM RESTORATION PROJECTS.—With respect to a water resources project described in paragraph (2), an overriding reason for selecting a plan other than the plan that maximizes national ecosystem restoration benefits may be if the Secretary determines, and the non-Federal interest concurs, that an alternative plan is feasible and achieves the project purposes while providing greater economic development benefits.

(b) IDENTIFYING ADDITIONAL BENEFITS AND PROJECTS.—

(1) PRIMARILY ECONOMIC BENEFITS.—In conducting a study of the feasibility of a project where the primary benefits are expected to be economic, the Secretary may identify ecosystem restoration benefits that may be achieved in the study area and, after obtaining the participation of a non-Federal interest, may study and recommend construction of additional measures, a separate project, or separable project element to achieve those benefits.

(2) PRIMARILY ECOSYSTEM RESTORATION BENEFITS.—In conducting a study of the feasibility of a project where the primary benefits are expected to be associated with ecosystem restoration, the Secretary may identify economic benefits that may be achieved in the study area and, after obtaining the participation of a non-Federal interest, may study and recommend construction of additional measures, a separate project, or separable project element to achieve those benefits.

(3) RULES APPLICABLE TO CERTAIN MEASURES, PROJECTS, AND ELEMENTS.—Any additional measures, separate project, or separable element identified under paragraph (1) or (2) and recommended for construction shall not be considered integral to the underlying project and, if authorized, shall be subject to a separate partnership agreement, unless a non-Federal interest agrees to share in the cost of the additional measures, project, or separable element.

(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 any upstream or downstream impacts of the proposed project; and

(3) calculations to ensure that the benefits and costs associated with structural and nonstructural alternatives are evaluated in an equitable manner.

SEC. 2030. INDEPENDENT PEER REVIEW.

(a) PROJECT STUDIES SUBJECT TO INDEPENDENT PEER REVIEW.—

(1) IN GENERAL.—Project studies shall be subject to a peer review by an independent panel of experts as determined under this section.

(2) SCOPE.—The peer review may include a review of the economic and environmental assumptions and projections, project evaluation data, economic analyses, environmental analyses, engineering analyses, formulation of alternative plans, methods for integrating risk and uncertainty, models used in evaluation of economic or environmental impacts of proposed projects, and any biological opinions of the project study.

(3) PROJECT STUDIES SUBJECT TO PEER REVIEW.—

(A) MANDATORY.—A project study shall be subject to peer review under paragraph (1) if the project has an estimated total cost of more than $50,000,000, including mitigation costs, and is not determined by the Chief of Engineers to be exempt from peer review under paragraph (6).

(B) DISCRETIONARY.—A project study may be subject to peer review if—

(i) the Governor of an affected State requests a peer review by an independent panel of experts;

(ii) the head of a Federal or State agency charged with reviewing the project study determines that the project is likely to have a significant adverse impact on environmental, cultural, or other resources under the jurisdiction of the agency after implementation of proposed mitigation plans and requests a peer review by an independent panel of experts; or

(iii) the Chief of Engineers determines that the project study is controversial.

(4) CONTROVERSIAL PROJECTS.—Upon receipt of a written request under paragraph (3)(B) or on the initiative of the Chief of Engineers, the Chief of Engineers shall determine whether a project study is controversial.

(5) FACTORS TO CONSIDER.—In determining whether a project study is controversial, the Chief of Engineers shall consider if—

(A) there is a significant public dispute as to the size, nature, or effects of the project; or

(B) there is a significant public dispute as to the economic or environmental costs or benefits of the project.

(6) PROJECT STUDIES EXCLUDED FROM PEER REVIEW.—Project studies that may be excluded from peer review under paragraph (1) are—

(A) a study for a project the Chief of Engineers determines—

(i) is not controversial;

(ii) has no more than negligible adverse impacts on scarce or unique cultural, historic, or tribal resources;

(iii) has no substantial adverse impacts on fish and wildlife species and their habitat prior to the implementation of mitigation measures; and

(iv) has, before implementation of mitigation measures, no more than a negligible adverse impact on a species listed as endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1539 et seq.) or the critical habitat of such species designated under such Act; and

(B) a study for a project pursued under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g), section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), section 107(a) of the River and Harbor Act of 1960 (33 U.S.C. 577(a)), 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), section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i), section 3 of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1945 (33 U.S.C. 603a), section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), or section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

(7) APPEAL.—The decision of the Chief of Engineers whether to peer review a project study shall be published in the Federal Register and shall be subject to appeal by a person referred to in paragraph (3)(B)(i) or (3)(B)(ii) to the Secretary of the Army if such appeal is made within the 30-day period following the date of such publication.

(8) DETERMINATION OF PROJECT COST.—For purposes of determining the estimated total cost of a project under paragraph (3)(A), the project cost shall be based upon the reasonable estimates of the Chief of Engineers at the completion of the reconnaissance study for the project. If the reasonable estimate of project costs is subsequently determined to be in excess of the amount in paragraph (3)(A), the Chief of Engineers shall make a determination whether a project study should be reviewed under this section.

(b) TIMING OF PEER REVIEW.—The Chief of Engineers shall determine the timing of a peer review of a project study under subsection (a). In all cases, the peer review shall occur during the period beginning on the date of the completion of the reconnaissance study for the project and ending on the date the draft report of the Chief of Engineers for the project is made available for public comment. Where the Chief of Engineers has not initiated a peer review of a project study, the Chief of Engineers shall consider, at a minimum, whether to initiate a peer review at the time that—

(1) the without-project conditions are identified;

(2) the array of alternatives to be considered are identified; and

(3) the preferred alternative is identified.

Nothing in this subsection shall be construed to require the Chief of Engineers to conduct multiple peer reviews for a project study.

(c) ESTABLISHMENT OF PANELS.—

(1) IN GENERAL.—For each project study subject to peer review under subsection (a), as soon as practicable after the Chief of Engineers determines that a project study will be subject to peer review, the Chief of Engineers shall contract with the National Academy of Sciences (or a similar independent scientific and technical advisory organization), or an eligible organization, to establish a panel of experts to peer review the project study for technical and scientific sufficiency.

(2) MEMBERSHIP.—A panel of experts established for a project study under this section shall be composed of independent experts who represent a balance of areas of expertise suitable for the review being conducted.

(3) LIMITATION ON APPOINTMENTS.—An individual may not be selected to serve on a panel of experts established for a project study under

this section if the individual has a financial or close professional association with any organization or group with a strong financial or organizational interest in the project.

(4) CONGRESSIONAL NOTIFICATION.—Upon identification of a project study for peer review under this section, but prior to initiation of any review, the Chief of Engineers shall notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of such review.

(d) DUTIES OF PANELS.—A panel of experts established for a peer review for a project study under this section shall, consistent with the scope of the referral for review—

(1) conduct a peer review for the project study submitted to the panel for review;

(2) assess the adequacy and acceptability of the economic and environmental methods, models, and analyses used by the Chief of Engineers;

(3) provide timely written and oral comments to the Chief of Engineers throughout the development of the project study, as requested; and

(4) submit to the Chief of Engineers a final report containing the panel's economic, engineering, and environmental analysis of the project study, including the panel's assessment of the adequacy and acceptability of the economic and environmental methods, models, and analyses used by the Chief of Engineers, to accompany the publication of the project study.

(e) DURATION OF PROJECT STUDY PEER REVIEWS.—

(1) DEADLINE.—A panel of experts shall—

(A) complete its peer review under this section for a project study and submit a report to the Chief of Engineers under subsection (d)(4) within 180 days after the date of establishment of the panel, or, if the Chief of Engineers determines that a longer period of time is necessary, such period of time established by the Chief of Engineers, but in no event later than 90 days after the date a draft project study is made available for public review; and

(B) terminate on the date of submission of the report.

(2) FAILURE TO MEET DEADLINE.—If a panel does not complete its peer review of a project study under this section and submit a report to the Chief of Engineers under subsection (d)(4) on or before the deadline established by paragraph (1) for the project study, the Chief of Engineers shall continue the project study for the project that is subject to peer review by the panel without delay.

(f) RECOMMENDATIONS OF PANEL.—

(1) CONSIDERATION BY THE CHIEF OF ENGINEERS.—After receiving a report on a project study from a panel of experts under this section and before entering a final record of decision for the project, the Chief of Engineers shall consider any recommendations contained in the report and prepare a written response for any recommendations adopted or not adopted.

(2) PUBLIC AVAILABILITY AND TRANSMITTAL TO CONGRESS.—After receiving a report on a project study from a panel of experts under this section, the Chief of Engineers shall—

(A) make a copy of the report and any written response of the Chief of Engineers on recommendations contained in the report available to the public; and

(B) transmit to Congress a copy of the report, together with any such written response, on the date of a final report of the Chief of Engineers or other final decision document for a project study that is subject to peer review by the panel.

(g) COSTS.—

(1) IN GENERAL.—The costs of a panel of experts established for a peer review under this section—

(A) shall be a Federal expense; and

(B) shall not exceed $500,000.

(2) WAIVER.—The Chief of Engineers may waive the $500,000 limitation contained in paragraph (1)(B) in cases that the Chief of Engineers determines appropriate.

(h) APPLICABILITY.—This section shall apply to—

(1) project studies initiated during the 2-year period preceding the date of enactment of this Act and for which the array of alternatives to be considered has not been identified; and

(2) project studies initiated during the period beginning on such date of enactment and ending 4 years after such date of enactment.

(i) REPORT.—Within 4 1/2 years of the date of enactment of this section, the Chief of Engineers shall submit a report to Congress on the implementation of this section.

(j) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any peer review panel established under this section.

(k) SAVINGS CLAUSE.—Nothing in this section shall be construed to affect any authority of the Chief of Engineers to cause or conduct a peer review of a water resources project existing on the date of enactment of this section.

(l) DEFINITIONS.—In this section, the following definitions apply:

(1) PROJECT STUDY.—The term ''project study'' means a feasibility study or reevaluation study for a project. The term also includes any other study associated with a modification or update of a project that includes an environmental impact statement, including the environmental impact statement.

(2) AFFECTED STATE.—The term ''affected State'', as used with respect to a project, means a State all or a portion of which is within the drainage basin in which the project is or would be located and would be economically or environmentally affected as a consequence of the project.

(3) ELIGIBLE ORGANIZATION.—The term ''eligible organization'' means an organization that—

(A) is described in section 501(c)(3), and exempt from Federal tax under section 501(a), of the Internal Revenue Code of 1986;

(B) is independent;

(C) is free from conflicts of interest;

(D) does not carry out or advocate for or against Federal water resources projects; and

(E) has experience in establishing and administering peer review panels.

SEC. 2031. TRAINING FUNDS.

(a) IN GENERAL.—The Secretary may include individuals not employed by the Department of the Army 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 not employed by the Department of the Army attending a training class or course described in subsection (a) shall pay the full cost of the training provided to the individual.

(2) PAYMENTS.—Payments made by an individual for training received under paragraph (1), up to the actual cost of the training—

(A) may be retained by the Secretary;

(B) shall be credited to an appropriation or account used for paying training costs; and

(C) shall be available for use by the Secretary, without further appropriation, for training purposes.

(3) EXCESS AMOUNTS.—Any payments received under paragraph (2) that are in excess of the actual cost of training provided shall be credited as miscellaneous receipts to the Treasury of the United States.

SEC. 2032. ACCESS TO WATER RESOURCE DATA.

(a) IN GENERAL.—The Secretary 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 resources project development and regulation under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(2) appropriately employ geographic information system technology and linkages to water resource models and analytical techniques.

(c) PARTNERSHIPS.—To the maximum extent practicable, in carrying out activities under this section, the Secretary shall develop partnerships, including cooperative agreements with State, tribal, and local governments and other Federal agencies.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each fiscal year.

SEC. 2033. 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 beach nourishment for the purposes of flood damage reduction and hurricane and storm damage reduction 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 for the purposes described in subsection (a); 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 constructed before the date of enactment of this Act).

SEC. 2034. ABILITY TO PAY.

(a) CRITERIA AND PROCEDURES.—Section 103(m)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)(2)) is amended by striking ''180 days after such date of enactment'' and inserting ''August 31, 2005''.

(b) PROJECTS.—The Secretary shall apply the criteria and procedures referred to in section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) to the following projects:

(1) ST. JOHNS BAYOU AND NEW MADRID FLOODWAY, MISSOURI.—The project for flood control, St. Johns Bayou and New Madrid Floodway, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118).

(2) LOWER RIO GRANDE BASIN, TEXAS.—The project for flood control, Lower Rio Grande Basin, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125).

(3) WEST VIRGINIA AND PENNSYLVANIA PROJECTS.—The projects for flood control authorized by section 581 of the Water Resources Development Act of 1996 (110 Stat. 3790–3791).

SEC. 2035. AQUATIC ECOSYSTEM RESTORATION.

Section 206(e) of the Water Resources Development Act of 1996 (33 U.S.C. 2330) is amended by striking ''$25,000,000'' and inserting ''$40,000,000''.

SEC. 2036. SMALL FLOOD DAMAGE REDUCTION PROJECTS.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking ''$50,000,000'' and inserting ''$60,000,000''.

SEC. 2037. LEASING AUTHORITY.

Section 4 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes'', approved December 22, 1944 (16 U.S.C. 460d) is amended—

(1) by inserting ''federally-recognized Indian tribes and'' before ''Federal'' the first place it appears;

(2) by inserting ''Indian tribes or'' after ''considerations, to such''; and

(3) by inserting ''federally-recognized Indian tribe'' after ''That in any such lease or license to a''.

SEC. 2038. COST ESTIMATES.

The estimated Federal and non-Federal costs of projects authorized to be carried out by the Secretary before, on, or after the date of enactment of this Act are for informational purposes only and shall not be interpreted as affecting the cost sharing responsibilities established by law.

SEC. 2039. STUDIES AND REPORTS FOR WATER RESOURCES PROJECTS.

(a) STUDIES.—

(1) COST-SHARING REQUIREMENTS.—Section 105(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)) is amended by adding at the end the following:

''(3) DETAILED PROJECT REPORTS.—The requirements of this subsection that apply to a feasibility study also shall apply to a study that results in a detailed project report, except that—

''(A) the first $100,000 of the costs of a study that results in a detailed project report shall be a Federal expense; and

''(B) paragraph (1)(C)(ii) shall not apply to such a study.''.

(2) PLANNING AND ENGINEERING.—Section 105(b) of such Act (33 U.S.C. 2215(b)) is amended by striking ''authorized by this Act''.

(3) DEFINITIONS.—Section 105 of such Act (33 U.S.C. 2215) is amended by adding at the end the following:

''(d) DEFINITIONS.—In this section, the following definitions apply:

''(1) DETAILED PROJECT REPORT.—The term 'detailed project report' means a report for a project not specifically authorized by Congress in law or otherwise that determines the feasibility of the project with a level of detail appropriate to the scope and complexity of the recommended solution and sufficient to proceed directly to the preparation of contract plans and specifications. The term includes any associated environmental impact statement and mitigation plan. For a project for which the Federal cost does not exceed $1,000,000, the term includes a planning and design analysis document.

''(2) FEASIBILITY STUDY.—The term 'feasibility study' means a study that results in a feasibility report under section 905, and any associated environmental impact statement and mitigation plan, prepared by the Corps of Engineers for a water resources project. The term includes a study that results in a project implementation report prepared under title VI of the Water Resources Development Act of 2000 (114 Stat. 2680–2694), a general reevaluation report, and a limited reevaluation report.''.

(b) REPORTS.—

(1) PREPARATION.—Section 905(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(a); 100 Stat. 4185) is amended—

(A) by striking ''(a) In the case of any'' and inserting the following:

''(a) PREPARATION OF REPORTS.—

''(1) IN GENERAL.—In the case of any'';

(B) by striking ''the Secretary, the Secretary shall'' and inserting ''the Secretary that results in recommendations concerning a project or the operation of a project and that requires specific authorization by Congress in law or otherwise, the Secretary shall perform a reconnaissance study and'';

(C) by striking ''Such feasibility report'' and inserting the following:

''(2) CONTENTS OF FEASIBILITY REPORTS.—A feasibility report'';

(D) by striking ''The feasibility report'' and inserting ''A feasibility report''; and

(E) by striking the last sentence and inserting the following:

''(3) APPLICABILITY.—This subsection shall not apply to—

''(A) any study with respect to which a report has been submitted to Congress before the date of enactment of this Act;

''(B) any study for a project, which project is authorized for construction by this Act and is not subject to section 903(b);

''(C) any study for a project which does not require specific authorization by Congress in law or otherwise; and

''(D) general studies not intended to lead to recommendation of a specific water resources project.

''(4) FEASIBILITY REPORT DEFINED.—In this subsection, the term 'feasibility report' means each feasibility report, and any associated environmental impact statement and mitigation plan, prepared by the Corps of Engineers for a water resources project. The term includes a project implementation report prepared under title VI of the Water Resources Development Act of 2000 (114 Stat. 2680–2694), a general reevaluation report, and a limited reevaluation report.''.

(2) PROJECTS NOT SPECICIALLY AUTHORIZED BY CONGRESS.—Section 905 of such Act is further amended—

(A) in subsection (b) by inserting ''RECONNAISSANCE STUDIES.—'' before ''Before initiating'';

(B) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively;

(C) by inserting after subsection (b) the following:

''(c) PROJECTS NOT SPECIFICALLY AUTHORIZED BY CONGRESS.—In the case of any water resources project-related study authorized to be undertaken by the Secretary without specific authorization by Congress in law or otherwise, the Secretary shall prepare a detailed project report.'';

(D) in subsection (d) (as so redesignated) by inserting ''INDIAN TRIBES.—'' before ''For purposes of''; and

(E) in subsection (e) (as so redesignated) by inserting ''STANDARD AND UNIFORM PROCEDURES AND PRACTICES.—'' before ''The Secretary shall'' .

SEC. 2040. FISCAL TRANSPARENCY REPORT.

(a) IN GENERAL.—On the third Tuesday of January of each year beginning January 2006, the Chief of Engineers shall submit to the Committee 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 and, for projects and activities that are not scheduled for completion in the current fiscal year, the estimated expenditures necessary in the following fiscal year for each project or activity to maintain the same level of effort being achieved in 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.

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 3001. KING COVE HARBOR, ALASKA.

The maximum amount of Federal funds that may be expended for the project for navigation, King Cove Harbor, Alaska, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), shall be $8,000,000.

SEC. 3002. ST. PAUL HARBOR, ST. PAUL ISLAND, ALASKA.

(a) SMALL BOAT HARBOR.—No elements of the project for navigation, St. Paul Harbor, St. Paul Island, Alaska, authorized by section 101(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3667) and modified by section 303 of the Water Resources Development Act of 1999 (113 Stat. 298) and section 105 of the Energy and Water Development Appropriations Act, 2003 (117 Stat. 139), shall be treated by the Secretary as separable.

(b) LIMITATION ON NON-FEDERAL SHARE.—The non-Federal share for the project shall not exceed $14,400,000.

SEC. 3003. SITKA, ALASKA.

The Thompson Harbor, Sitka, Alaska, element of the project for navigation Southeast Alaska Harbors of Refuge, Alaska, authorized by section 101 of the Water Resources Development Act of 1992 (106 Stat. 4801), is modified to direct the Secretary to take such action as may be necessary to correct design deficiencies in such element, at a Federal expense of $6,300,000.

SEC. 3004. TATITLEK, ALASKA.

The maximum amount of Federal funds that may be expended for the project for navigation, Tatitlek, Alaska, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), shall be $10,000,000.

SEC. 3005. GRAND PRAIRIE REGION AND BAYOU METO BASIN, ARKANSAS.

The Secretary shall review the general reevaluation report for the Bayou Meto basin element of the project for Grand Prairie Region and Bayou Meto Basin, Arkansas, reauthorized by section 363(a) of the Water Resources Development Act of 1996 (110 Stat. 3730), and make a determination of whether the element is feasible, regardless of mission priorities.

SEC. 3006. OSCEOLA HARBOR, ARKANSAS.

(a) IN GENERAL.—The project for navigation, Osceola Harbor, Arkansas, constructed under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to allow non-Federal interests to construct a mooring facility within the existing authorized harbor channel, subject to all necessary permits, certifications, and other requirements.

(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as affecting the responsibility of the Secretary to maintain the general navigation features of the project at a bottom width of 250 feet.

SEC. 3007. PINE MOUNTAIN DAM, ARKANSAS.

The Pine Mountain Dam feature of the project for flood protection, Lee Creek, Arkansas

and Oklahoma, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1078), is modified—

(1) to add environmental restoration as a project purpose; and

(2) to direct the Secretary to finance the non-Federal share of the cost of the project over a 30-year period in accordance with section 103(k) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(k)).

SEC. 3008. SAINT FRANCIS BASIN, ARKANSAS.

The project for flood control, Saint Francis Basin, Missouri and Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 172), is modified to authorize the Secretary to construct improvements along Ditch No. 1 that consist of a gated culvert through the Saint Francis Levee and related channel improvements.

SEC. 3009. AMERICAN RIVER WATERSHED, CALIFORNIA.

Section 128 of Public Law 108–137 (117 Stat. 1838) is amended by adding at the end the following:

''(c) DAM SAFETY MODIFICATIONS AT L.L. ANDERSON DAM.—In determining improvements for dam safety that are necessary at the L.L. Anderson Dam, the Secretary shall consider the without-project condition to be the dam as it existed on December 1, 2003.

''(d) COST ALLOCATION.—In allocating costs for the project authorized in subsection (a), the Secretary shall use the project cost allocations for flood damage reduction and dam safety that are contained in the American River Watershed, California, long-term study final supplemental plan formulation report dated February 2002.''.

SEC. 3010. COMPTON CREEK, CALIFORNIA.

The project for flood control, Los Angeles Drainage Area, California, authorized by section 101(b) of the Water Resources Development Act of 1990 (104 Stat. 4611), is modified to add environmental restoration and recreation as project purposes.

SEC. 3011. GRAYSON CREEK/MURDERER'S CREEK, CALIFORNIA.

The project for aquatic ecosystem restoration, Grayson Creek/Murderer's Creek, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project and to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

SEC. 3012. HAMILTON AIRFIELD, CALIFORNIA.

The project for environmental restoration, Hamilton Airfield, California, authorized by section 101(b)(3) of the Water Resources Development Act of 1999 (113 Stat. 279), is modified to direct the Secretary to construct the project substantially in accordance with the report of the Chief of Engineers dated July 19, 2004, at a total cost of $205,226,000, with an estimated Federal cost of $153,840,000 and an estimated non-Federal cost of $51,386,000.

SEC. 3013. JOHN F. BALDWIN SHIP CHANNEL AND STOCKTON SHIP CHANNEL, CALIFORNIA.

The project for navigation, San Francisco to Stockton, California, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1091) is modified—

(1) to provide that the non-Federal share of the cost of the John F. Baldwin Ship Channel and Stockton Ship Channel element of the project may be provided in the form of in-kind services and materials; and

(2) to direct the Secretary to credit toward the non-Federal share of the cost of such element the cost of planning and design work carried out by the non-Federal interest before the date of an agreement for such planning and design if the Secretary determines that such work is integral to such element.

SEC. 3014. KAWEAH RIVER, CALIFORNIA.

The project for flood control, Terminus Dam, Kaweah River, California, authorized by section 101(b)(5) of the Water Resources Development Act of 1996 (110 Stat. 3658), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project, or provide reimbursement not to exceed $800,000, for the costs of any work carried out by the non-Federal interest before, on, or after the date of the project partnership agreement if the Secretary determines that the work is integral to the project.

SEC. 3015. LARKSPUR FERRY CHANNEL, LARKSPUR, CALIFORNIA.

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 determine whether maintenance of the project is feasible, and if the Secretary determines that maintenance of the project is feasible, to carry out such maintenance.

SEC. 3016. 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 carry out the project at a total cost of $105,000,000.

SEC. 3017. LOS ANGELES HARBOR, CALIFORNIA.

The project for navigation, Los Angeles Harbor, California, authorized by section 101(b)(5) 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 $222,000,000.

SEC. 3018. MAGPIE CREEK, CALIFORNIA.

(a) IN GENERAL.—The project for Magpie Creek, California, authorized under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to direct the Secretary to apply the cost-sharing requirements 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.

(b) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of planning and design work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3019. PACIFIC FLYWAY CENTER, SACRAMENTO, CALIFORNIA.

The project for aquatic ecosystem restoration, Pacific Flyway Center, Sacramento, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to authorize the Secretary to expend $2,000,000 to enhance public access to the project.

SEC. 3020. PINOLE CREEK, CALIFORNIA.

The project for improvement of the quality of the environment, Pinole Creek Phase I, California, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3021. PRADO DAM, CALIFORNIA.

Upon completion of the modifications to the Prado Dam element of the project for flood control, Santa Ana River Mainstem, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113), the Memorandum of Agreement for the Operation for Prado Dam for Seasonal Additional Water Conservation between the Department of the Army and the Orange County Water District (including all the conditions and stipulations in the memorandum) shall remain in effect for volumes of water made available prior to such modifications.

SEC. 3022. SACRAMENTO AND AMERICAN RIVERS FLOOD CONTROL, CALIFORNIA.

(a) DETERMINATION OF FEDERAL COSTS PAID BY NON-FEDERAL INTEREST.—

(1) FEDERAL COSTS PAID BY NON-FEDERAL INTEREST.—The Secretary shall determine the amount paid by the Sacramento Area Flood Control Agency towards the Federal share of the cost of the project for the Natomas levee features authorized by section 9159(b) of the Department of Defense Appropriations Act, 1993 (106 Stat. 1944) of the project for flood control and recreation, Sacramento and American Rivers, California.

(2) REIMBURSEMENTS TO NON-FEDERAL INTEREST.—The Secretary shall determine the amount of reimbursements paid to the Sacramento Flood Control Agency for payment of the Federal share of the cost of the project referred to in paragraph (1).

(3) DETERMINATION OF FEDERAL SHARE.—In carrying out paragraph (1), the Secretary shall include in the total cost of the project all costs of the following activities that the Secretary determines to be integral to the project:

(A) Planning, engineering, and construction.

(B) Acquisition of project lands, easements, and rights-of-way.

(C) Performance of relocations.

(D) Environmental mitigation for all project elements.

(b) CREDIT.—

(1) IN GENERAL.—The Secretary shall credit toward the non-Federal share of the cost of any flood damage reduction project, authorized before the date of enactment of this Act, for which the non-Federal interest is the Sacramento Area Flood Control Agency an amount equal to the total amount determined under subsection (a)(1) reduced by the amount determined under subsection (a)(2).

(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.

SEC. 3023. SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.

The project for navigation, Sacramento Deep Water Ship Channel, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning and design work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3024. SACRAMENTO RIVER, GLENN-COLUSA, CALIFORNIA.

The project for flood control, Sacramento River, California, authorized by section 2 of the Act entitled ''An Act to provide for the control of the floods of the Mississippi River and of the Sacramento River, California, and for other purposes'', approved March 1, 1917 (39 Stat. 949), and modified by section 102 of the Energy and Water Development Appropriations Act, 1990 (103 Stat. 649), section 301(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3110), title I of the Energy and Water Development Appropriations Act, 1999 (112 Stat. 1841), and section 305 of the Water Resources Development Act of 1999 (113 Stat. 299), is further modified to direct the Secretary to credit the non-Federal interest up to $4,000,000 toward the non-Federal share of the cost of the project for costs incurred by the non-Federal interest in carrying out activities (including the provision of lands, easements, rights-of-way, relocations,

and dredged material disposal areas) associated with environmental compliance for the project if the Secretary determines that the activities are integral to the project.

SEC. 3025. SANTA CRUZ HARBOR, CALIFORNIA.

The project of navigation, Santa Cruz Harbor, California, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 300) and modified by section 809 of the Water Resources Development Act of 1986 (100 Stat. 4168) and section 526 of the Water Resources Development Act of 1999 (113 Stat. 346), is modified to direct the Secretary—

(1) to renegotiate the memorandum of agreement with the non-Federal interest to increase the annual payment to reflect the updated cost of operation and maintenance that is the Federal and non-Federal share as provided by law based on the project purpose; and

(2) to revise the memorandum of agreement to include terms that revise such payments for inflation.

SEC. 3026. SEVEN OAKS DAM, CALIFORNIA.

The project for flood control, Santa Ana Mainstem, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113) and modified by section 104 of the Energy and Water Development Appropriations Act, 1988 (101 Stat. 1329–11), section 102(e) of the Water Resources Development Act of 1990 (104 Stat. 4611), and section 311 of the Water Resources Development Act of 1996 (110 Stat. 3713), is further modified to direct the Secretary to conduct a study for the reallocation of water storage at the Seven Oaks Dam, California, for water conservation.

SEC. 3027. UPPER GUADALUPE RIVER, CALIFORNIA.

The project for flood damage reduction and recreation, Upper Guadalupe River, California, described as the Bypass Channel Plan of the Chief of Engineers dated August 19, 1998, 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, at a total cost of $212,100,000, with an estimated Federal cost of $106,050,000, and an estimated non-Federal cost of $106,050,000. The non-Federal share of the cost of the project shall be subject to section 103(a)(3) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)(3)).

SEC. 3028. WALNUT CREEK CHANNEL, CALIFORNIA.

The project for aquatic ecosystem restoration, Walnut Creek Channel, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project and to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

SEC. 3029. WILDCAT/SAN PABLO CREEK PHASE I, CALIFORNIA.

The project for improvement of the quality of the environment, Wildcat/San Pablo Creek Phase I, California, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3030. WILDCAT/SAN PABLO CREEK PHASE II, CALIFORNIA.

The project for aquatic ecosystem restoration, Wildcat/San Pablo Creek Phase II, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project and to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

SEC. 3031. 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—

(1) 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; and

(2) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3032. INTRACOASTAL WATERWAY, DELAWARE RIVER TO CHESAPEAKE BAY, DELAWARE AND MARYLAND.

The project for navigation, Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, authorized by the first section of the Rivers and Harbors Act of August 30, 1935 (49 Stat. 1030), and section 101 of the River and Harbor Act of 1954 (68 Stat. 1249), is modified to add recreation as a project purpose.

SEC. 3033. BREVARD COUNTY, FLORIDA.

(a) SHORELINE.—The project for shoreline protection, Brevard County, Florida, authorized by section 101(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3667), is modified—

(1) to direct the Secretary to establish the reach of the project as the reach between the Florida department of environmental protection monuments 75.4 to 118.3, a distance of 7.6 miles; and

(2) to direct the Secretary to expedite the general reevaluation report required by section 418 of the Water Resources Development Act of 2000 (114 Stat. 2637).

(b) CREDIT.—Section 310 of the Water Resources Development Act of 1999 (113 Stat. 301) is amended by adding at the end the following:

''(d) CREDIT.—After completion of the study, the Secretary shall credit toward the non-Federal share of the cost of the project the cost of nourishment and renourishment associated with the shore protection project incurred by the non-Federal interest to respond to damages to Brevard County beaches that are the result of a Federal navigation project, as determined in the final report for the study.''.

SEC. 3034. BROWARD COUNTY AND HILLSBORO INLET, FLORIDA.

The project for shore protection, Broward County and Hillsboro Inlet, Florida, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1090), and modified by section 311 of the Water Resources Development Act of 1999 (113 Stat. 301), is further modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of mitigation construction and derelict erosion control structure removal carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3035. CANAVERAL HARBOR, FLORIDA.

In carrying out the project for navigation, Canaveral Harbor, Florida, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1174), the Secretary shall construct a sediment trap.

SEC. 3036. GASPARILLA AND ESTERO ISLANDS, FLORIDA.

The project for shore protection, Gasparilla and Estero Island segments, Lee County, Florida, authorized under section 201 of the Flood Control Act of 1965 (79 Stat. 1073) by Senate Resolution dated December 17, 1970, and by House Resolution dated December 15, 1970, and modified by section 309 of the Water Resources Development Act of 2000 (114 Stat. 2602), is further modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3037. JACKSONVILLE HARBOR, FLORIDA.

(a) IN GENERAL.—The project for navigation, Jacksonville Harbor, Florida, authorized by section 101(a)(17) of the Water Resources Development Act of 1999 (113 Stat. 276), is modified to authorize the Secretary to extend the navigation features in accordance with the Report of the Chief of Engineers, dated July 22, 2003, at a total cost of $14,658,000, with an estimated Federal cost of $9,636,000 and an estimated non-Federal cost of $5,022,000.

(b) GENERAL REEVALUATION REPORTS.—The non-Federal share of the cost of the general reevaluation report that resulted in the report of the Chief of Engineers for the project and the non-Federal share of the cost of the general reevaluation report for Jacksonville Harbor, Florida, being conducted on June 1, 2005, shall each be the same percentage as the non-Federal share of the cost of construction of the project.

(c) AGREEMENT.—The Secretary shall enter into new partnership agreements with the non-Federal interest to reflect the cost sharing required by subsection (b).

SEC. 3038. LIDO KEY BEACH, SARASOTA, FLORIDA.

(a) IN GENERAL.—The project for shore protection, Lido Key Beach, Sarasota, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1819), deauthorized under section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), and reauthorized by section 364(2)(A) of the Water Resources Development Act of 1999 (113 Stat. 313), is modified to direct the Secretary to construct the project substantially in accordance with 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 of $58,635,000 for periodic nourishment over the 50-year life of the project.

(b) CONSTRUCTION OF SHORELINE PROTECTION PROJECTS BY NON-FEDERAL INTERESTS.—The Secretary shall enter into a partnership agreement with the non-Federal sponsor in accordance with section 206 of the Water Resources Development Act of 1992 (33 U.S.C. 426i–1) for the modified project.

SEC. 3039. MIAMI HARBOR, FLORIDA.

The project for navigation, Miami Harbor Channel, Florida, authorized by section 101(a)(9) of the Water Resources Development Act of 1990 (104 Stat. 4606) and modified by section 315 of the Water Resources Development Act of 1999 (113 Stat. 302), is further modified—

(1) to include as a project purpose environmental mitigation required before July 18, 2003, by a Federal, State, or local environmental agency for unauthorized or unanticipated environmental impacts within, or in the vicinity of, the authorized project; and

(2) to direct the Secretary to reimburse the non-Federal interest for costs it has incurred in construction of the project in accordance with section 204 of the Water Resources Development Act of 1986 (33 U.S.C. 2232).

SEC. 3040. PEANUT ISLAND, FLORIDA.

The maximum amount of Federal funds that may be expended for the project for improvement of the quality of the environment, Peanut Island, Palm Beach County, Florida, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) shall be $9,750,000.

SEC. 3041. TAMPA HARBOR-BIG BEND CHANNEL, FLORIDA.

The project for navigation, Tampa Harbor-Big Bend Channel, Florida, authorized by section 101(a)(18) of the Water Resources Development Act of 1999 (113 Stat. 276) is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3042. TAMPA HARBOR CUT B, FLORIDA.

(a) IN GENERAL.—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 Harbor Cut B if the Secretary determines that such improvements are necessary for navigation safety.

(b) GENERAL REEVAULATION REPORT.—The non-Federal share of the cost of the general reevaluation report for Tampa Harbor, Florida, being conducted on June 1, 2005, shall be the same percentage as the non-Federal share of the cost of construction of the project.

(c) AGREEMENT.—The Secretary shall enter into a new partnership agreement with the non-Federal interest to reflect the cost sharing required by subsection (b).

SEC. 3043. ALLATOONA LAKE, GEORGIA.

(a) LAND EXCHANGE.—

(1) IN GENERAL.—The Secretary may exchange lands 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 lands on the north side of Allatoona Lake that are needed for wildlife management and for 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 so that lands exchanged are of equal value.

(b) DISPOSAL AND ACQUISITION OF LANDS, ALLATOONA LAKE, GEORGIA.—

(1) IN GENERAL.—The Secretary may also sell lands above 863 feet in elevation at Allatoona Lake, Georgia, identified in the memorandum referred to in subsection (a)(1) and may use the proceeds to pay costs associated with the purchase of lands needed for wildlife management and for protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—Land sales and purchases to be conducted under this subsection shall be subject to the following terms and conditions:

(A) Lands acquired under this subsection shall be by negotiated purchase from willing sellers only.

(B) The basis for all transactions under the program shall be a fair market appraisal acceptable to the Secretary.

(C) The purchasers shall share in the associated environmental and real estate costs, to include surveys and associated fees in accordance with the memorandum referred to in subsection (a)(1).

(D) Any other conditions that the Secretary may impose.

(c) REPEAL.—Section 325 of the Water Resources Development Act of 1992 (106 Stat. 4849) is repealed.

SEC. 3044. LATHAM RIVER, GLYNN COUNTY, GEORGIA.

The maximum amount of Federal funds that may be expended for the project for improvement of the quality of the environment, Latham River, Glynn County, Georgia, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) shall be $6,175,000.

SEC. 3045. DWORSHAK DAM AND RESERVOIR IMPROVEMENTS, IDAHO.

The Secretary may carry out improvements to recreational facilities at the Dworshak Dam and Reservoir, North Fork, Clearwater River, Idaho, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1193), to accommodate lower pool levels.

SEC. 3046. BEARDSTOWN COMMUNITY BOAT HARBOR, BEARDSTOWN, ILLINOIS.

(a) PARTNERSHIP AGREEMENT.—The project for navigation, Muscooten Bay, Illinois River, Beardstown Community Boat Harbor, Beardstown, Illinois, constructed under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to direct the Secretary to enter into a partnership agreement with the city of Beardstown to replace the August 18, 1983, local cooperation agreement with the Beardstown Community Park District. The partnership agreement shall include the same rights and responsibilities as the agreement, changing only the identity of the non-Federal sponsor.

(b) MAINTENANCE.—Following execution of the partnership agreement referred to in subsection (a), the Secretary may carry out maintenance of the project referred to in subsection (a) on an annual basis.

SEC. 3047. CACHE RIVER LEVEE, ILLINOIS.

The Cache River Levee portion of the project for flood control, Cache River, Illinois, authorized by the Act of June 28, 1938 (52 Stat. 1215), is modified to add environmental restoration as a project purpose.

SEC. 3048. CHICAGO RIVER, ILLINOIS.

The navigation channel for the North Branch Canal portion of the Chicago River, authorized by the first section of the Rivers and Harbors Appropriations Act of March 3, 1899 (30 Stat. 1129), extending from 100 feet downstream of the Halsted Street Bridge to 100 feet upstream of the Division Street Bridge is modified to be no wider than 66 feet.

SEC. 3049. CHICAGO SANITARY AND SHIP CANAL, ILLINOIS.

(a) EXISTING BARRIER.—The Secretary shall upgrade and make permanent, at Federal expense, the existing Chicago Sanitary and Ship Canal Dispersal Barrier Chicago, Illinois, constructed as a demonstration project under section 1202(i)(3) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)).

(b) OPERATION AND MAINTENANCE.—The barrier referred to in subsection (a) and the barrier in the Chicago Sanitary and Ship Canal being constructed under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) shall be operated and maintained, at Federal expense, as a system in a manner to optimize effectiveness. Operation and maintenance includes investigating and eliminating potential pathways that may allow aquatic species in the Des Plaines River and Illinois and Michigan Canal to bypass the barriers in the Chicago Sanitary and Ship Canal.

(c) FEASIBILITY STUDY.—The Secretary, in consultation with appropriate Federal, State, local, and nongovernmental entities, shall conduct a feasibility study, at Federal expense, of the range of options and technologies available to prevent the spread of aquatic species between the Great Lakes and Mississippi River Basins through the Chicago Sanitary and Ship Canal and other pathways.

SEC. 3050. EMIQUON, ILLINOIS.

(a) MAXIMUM AMOUNT.—The maximum amount of Federal funds that may be expended for the project for aquatic ecosystem restoration, Emiquon, Illinois, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), shall be $7,500,000.

(b) LIMITATION.—Nothing in this section shall affect the eligibility of the project for emergency repair assistance under section 5(a) of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved August 18, 1941 (33 U.S.C. 701n).

SEC. 3051. LASALLE, ILLINOIS.

In carrying out section 312 of the Water Resources Development Act of 1990 (104 Stat. 4639–4640), the Secretary shall give priority to work in the vicinity of LaSalle, Illinois, on the Illinois and Michigan Canal.

SEC. 3052. SPUNKY BOTTOMS, ILLINOIS.

(a) PROJECT PURPOSE.—The project for flood control, Spunky Bottoms, Illinois, authorized by section 5 of the Flood Control Act of June 26, 1936 (35 Stat. 1584), is modified to add environmental restoration as a project purpose.

(b) MAXIMUM AMOUNT.—The maximum amount of Federal funds that may be expended for the project for improvement of the quality of the environment, Spunky Bottoms, Illinois, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), shall be $7,500,000.

(c) LIMITATION.—Nothing in this section shall affect the eligibility of the project for emergency repair assistance under section 5(a) of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved August 18, 1941 (33 U.S.C. 701n).

SEC. 3053. FORT WAYNE AND VICINITY, INDIANA.

The project for flood control Fort Wayne, St. Mary's and Maumee Rivers, Indiana, authorized by section 101(a)(11) of the Water Resources Development Act of 1990 (104 Stat. 4604), is modified—

(1) to direct the Secretary to provide a 100-year level of flood protection at the Berry-Thieme, Park-Thompson, Woodhurst, and Tillman sites along the St. Mary's River, Fort Wayne and vicinity, Indiana, at a total cost of $5,300,000; and

(2) to allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

SEC. 3054. KOONTZ LAKE, INDIANA.

The project for aquatic ecosystem restoration, Koontz Lake, Indiana, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) and modified by section 520 of the Water Resources Development Act of 2000 (114 Stat. 2655), is further modified to direct the Secretary to seek to reduce the cost of the project by using innovative technologies and cost reduction measures determined from a review of non-Federal lake dredging projects in the vicinity of Koontz Lake.

SEC. 3055. LITTLE CALUMET RIVER, INDIANA.

The project for flood control, Little Calumet River, Indiana, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), is modified to authorize the Secretary to carry out the project in accordance with the postauthorization change report dated August 2000, at a total cost of $198,000,000, with an estimated Federal cost of $148,500,000 and an estimated non-Federal cost of $49,500,000.

SEC. 3056. WHITE RIVER, INDIANA.

The project for flood control, Indianapolis on West Fork of White River, Indiana, authorized by section 5 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved June 22, 1936 (49 Stat. 1586), and modified by section 323 of the Water Resources Development Act of 1996 (110 Stat. 3716) and section 322 of the Water Resources Development Act of 1999 (113 Stat. 303–304), is further modified—

(1) to authorize the Secretary to undertake the riverfront alterations described in the Central Indianapolis Waterfront Concept Plan, dated February 1994, for the Fall Creek Reach feature at a total cost of $28,545,000; and

(2) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3057. DES MOINES RIVER AND GREENBELT, IOWA.

The project for the Des Moines Recreational River and Greenbelt, Iowa, authorized by Public Law 99–88 and modified by section 604 of the Water Resources Development Act of 1986 (100 Stat. 4153), is modified to include enhanced public access and recreational enhancements, at a Federal cost of $3,000,000.

SEC. 3058. PRESTONSBURG, KENTUCKY.

The Prestonsburg, Kentucky, element 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 Appropriations Act, 1981 (94 Stat. 1339), is modified to direct the Secretary to take measures to provide a 100-year level of flood protection for the city of Prestonsburg.

SEC. 3059. AMITE RIVER AND TRIBUTARIES, LOUISIANA, EAST BATON ROUGE PARISH WATERSHED.

The project for flood damage reduction and recreation, Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed, authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (113 Stat. 277) and modified by section 116 of division D of Public Law 108–7 (117 Stat. 140), is further modified—

(1) to direct the Secretary to carry out the project with the cost sharing for the project determined in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)), as in effect on October 11, 1996;

(2) to authorize the Secretary to construct the project at a total cost of $178,000,000; and

(3) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3060. ATCHAFALAYA BASIN, LOUISIANA.

(a) IN GENERAL.—Section 315(a)(1) of the Water Resources Development Act of 2000 (114 Stat. 2603–2604) is amended to read as follows:

''(1) is authorized to study, design, construct, operate, and maintain, at Federal expense, a Type A Regional Visitor Center in the vicinity of Morgan City, Louisiana, in consultation with the State of Louisiana, to provide information to the public on the Atchafalaya River system and other associated waterways that have influenced surrounding communities, and national and local water resources development of the Army Corps of Engineers in South Central Louisiana; and''.

(b) TECHNICAL CORRECTION.—Section 315(b) of such Act is amended by striking ''(a)'' and inserting ''(a)(2)''.

(c) DONATIONS.—Section 315 of such Act is amended by adding at the end the following:

''(c) DONATIONS.—In carrying out subsection (a)(1), the Mississippi River Commission is authorized to accept the donation of cash, funds, lands, materials, and services from non-Federal governmental entities and nonprofit corporations.''.

SEC. 3061. BAYOU PLAQUEMINE, LOUISIANA.

The project for the improvement of the quality of the environment, Bayou Plaquemine, Louisiana, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309(a)), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3062. ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

The public access feature of the Atchafalaya Basin Floodway System project, Louisiana, authorized by section 601(a) of the Water Resources Development Act 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 within the Lower Atchafalaya Basin Floodway for the public access feature of the Atchafalaya Basin Floodway System, to enhance fish and wildlife resources, at a total cost of $4,000,000.

SEC. 3063. J. BENNETT JOHNSTON WATERWAY, MISSISSIPPI RIVER TO SHREVEPORT, LOUISIANA.

The project for mitigation of fish and wildlife losses, J. Bennett Johnston Waterway, Mississippi River to Shreveport, 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. 2572), is further modified—

(1) to authorize the purchase and reforesting lands that have been cleared or converted to agricultural uses; and

(2) to incorporate current wildlife and forestry management practices for the purpose of improving species diversity on mitigation lands that meet Federal and State of Louisiana habitat goals and objectives.

SEC. 3064. MISSISSIPPI DELTA REGION, LOUISIANA.

The Mississippi Delta Region project, Louisiana, authorized as part of the project for hurricane-flood protection on Lake Pontchartrain, Louisiana, by section 204 of the Flood Control Act of 1965 (79 Stat. 1077) and modified by section 365 of the Water Resources Development Act of 1996 (110 Stat. 3739), is further modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the costs of relocating oyster beds in the Davis Pond project area if the Secretary determines that the work is integral to the Mississippi Delta Region project.

SEC. 3065. NEW ORLEANS TO VENICE, LOUISIANA.

The New Orleans to Venice, Louisiana, project for hurricane protection, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1184), is modified to authorize the Secretary to carry out the work on the St. Jude to City Price, Upper Reach A back levee. The Federal share of the cost of such work shall be 70 percent.

SEC. 3066. WEST BANK OF THE MISSISSIPPI RIVER (EAST OF HARVEY CANAL), LOUISIANA.

Section 328 of the Water Resources Development Act of 1999 (113 Stat. 304–305) is amended—

(1) in subsection (a)—

(A) by striking ''operation and maintenance'' and inserting ''operation, maintenance, rehabilitation, repair, and replacement''; and

(B) by striking ''Algiers Channel'' and inserting ''Algiers Canal Levees''; and

(2) by adding at the end the following:

''(c) COST SHARING.—The non-Federal share of the cost of the project shall be 35 percent.''.

SEC. 3067. 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. 3068. UNION RIVER, MAINE.

The project for navigation, Union River, Maine, 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 June 3, 1896 (29 Stat. 215), 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 N315,975.13, E1,004,424.86, thence running north 61 degrees 27 minutes 20.71 seconds west about 132.34 feet to a point N316,038.37, E1,004,308.61.

SEC. 3069. GWYNNS FALLS WATERSHED, BALTIMORE, MARYLAND.

(a) IN GENERAL.—The Secretary shall carry out the project for ecosystem restoration, Gwynns Falls, Maryland, in accordance with the Baltimore Metropolitan Water Resources Gwynns Falls Watershed Study-Draft Feasibility Report and Integrated Environmental Assessment prepared by the Corps of Engineers and the city of Baltimore, Maryland, dated April 2004.

(b) SPECIAL RULE FOR GWYNNS FALLS, MARYLAND.—The report on the project for environmental restoration at Gwynns Falls, Maryland, shall be treated as being consistent and in compliance with the consent decree entered into between the United States and the Mayor and City Council of Baltimore, Maryland, filed with the United States District Court for the District of Maryland on April 26, 2002.

(c) REPEAL.—Section 123 of Public Law 108–137 (117 Stat. 1837) is repealed.

SEC. 3070. BOSTON HARBOR, MASSACHUSETTS.

The project for navigation, Boston Harbor, Massachusetts, authorized by section 101(a)(13) of the Water Resources Development Act of 1990 (104 Stat. 4607), is modified to provide that no funds may be expended for the dredging of Chelsea Creek until the city of Boston and the United States Coast Guard complete the replacement of the Chelsea Street Bridge, as identified in the limited reevaluation report for the project dated June 1996.

SEC. 3071. DETROIT RIVER SHORELINE, DETROIT, MICHIGAN.

(a) IN GENERAL.—The project for emergency streambank and shoreline protection, Detroit River Shoreline, Detroit, Michigan, being carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), is modified to include measures to enhance public access.

(b) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project shall be $3,000,000.

SEC. 3072. ST. JOSEPH HARBOR, MICHIGAN.

The Secretary shall expedite development of the dredged material management plan for the project for navigation St. Joseph Harbor, Michigan, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 299).

SEC. 3073. SAULT SAINTE MARIE, MICHIGAN.

(a) IN GENERAL.—The text of section 1149 of the Water Resources Development Act of 1986 (100 Stat. 4254) is amended to read as follows:

''The Secretary shall construct at Federal expense a second lock, of the same dimensions as the existing Poe Lock, adjacent to the existing lock at Sault Sainte Marie, Michigan, generally in accordance with the report of the Board of Engineers for Rivers and Harbors, dated May 19, 1986, and the limited reevaluation report dated February 2004 at a total cost of $341,714,000.''.

(b) CONFORMING REPEALS.—The following provisoins are repealed:

(1) Section 107(a)(8) of the Water Resources Development Act of 1990 (104 Stat. 4620).

(2) Section 330 of the Water Resources Development Act of 1996 (110 Stat. 3717–3718).

(3) Section 330 of the Water Resources Development Act of 1999 (113 Stat. 305).

SEC. 3074. ADA, MINNESOTA.

(a) IN GENERAL.—The project for flood damage reduction, Wild Rice River, Ada, Minnesota, being carried out under section 205 of the Flood

Control Act of 1948 (33 U.S.C. 701s), is modified to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

(b) EVALUATION OF BENEFITS AND COSTS.—In evaluating the economic benefits and costs for the project, the Secretary shall not consider the emergency levee adjacent to Judicial Ditch No. 51 in the determination of conditions existing prior to construction of the project.

(c) SPECIAL RULE.—In evaluating and implementing the project, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

SEC. 3075. DULUTH HARBOR, MCQUADE ROAD, MINNESOTA.

(a) IN GENERAL.—The project for navigation, Duluth Harbor, McQuade Road, Minnesota, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and modified by section 321 of the Water Resources Development Act of 2000 (114 Stat. 2605), is further modified to authorize the Secretary to provide public access and recreational facilities as generally described in the Detailed Project Report and Environmental Assessment, McQuade Road Harbor of Refuge, Duluth, Minnesota, dated August 1999.

(b) CREDIT.—The Secretary shall provide credit toward the non-Federal share of the cost of the project for the costs of design work carried out before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(c) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project shall be $5,000,000.

SEC. 3076. GRAND PORTAGE HARBOR, MINNESOTA.

The Secretary shall provide credit toward the non-Federal share of the cost of the navigation project for Grand Portage Harbor, Minnesota, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and modified by section 312 of the Water Resources Development Act of 2000 (114 Stat. 2605), for the costs of design work carried out before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3077. GRANITE FALLS, MINNESOTA.

(a) IN GENERAL.—The Secretary is directed to implement under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) the locally preferred plan for flood damage reduction, Granite Falls, Minnesota, substantially in accordance with the detailed project report dated 2002, at a total cost of $12,000,000, with an estimated Federal cost of $8,000,000 and an estimated non-Federal cost of $4,000,000.

(b) PROJECT FINANCING.—In evaluating and implementing the project under this section, the Secretary shall allow the non-Federal interests to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184), to the extent that the detailed project report evaluation indicates that applying such section is necessary to implement the project.

(c) CREDIT.—The Secretary shall credit toward the non-Federal share of the project the cost of design and construction work carried out by the non-Federal interest before date of execution of a partnership agreement for the project if the Secretary determines that the work is integral to the project.

(d) MAXIMUM FUNDING.—The maximum amount of Federal funds that may be expended for the flood damage reduction shall be $8,000,000.

SEC. 3078. KNIFE RIVER HARBOR, MINNESOTA.

The project for navigation, Harbor at Knife River, Minnesota, authorized by section 2 of the Rivers and Harbors Act of March 2, 1945 (59 Stat. 19), is modified to direct the Secretary to develop a final design and prepare plans and specifications to correct the harbor entrance and mooring conditions at the project.

SEC. 3079. RED LAKE RIVER, MINNESOTA.

The project for flood control, Red Lake River, Crookston, Minnesota, authorized by section 101(a)(23) of the Water Resources Development Act of 1999 (113 Stat. 278), is modified to include flood protection for the adjacent and interconnected areas generally known as the Sampson and Chase/Loring neighborhoods, in accordance with the Feasibility Report Supplement, Local Flood Protection, Crookston, Minnesota, at a total cost of $17,000,000, with an estimated Federal cost of $11,000,000 and an estimated non-Federal cost of $6,000,000.

SEC. 3080. SILVER BAY, MINNESOTA.

The project for navigation, Silver Bay, Minnesota, authorized by section 2 of the Rivers and Harbors Act of March 2, 1945 (59 Stat. 19), is modified to include operation and maintenance of the general navigation facilities as a Federal responsibility.

SEC. 3081. TACONITE HARBOR, MINNESOTA.

The project for navigation, Taconite Harbor, Minnesota, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to include operation and maintenance of the general navigation facilities as a Federal responsibility.

SEC. 3082. TWO HARBORS, MINNESOTA.

(a) IN GENERAL.—The project for navigation, Two Harbors, Minnesota, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to include construction of a dredged material disposal facility, including actions required to clear the site.

(b) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—Non-Federal interests shall be responsible for providing all lands, easements, rights-of-way, and relocations necessary for the construction of the dredged material disposal facility.

(c) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project shall be $5,000,000.

SEC. 3083. DEER ISLAND, HARRISON COUNTY, MISSISSIPPI.

The project for ecosystem restoration, Deer Island, Harrison County, Mississippi, being carried out under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326), is modified 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 in-kind services and materials.

SEC. 3084. PEARL RIVER BASIN, MISSISSIPPI.

(a) IN GENERAL.—The Secretary shall complete a feasibility study for the project for flood damage reduction, Pearl River Watershed, Mississippi.

(b) COMPARISON OF ALTERNATIVES.—The feasibility study shall identify both the plan that maximizes national economic development benefits and the locally preferred plan and shall compare the level of flood damage reduction provided by each plan to that portion of Jackson, Mississippi, located below the Ross Barnett Reservoir Dam.

(c) RECOMMENDED PLAN.—If the Secretary determines that the locally preferred plan provides a level of flood damage reduction that is equal to or greater than the level of flood damage reduction provided by the national economic development plan, and the locally preferred plan is technically feasible and environmentally protective, the Secretary shall recommend construction of the locally preferred plan.

(d) EVALUATION OF PROJECT COST.—For the purposes of determining compliance with the first section of the Flood Control Act of June 22, 1936 (33 U.S.C. 701a), the Secretary shall consider only the costs of the national economic development plan, and shall exclude incremental costs associated with the locally preferred plan that are in excess of such costs, if the non-Federal interest agrees to pay 100 percent of such incremental costs.

(e) NON-FEDERAL COST SHARE.—If the locally preferred plan is authorized for construction, the non-Federal share of the cost of the project shall be the same percentage as the non-Federal share of the cost of the national economic development plan plus all additional costs of construction associated with the locally preferred plan.

SEC. 3085. FESTUS AND CRYSTAL CITY, MISSOURI.

Section 102(b)(1) of the Water Resources Development Act of 1999 (113 Stat. 282) is amended by striking ''$10,000,000'' and inserting ''$12,000,000''.

SEC. 3086. MONARCH-CHESTERFIELD, MISSOURI.

The project for flood damage reduction, Monarch-Chesterfield, Missouri, authorized by section 101(b)(18) of the Water Resources Development Act of 2000 (114 Stat. 2578), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of the planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3087. RIVER DES PERES, MISSOURI.

The projects for flood control, River Des Peres, Missouri, authorized by section 101(a)(17) of the Water Resources Development Act of 1990 (104 Stat. 4607) and section 102(13) of the Water Resources Development Act of 1996 (110 Stat. 3668), are each modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3088. ANTELOPE CREEK, LINCOLN, NEBRASKA.

The project for flood damage reduction, Antelope Creek, Lincoln, Nebraska, authorized by section 101(b)(19) of the Water Resources Development Act of 2000 (114 Stat. 2578), is modified—

(1) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and

(2) to allow the non-Federal sponsor for the project to use, and to direct the Secretary to accept, funds provided under any other Federal program, to satisfy, in whole or in part, the non-Federal share of the project if such funds are authorized to be used to carry out the project.

SEC. 3089. SAND CREEK WATERSHED, WAHOO, NEBRASKA.

The project for ecosystem restoration and flood damage reduction, Sand Creek watershed, Wahoo, Nebraska, authorized by section 101(b)(20) of the Water Resources Development Act of 2000 (114 Stat. 2578), is modified—

(1) to direct the Secretary to provide credit toward the non-Federal share of the cost of the project or reimbursement for the costs of any work that has been or will be performed by the non-Federal interest before, on, or after the approval of the project partnership agreement, including work performed by the non-Federal interest in connection with the design and construction of 7 upstream detention storage structures, if the Secretary determines that the work is integral to the project;

(2) to require that in-kind work to be credited under paragraph (1) be subject to audit; and

(3) to direct the Secretary to accept advance funds from the non-Federal interest as needed to maintain the project schedule.

SEC. 3090. LOWER CAPE MAY MEADOWS, CAPE MAY POINT, NEW JERSEY.

The project for navigation mitigation, ecosystem restoration, shore protection, and hurricane and storm damage reduction, Lower Cape May Meadows, Cape May Point, New Jersey, authorized by section 101(a)(25) of the Water Resources Development Act of 1999 (113 Stat. 278), is modified to incorporate the project for shoreline erosion control, Cape May Point, New Jersey, carried out under section 5 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. 426h), if the Secretary determines that such incorporation is feasible.

SEC. 3091. PASSAIC RIVER BASIN FLOOD MANAGEMENT, NEW JERSEY.

The project for flood control, Passaic River, New Jersey and New York, authorized by section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607) and modified by section 327 of the Water Resources Development Act of 2000 (114 Stat. 2607), is further modified to direct the Secretary to include the benefits and costs of preserving natural flood storage in any future economic analysis of the project.

SEC. 3092. BUFFALO HARBOR, NEW YORK.

The project for navigation, Buffalo Harbor, New York, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1176), is modified to include measures to enhance public access, at Federal cost of $500,000.

SEC. 3093. ORCHARD BEACH, BRONX, NEW YORK.

The project for shoreline protection, Orchard Beach, Bronx, New York, authorized by section 554 of the Water Resources Development Act of 1996 (110 Stat. 3781), is modified to authorize the Secretary to construct the project, at a total cost of $20,000,000.

SEC. 3094. PORT OF NEW YORK AND NEW JERSEY, NEW YORK AND NEW JERSEY.

The navigation project, Port of New York and New Jersey, New York and New Jersey, authorized by section 101(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2576), is modified—

(1) to authorize the Secretary to allow the non-Federal interest to construct a temporary dredged material storage facility to receive dredged material from the project if—

(A) the non-Federal interest submits, in writing, a list of potential sites for the temporary storage facility to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Secretary at least 180 days before the selection of the final site; and

(B) at least 70 percent of the dredged material generated in connection with the project suitable for beneficial reuse will be used at sites in the State of New Jersey to the extent that there are sufficient sites available; and

(2) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of construction of the temporary storage facility if the Secretary determines that the work is integral to the project.

SEC. 3095. NEW YORK STATE CANAL SYSTEM.

Section 553(c) of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended to read as follows:

''(c) NEW YORK STATE CANAL SYSTEM DEFINED.—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 and Buffalo.''.

SEC. 3096. LOWER GIRARD LAKE DAM, OHIO.

Section 507(1) of the Water Resources Development Act of 1996 (110 Stat. 3758) is amended by striking ''$2,500,000'' and inserting ''$6,000,000''.

SEC. 3097. MAHONING RIVER, OHIO.

In carrying out the project for environmental dredging, authorized by section 312(f)(4) of the Water Resources Development Act of 1990 (33 U.S.C. 1272(f)(4)), the Secretary is directed to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3098. ARCADIA LAKE, OKLAHOMA.

Payments made by the city of Edmond, Oklahoma, to the Secretary in October 1999 of costs associated with present and future water storage 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 for such costs, including accrued interest.

SEC. 3099. 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 is set at the amounts, rates of interest, and payment schedules that existed, and that both parties agreed to, on June 3, 1986, and may not be adjusted, altered, or changed without a specific, separate, and written agreement between the District and the United States Government.

SEC. 3100. WILLAMETTE RIVER TEMPERATURE CONTROL, MCKENZIE SUBBASIN, OREGON.

(a) IN GENERAL.—The project for environmental restoration, Willamette River temperature control, McKenzie Subbasin, Oregon, authorized by section 101(a)(25) of the Water Resources Development Act of 1996 (110 Stat. 3665) and modified by section 344 of the Water Resources Development Act of 1999 (113 Stat. 308), is further modified to direct the Secretary to pay, subject to the availability of appropriations, compensation for losses to small business attributable to the implementation of the drawdown conducted as a part of project implementation in 2002.

(b) ESTABLISHMENT OF PROGRAM.—Not later than 120 days after the date of enactment of this Act, the Secretary shall establish, and provide public notice of, a program—

(1) to receive claims for compensation for losses to small business attributable to the implementation of the drawdown conducted as a part of project implementation in 2002;

(2) to evaluate claims for such losses; and

(3) to pay claims for such losses.

(c) IMPLEMENTATION OF PROGRAM.—In carrying out the program established under subsection (b), the Secretary shall provide—

(1) public notice of the existence of the program sufficient to reach those in the area that may have suffered losses to small businesses;

(2) a period for the submission of claims of not fewer than 45 days and not greater than 75 days from the date of the first public notice of the existence of the program;

(3) for the evaluation of each claim submitted to the Secretary under the program and a determination of whether the claim constitutes a loss to a small business on or before the last day of the 30-day period beginning on the date of submission of the claim; and

(4) for the payment of each claim that the Secretary determines constitutes a loss to a small business on or before the last day of the 30-day period beginning on the date of the Secretary's determination.

(d) LOSS TO A SMALL BUSINESS DEFINED.—In this section, the term ''loss to a small business'' means documented financial losses associated with commercial activity of a small business that can be attributed to the turbidity levels in the McKenzie River being higher than those anticipated in the original planning documents and public announcements existing before the initiation of the drawdown in 2002. Commercial losses include decline in sales, loss of revenue (including loss of revenue from canceled or delayed reservations at lodging establishments), and any other financial losses that can be shown to be associated with the elevated turbidity levels in the McKenzie River in 2002.

(e) PAYMENT OF CLAIMS.—The payment of claims for losses to small businesses shall be a Federal responsibility.

SEC. 3101. DELAWARE RIVER, PENNSYLVANIA, NEW JERSEY, AND DELAWARE.

The Secretary may remove debris from the project for navigation, Delaware River, Pennsylvania, New Jersey, and Delaware, Philadelphia to the Sea.

SEC. 3102. RAYSTOWN LAKE, PENNSYLVANIA.

The Secretary may take such action as may be necessary, including construction of a breakwater, to prevent shoreline erosion between .07 and 2.7 miles south of Pennsylvania State route 994 on the east shore of Raystown Lake, Pennsylvania.

SEC. 3103. SHERADEN PARK STREAM AND CHARTIERS CREEK, ALLEGHENY COUNTY, PENNSYLVANIA.

The project for aquatic ecosystem restoration, Sheraden Park Stream and Chartiers Creek, Allegheny County, Pennsylvania, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit up to $400,000 toward the non-Federal share of the cost of the project for planning and design work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3104. SOLOMON'S CREEK, WILKES-BARRE, PENNSYLVANIA.

The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified to include as a project element the project for flood control for Solomon's Creek, Wilkes-Barre, Pennsylvania.

SEC. 3105. SOUTH CENTRAL PENNSYLVANIA.

Section 313 of the Water Resources Development Act of 1992 (106 Stat. 4845; 109 Stat. 407; 110 Stat. 3723; 113 Stat. 310; 117 Stat. 142) is amended—

(1) in subsection (g)(1) by striking ''$180,000,000'' and inserting ''$200,000,000''; and

(2) in subsection (h)(2) by striking ''Allegheny, Armstrong, Beford, Blair, Cambria, Clearfield, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Juniata, Mifflin, Somerset, Snyder, Washington, and Westmoreland Counties'' and inserting ''Allegheny, Armstrong, Bedford, Blair, Cambria, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Juniata, Somerset, Washington, and Westmoreland Counties''.

SEC. 3106. WYOMING VALLEY, PENNSYLVANIA.

In carrying out the project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), the Secretary shall coordinate with non-Federal interests to review opportunities for increased public access.

SEC. 3107. CEDAR BAYOU, TEXAS.

(a) IN GENERAL.—The project for navigation, Cedar Bayou, Texas, reauthorized by section 349(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2632), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning and design work carried out by the non-Federal interest for the project if the Secretary determines that such work is integral to the project.

(b) COST SHARING.—Cost sharing for construction and operation and maintenance of the project shall be determined in accordance with section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

SEC. 3108. FREEPORT HARBOR, TEXAS.

The project for navigation, Freeport Harbor, Texas, authorized by section 101 of the Rivers and Harbors Act of 1970 (84 Stat. 1818), is modified.—

(1) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of the planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and

(2) to direct the Secretary to remove the sunken vessel ''COMSTOCK'' at Federal expense.

SEC. 3109. JOHNSON CREEK, ARLINGTON, TEXAS.

The project for flood damage reduction, environmental restoration, and recreation, authorized by section 101(b)(14) of the Water Resources Development Act of 1999 (113 Stat. 280), is modified to authorize the Secretary to carry out the project at a total cost of $29,717,000, with an estimated Federal cost of $20,670,000 and an estimated non-Federal cost $9,047,000.

SEC. 3110. LAKE KEMP, TEXAS.

(a) IN GENERAL.—The Secretary may not take any legal or administrative action seeking to remove a Lake Kemp improvement before the earlier of January 1, 2020, or the date of any transfer of ownership of the improvement occurring after the date of enactment of this Act.

(b) LIMITATION ON LIABILITY.—The United States, or any of its officers, agents, or assignees, shall not be liable for any injury, loss, or damage accruing to the owners of a Lake Kemp improvement, their lessees, or occupants as a result of any flooding or inundation of such improvements by the waters of the Lake Kemp reservoir, or for such injury, loss, or damage as may occur through the operation and maintenance of the Lake Kemp dam and reservoir in any manner.

(c) LAKE KEMP IMPROVEMENT DEFINED.—In this section, the term ''Lake Kemp improvement'' means an improvement (including dwellings) located within the flowage easement of Lake Kemp, Texas, below elevation 1159 feet mean sea level.

SEC. 3111. LOWER RIO GRANDE BASIN, TEXAS.

The project for flood control, Lower Rio Grande Basin, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125), is modified—

(1) to include as part of the project flood protection works to reroute drainage to Raymondville Drain constructed by the non-Federal interests in Hidalgo County in the vicinity of Edinburg, Texas, if the Secretary determines that such work meets feasibility requirements;

(2) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and

(3) to direct the Secretary, in calculating the non-Federal share of the cost of the project, to make a determination within 180 days after the date of enactment of this Act under section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) on the non-Federal interest's ability to pay.

SEC. 3112. NORTH PADRE ISLAND, CORPUS CHRISTI BAY, TEXAS.

The project for ecosystem restoration and storm damage reduction, North Padre Island, Corpus Christi Bay, Texas, authorized by section 556 of the Water Resources Development Act of 1999 (113 Stat. 353), is modified to include recreation as a project purpose.

SEC. 3113. PAT MAYSE LAKE, TEXAS.

The Secretary is directed to accept from the city of Paris, Texas, $3,461,432 as payment in full of monies owed to the United States for water supply storage space in Pat Mayse Lake, Texas, under contract number DA–34–066–CIVENG–65–1272, including accrued interest.

SEC. 3114. PROCTOR LAKE, TEXAS.

The Secretary is authorized to purchase fee simple title to all properties located within the boundaries, and necessary for the operation, of the Proctor Lake project, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259).

SEC. 3115. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.

The project for flood control, San Antonio Channel, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259) as part of the comprehensive plan for flood protection on the Guadalupe and San Antonio Rivers in Texas and modified by section 103 of the Water Resources Development Act of 1976 (90 Stat. 2921) and section 335 of the Water Resources Development Act of 2000 (114 Stat. 2611), is further modified to authorize the Secretary to credit toward the non-Federal share of the cost of the project the cost of design and construction work carried out by the non-Federal interest for the project if the Secretary determines that the work is integral to the project.

SEC. 3116. JAMES RIVER, VIRGINIA.

The project for navigation, James River, Virginia, authorized by the first section of the River and Harbor Appropriations Act of July 5, 1884 (23 Stat. 138), is further modified to authorize the Secretary to enlarge the turning basin adjacent to the Richmond Deepwater Terminal at a total cost of $1,511,000 if the Secretary determines that the such enlargement is necessary for navigation safety.

SEC. 3117. LEE, RUSSELL, SCOTT, SMYTH, TAZEWELL, AND WISE COUNTIES, VIRGINIA.

The project for flood control, Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, authorized by section 202 of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339) and modified by section 352 of the Water Resources Development Act of 1996 (110 Stat. 3724–3725) and section 336 of the Water Resources Development Act of 2000 (114 Stat. 2611), is further modified to direct the Secretary to determine the ability of Lee, Russell, Scott, Smyth, Tazewell, and Wise Counties, Virginia, to pay the non-Federal share of the cost of the project based solely on the criterion specified in section 103(m)(3)(A)(i) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)(3)(A)(i)).

SEC. 3118. 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 $2,250,000 and an estimated non-Federal cost of $750,000.''.

SEC. 3119. DUWAMISH/GREEN, WASHINGTON.

The project for ecosystem restoration, Duwamish/Green, Washington, authorized by section 101(b)(26) of the Water Resources Development Act of 2000 (114 Stat. 2579), is modified—

(1) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before, on, or after the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and

(2) 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 in-kind services and materials.

SEC. 3120. YAKIMA RIVER, PORT OF SUNNYSIDE, WASHINGTON.

The project for aquatic ecosystem restoration, Yakima River, Port of Sunnyside, Washington, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3121. GREENBRIER RIVER BASIN, WEST VIRGINIA.

Section 579(c) of the Water Resources Development Act of 1996 (110 Stat. 3790; 113 Stat. 312) is amended by striking ''$47,000,000'' and inserting ''$99,000,000''.

SEC. 3122. LESAGE/GREENBOTTOM SWAMP, WEST VIRGINIA.

Section 30(d) of the Water Resources Development Act of 1988 (102 Stat. 4030; 114 Stat. 2678) is amended to read as follows:

''(d) HISTORIC STRUCTURE.—The Secretary shall ensure the preservation and restoration of the structure known as the 'Jenkins House', and the reconstruction of associated buildings and landscape features of such structure located within the Lesage/Greenbottom Swamp in accordance with the Secretary of the Interior's standards for the treatment of historic properties. Amounts made available for expenditure for the project authorized by section 301(a) of the Water Resources Development Act of 1986 (100 Stat. 4110) shall be available for the purposes of this subsection.''.

SEC. 3123. NORTHERN WEST VIRGINIA.

Section 557 of the Water Resources Development Act of 1999 (113 Stat. 353) is amended in the first sentence by striking ''favorable''.

SEC. 3124. MANITOWOC HARBOR, WISCONSIN.

The project for navigation, Manitowoc Harbor, Wisconsin, authorized by the River and Harbor Act of August 30, 1852, is modified to direct the Secretary to deepen the upstream reach of the navigation channel from 12 feet to 18 feet, at a total cost of $300,000.

SEC. 3125. 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.—The Secretary may operate the headwaters reservoirs below the minimum or above the maximum water levels established in subsection (a) in accordance with water control regulation manuals (or revisions thereto) developed by the Secretary, after consultation with the Governor of Minnesota and affected tribal governments, landowners, and commercial and recreational users. The water control regulation manuals (and any revisions thereto) shall be effective when the Secretary transmits them to Congress. The Secretary shall report to Congress at least 14 days before operating any such headwaters reservoir below the minimum or above the maximum water level limits specified in subsection (a); except that notification is not required for operations necessary to prevent the loss of life or to ensure the safety of the dam or where the drawdown of lake levels is in anticipation of flood control operations.''.

SEC. 3126. CONTINUATION OF PROJECT AUTHORIZATIONS.

(a) IN GENERAL.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the following projects shall remain authorized to be carried out by the Secretary:

(1) The project for flood control, Agana River, Guam, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4127).

(2) The project for navigation, Fall River Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731); 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) 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 such period, funds have been obligated for the construction (including planning and design) of the project.

SEC. 3127. PROJECT REAUTHORIZATIONS.

Each of the following projects may be carried out by the Secretary and no construction on any such project may be initiated until the Secretary determines that the project is feasible:

(1) MENOMINEE HARBOR AND RIVER, MICHIGAN AND WISCONSIN.—The project for navigation, Menominee Harbor and River, Michigan and Wisconsin, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482) and deauthorized on April 15, 2002, in accordance with section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)).

(2) MANITOWOC HARBOR, WISCONSIN.—That portion of the project for navigation, Manitowoc Harbor, Wisconsin, 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).

SEC. 3128. PROJECT DEAUTHORIZATIONS.

(a) IN GENERAL.—The following projects are not authorized after the date of enactment of this Act:

(1) BRIDGEPORT HARBOR, CONNECTICUT.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by the first section of the River and Harbor Act of July 3, 1930 (46 Stat. 919), consisting of an 18-foot channel in Yellow Mill River and described as follows: Beginning at a point along the eastern limit of the existing project, N123,649.75, E481,920.54, thence running northwesterly about 52.64 feet to a point N123,683.03, E481,879.75, thence running northeasterly about 1,442.21 feet to a point N125,030.08, E482,394.96, thence running northeasterly about 139.52 feet to a point along the eastern limit of the existing channel, N125,133.87, E482,488.19, thence running southwesterly about 1,588.98 feet to the point of origin.

(2) MYSTIC RIVER, CONNECTICUT.—The portion of the project for navigation, Mystic River, Connecticut, authorized by the first section of the River and Harbor Approriations Act of September 19, 1890 (26 Stat. 436) consisting of a 12-foot-deep channel, approximately 7,554 square feet in area, starting at a point N193,086.51, E815,092.78, thence running north 59 degrees 21 minutes 46.63 seconds west about 138.05 feet to a point N193,156.86, E814,974.00, thence running north 51 degrees 04 minutes 39.00 seconds west about 166.57 feet to a point N193,261.51, E814,844.41, thence running north 43 degrees 01 minutes 34.90 seconds west about 86.23 feet to a point N193,324.55, E814,785.57, thence running north 06 degrees 42 minutes 03.86 seconds west about 156.57 feet to a point N193,480.05, E814,767.30, thence running south 21 degrees 21 minutes 17.94 seconds east about 231.42 feet to a point N193,264.52, E814,851.57, thence running south 53 degrees 34 minutes 23.28 seconds east about 299.78 feet to the point of origin.

(3) 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.

(4) 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.

(5) CITY WATERWAY, TACOMA, WASHINGTON.—The portion of the project for navigation, City Waterway, Tacoma, Washington, authorized by the first section of the River and Harbor Appropriations 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.

(b) ANCHORAGE AREA, NEW LONDON HARBOR, CONNECTICUT.—The portion of the project for navigation, New London Harbor, Connecticut, authorized by the River and Harbor Appropriations Act of June 13, 1902 (32 Stat. 333), that consists of a 23-foot waterfront channel and that is further described as beginning at a point along the western limit of the existing project, N188, 802.75, E779, 462.81, thence running northeasterly about 1,373.88 feet to a point N189, 554.87, E780, 612.53, thence running southeasterly about 439.54 feet to a point N189, 319.88, E780, 983.98, thence running southwesterly about 831.58 feet to a point N188, 864.63, E780, 288.08, thence running southeasterly about 567.39 feet to a point N188, 301.88, E780, 360.49, thence running northwesterly about 1,027.96 feet to the point of origin, shall be redesignated as an anchorage area.

(c) SOUTHPORT HARBOR, FAIRFIELD, CONNECTICUT.—The project for navigation, Southport Harbor, Fairfield, Connecticut, authorized by section 2 of the River and Harbor Act of March 2, 1829, and by the first section of the River and Harbor Act of August 30, 1935 (49 Stat. 1029), and section 364 of the Water Resources Development Act of 1996 (110 Stat. 3733–3734), is further modified to redesignate a portion of the 9-foot-deep channel to an anchorage area, approximately 900 feet in length and 90,000 square feet in area, and lying generally north of a line with points at coordinates N108,043.45, E452,252.04 and N107938.74, E452265.74.

(d) 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 100 foot 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.

(e) GREEN BAY HARBOR, GREEN BAY, WISCONSIN.—The portion of the inner harbor of the Federal navigation channel, Green Bay Harbor, Green Bay, Wisconsin, authorized by the first section of the River and Harbor Act of June 23, 1866, beginning at station 190+00 to station 378+00 is authorized to a width of 75 feet and a depth of 6 feet.

(f) ADDITIONAL DEAUTHORIZATIONS.—The following projects are not authorized after the date of enactment of this Act, except with respect to any portion of such a project which portion has been completed before such date or is under construction on such date:

(1) The project for flood control, Cache Creek Basin, Clear Lake Outlet Channel, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112).

(2) The project for flood protection on Atascadero Creek and its tributaries of Goleta, California, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1826).

(3) The project for flood control, central and southern Florida, Shingle Creek basin, Florida, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182).

(4) The project for flood control, Middle Wabash, Greenfield Bayou, Indiana, authorized by section 10 of the Flood Control Act of July 24, 1946 (60 Stat. 649).

(5) The project for flood damage reduction, Lake George, Hobart, Indiana, authorized by section 602(a)(2) of the Water Resources Development Act of 1986 (100 Stat. 4148).

(6) The project for flood control, 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) of the Water Resources Development Act of 1992 (106 Stat. 4821).

(7) The project for flood control, Hazard, Kentucky, authorized by section 3(a)(7) of the Water Resources Development Act of 1988 (100 Stat. 4014) and section 108 of the Water Resources Development Act of 1990 (104 Stat. 4621).

(8) The recreation portion of the project for flood control, Taylorsville Lake, Kentucky, authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1421).

(9) The project for flood control, western Kentucky tributaries, Kentucky, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1076) and modified by section 210 of the Flood Control Act of 1970 (84 Stat. 1829).

(10) The project for flood damage reduction, Tensas-Cocodrie area, Louisiana, authorized by section 3 of the Flood Control Act of August 18, 1941 (55 Stat. 643).

(11) 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).

(12) The bulkhead and jetty features at Lake Borgne and Chef Menteur, Louisiana, of the project for navigation, Mississippi River, Baton Rouge to the Gulf of Mexico, barge channel through Devils Swamp, Louisiana, authorized by the first section of the River and Harbor Act of July 24, 1946 (60 Stat. 635).

(13) The project for navigation Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas, authorized by the River and Harbor Act of 1968 (82 Stat. 731).

(14) The project for flood damage reduction Brockton, Massachusetts, authorized by section 401(c) of the Water Resources Development Act of 1986 (100 Stat. 4129).

(15) The project for navigation, Grand Haven Harbor, Michigan, authorized by section 202 of the Water Resources Development Act of 1986 (100 Stat. 4093).

(16) The project for hydropower, Libby Dam, Montana, (Units 6–8), authorized by section 549 of the Water Resources Development Act of 1996 (110 Stat. 3779).

(17) The project for flood damage reduction, Platte River Flood and Related Streambank Erosion Control, Nebraska, authorized by section 603(f)(6) of the Water Resources Development Act of 1986 (100 Stat. 4150).

(18) The project for navigation, Outer Harbor, Buffalo, New York, authorized by section 110 of the Water Resources Development Act of 1992 (106 Stat. 4817).

(19) The project for flood control, Sugar Creek Basin, North Carolina and South Carolina, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4121).

(20) The project for flood control, Miami River, Fairfield, Ohio, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4122).

(21) The project for shoreline protection, Maumee Bay, Lake Erie, Ohio, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4135).

(22) The project for flood control and water supply, Parker Lake, Muddy Boggy Creek, Oklahoma, authorized by section 601 of the Water Resources Development Act of 1986 (100 Stat. 4144).

(23) 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).

(24) 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).

(25) The project for flood damage reduction, Harris Fork Creek, Tennessee and Kentucky, authorized by section 102 of the Water Resources Development Act of 1976 (90 Stat. 2921).

(26) The Arroyo Colorado, Texas, feature of the project for flood control Lower Rio Grande, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125).

(27) The structural portion of the project for flood control, Cypress Creek, Texas, authorized by section 3(a)(13) of the Water Resources Development Act of 1988 (102 Stat. 4014).

(28) The project for flood protection, East Fork Channel Improvement, Increment 2, East Fork of the Trinity River, Texas, authorized by section 202 of the Flood Control Act of 1962 (76 Stat. 1185).

(29) The project for flood control, Falfurrias, Texas, authorized by section 3(a)(14) of the Water Resources Development Act of 1988 (102 Stat. 4014).

(30) The project for streambank erosion, Kanawha River, Charleston, West Virginia, authorized by section 603(f)(13) of the Water Resources Development Act of 1986 (100 Stat. 4153).

(g) CONDITIONS.—The first sentence of section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)) is amended—

(1) by striking ''two years'' and inserting ''year''; and

(2) by striking ''7'' and inserting ''5''.

SEC. 3129. LAND CONVEYANCES.

(a) ST. FRANCIS BASIN, ARKANSAS AND MISSOURI.—

(1) IN GENERAL.—The Secretary shall convey to the State of Arkansas, without monetary consideration and subject to paragraph (2), all right, title, and interest to real property 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 Flood Control Act of May 15, 1928 (33 U.S.C. 702a et seq.)

(2) TERMS AND CONDITIONS.—

(A) IN GENERAL.—The conveyance by the United States under this subsection shall be subject to—

(i) the condition that the State of Arkansas agree to operate, maintain, and manage the real property for fish and wildlife, recreation, and environmental purposes at no cost or expense to the United States; and

(ii) such other terms and conditions as the Secretary determines to be in the interest of the United States.

(B) REVERSION.—If the Secretary determines that the real property conveyed under paragraph (1) ceases to be held in public ownership or the State ceases to operate, maintain, and manage the real property 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.

(3) MITIGATION.—Nothing in this subsection extinguishes the responsibility of the Federal Government or the non-Federal interest for the project referred to in paragraph (1) from the obligation to implement mitigation for such project that existed on the day prior to the transfer authorized by this subsection.

(b) MILFORD, KANSAS.—

(1) IN GENERAL.—The Secretary shall convey by quitclaim deed without consideration to the Geary County Fire Department, Milford, Kansas, all right, title, and interest of the United States in and to real property consisting of approximately 7.4 acres located in Geary County, Kansas, for construction, operation, and maintenance of a fire station.

(2) REVERSION.—If the Secretary determines that the real property conveyed under paragraph (1) 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.

(c) PIKE COUNTY, MISSOURI.—

(1) IN GENERAL.—At such time as S.S.S., Inc., conveys all right, title and interest in and to the real property described in paragraph (2)(A) to the United States, the Secretary shall convey all right, title, and interest of the United States in and to the real property described in paragraph (2)(B) to S.S.S., Inc.

(2) LAND DESCRIPTION.—The parcels of land referred to in paragraph (1) are the following:

(A) NON-FEDERAL LAND.—Approximately 42 acres, the exact legal description to be determined by mutual agreement of S.S.S., Inc., and the Secretary, subject to any existing flowage easements situated in Pike County, Missouri, upstream and northwest, about a 200-foot distance from Drake Island (also known as Grimes Island).

(B) FEDERAL LAND.—Approximately 42 acres, the exact legal description to be determined by mutual agreement of S.S.S. Inc., and the Secretary, situated in Pike County, Missouri, known as Government Tract Numbers MIs–7 and a portion of FM–46 (both tracts on Buffalo Island), administered by the Corps of Engineers.

(3) CONDITIONS.—The exchange of real property under paragraph (1) shall be subject to the following conditions:

(A) DEEDS.—

(i) NON-FEDERAL LAND.—The conveyance of the real property described in paragraph (2)(A) to the Secretary shall be by a warranty deed acceptable to the Secretary.

(ii) FEDERAL LAND.—The instrument of conveyance used to convey the real property described in paragraph (2)(B) to S.S.S., Inc., shall be by quitclaim deed and contain such reservations, terms, and conditions as the Secretary considers necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(B) REMOVAL OF IMPROVEMENTS.—S.S.S., Inc., may remove, and the Secretary may require S.S.S., Inc., to remove, any improvements on the land described in paragraph (2)(A).

(C) TIME LIMIT FOR EXCHANGE.—The land exchange under paragraph (1) shall be completed not later than 2 years after the date of enactment of this Act.

(4) VALUE OF PROPERTIES.—If the appraised fair market value, as determined by the Secretary, of the real property conveyed to S.S.S., Inc., by the Secretary under paragraph (1) exceeds the appraised fair market value, as determined by the Secretary, of the real property conveyed to the United States by S.S.S., Inc., under paragraph (1), S.S.S., Inc., shall make a payment to the United States equal to the excess in cash or a cash equivalent that is satisfactory to the Secretary.

(d) BOARDMAN, OREGON.—Section 501(g)(1) of the Water Resources Development Act of 1996 (110 Stat. 3751) is amended—

(1) by striking ''city of Boardman,'' and inserting ''the Boardman Park and Recreation District, Boardman,''; and

(2) by striking ''such city'' and inserting ''the city of Boardman''.

(e) TIOGA TOWNSHIP, PENNSYLVANIA.—

(1) IN GENERAL.—The Secretary shall convey by quitclaim deed to the Tioga Township, Pennsylvania, without consideration, all right, title, and interest of the United States in and to the parcel of real property located on the northeast end of Tract No. 226, a portion of the Tioga-Hammond Lakes flood control project, Tioga County, Pennsylvania, consisting of approximately 8 acres, together with any improvements on that property, for public ownership and use as the site of the administrative offices and road maintenance complex for the Township.

(2) RESERVATION OF INTERESTS.—The Secretary shall reserve such rights and interests in and to the property to be conveyed as the Secretary considers necessary to preserve the operational integrity and security of the Tioga-Hammond Lakes flood control project.

(3) REVERSION.—If the Secretary determines that the property conveyed under paragraph (1) ceases to be held in public ownership, or to be used as a site for the Tioga Township administrative offices and road maintenance complex or for related public purposes, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

(f) RICHARD B. RUSSELL LAKE, SOUTH CAROLINA.—

(1) IN GENERAL.—The Secretary shall convey to the State of South Carolina, by quitclaim deed, at fair market value, all right, title, and interest of the United States in and to the real property described in paragraph (2) that is 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).

(2) LAND DESCRIPTION.—Subject to paragraph (3), the real property referred to in paragraph (1) is the parcel contained in the portion of real property described in Army Lease Number DACW21–1–92–0500.

(3) RESERVATION OF INTERESTS.—The United States shall reserve—

(A) ownership of all real property included in the lease referred to in paragraph (2) 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 rights and interests in and to the real property to be conveyed as the Secretary considers necessary for authorized project purposes, including easement rights-of-way to remaining Federal land.

(4) NO EFFECT ON SHORE MANAGEMENT POLICY.—The Shoreline Management Policy (ER–1130–2–406) of the Corps of Engineer shall not be changed or altered for any proposed development of land conveyed under this subsection.

(5) COST SHARING.—In carrying out the conveyance under this subsection, the Secretary and the State shall comply with all obligations of any cost-sharing agreement between the Secretary and the State with respect to the real property described in paragraph (2) in effect as of the date of the conveyance.

(6) LAND NOT CONVEYED.—The State shall continue to manage the real property described in paragraph (3) not conveyed under this subsection in accordance with the terms and conditions of Army Lease Number DACW21–1–92–0500.

(g) GENERALLY APPLICABLE PROVISIONS.—

(1) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of any real property to be conveyed under this section shall be determined by a survey that is satisfactory to the Secretary.

(2) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(3) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that any conveyance under this section be subject to such additional terms and conditions as the Secretary considers appropriate and necessary to protect the interests of the United States.

(4) COSTS OF CONVEYANCE.—An entity to which a conveyance is made under this section shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the conveyance.

(5) LIABILITY.—An entity to which a conveyance is made under this section 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. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

SEC. 3130. EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.

(a) IDAHO.—

(1) IN GENERAL.—With respect to the property covered by each deed in paragraph (2)—

(A) the reversionary interests and use restrictions relating to port and industrial use purposes are extinguished;

(B) the restriction that no activity shall be permitted that will compete with services and facilities offered by public marinas is extinguished;

(C) the human habitation or other building structure use restriction is extinguished if the elevation of the property is above the standard project flood elevation; and

(D) the use of fill material to raise areas of the property above the standard project flood elevation is authorized, except in any area for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is required.

(2) AFFECTED DEEDS.—The deeds with the following county auditor's file numbers are referred to in paragraph (1):

(A) Auditor's Instruments No. 399218 and No. 399341 of Nez Perce County, Idaho—2.07 acres.

(B) Auditor's Instruments No. 487437 and No. 339341 of Nez Perce County, Idaho—7.32 acres.

(b) OLD HICKORY LOCK AND DAM, CUMBERLAND RIVER, TENNESSEE.—

(1) RELEASE OF RETAINED RIGHTS, INTERESTS, RESERVATIONS.—With respect to land conveyed by the Secretary to the Tennessee Society of Crippled Children and Adults, Incorporated (now 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.

(2) INSTRUMENT OF RELEASE.—As soon as possible after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of interests required by paragraph (1).

(c) PORT OF PASCO, WASHINGTON.—

(1) EXTINGUISHMENT OF USE RESTRICTIONS AND FLOWAGE EASEMENT.—With respect to the property covered by the deed in paragraph (3)(A)—

(A) the flowage easement and human habitation or other building structure use restriction is extinguished if the elevation of the property is above the standard project flood elevation; and

(B) the use of fill material to raise areas of the property above the standard project flood elevation is authorized, except in any area for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is required.

(2) EXTINGUISHMENT OF FLOWAGE EASEMENT.—With respect to the property covered by each deed in paragraph (3)(B), the flowage easement is extinguished if the elevation of the property is above the standard project flood elevation.

(3) AFFECTED DEEDS.—The deeds referred to in paragraphs (1) and (2) are as follows:

(A) Auditor's File Number 262980 of Franklin County, Washington.

(B) Auditor's File Numbers 263334 and 404398 of Franklin County, Washington.

(d) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects the remaining rights and interests of the Corps of Engineers for authorized project purposes.

TITLE IV—STUDIES

SEC. 4001. JOHN GLENN GREAT LAKES BASIN PROGRAM.

Section 455 of the Water Resources Development Act of 1999 (42 U.S.C. 1962d–21) is amended by adding at the end the following:

''(g) IN-KIND CONTRIBUTIONS FOR STUDY.—The non-Federal interest may provide up to 100 percent of the non-Federal share required under subsection (f) in the form of in-kind services and materials.''.

SEC. 4002. LAKE ERIE DREDGED MATERIAL DISPOSAL SITES.

The Secretary shall conduct a study to determine the nature and frequency of avian botulism problems in the vicinity of Lake Erie associated with dredged material disposal sites and shall make recommendations to eliminate the conditions that result in such problems.

SEC. 4003. SOUTHWESTERN UNITED STATES DROUGHT STUDY.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of the Interior, the Secretary of Agri- culture, the Secretary of Commerce, and other appropriate agencies, shall conduct, at Federal expense, a comprehensive study of drought conditions in the southwestern United States, with a particular emphasis on the Colorado River basin, the Rio Grande River basin, and the Great Basin.

(b) INVENTORY OF ACTIONS.—In conducting the study, the Secretary shall assemble an inventory of actions taken or planned to be taken to address drought-related situations in the southwestern United States.

(c) PURPOSE.—The purpose of the study shall be to develop recommendations to more effectively address current and future drought conditions in the southwestern United States.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $7,000,000. Such funds shall remain available until expended.

SEC. 4004. UPPER MISSISSIPPI RIVER COMPREHENSIVE PLAN.

Section 459(e) of the Water Resources Development Act of 1999 (113 Stat. 333; 114 Stat. 2635) is amended by striking ''3 years after the first date on which funds are appropriated to carry out this section'' and inserting ''December 30, 2006''.

SEC. 4005. KNIK ARM, COOK INLET, ALASKA.

The Secretary shall conduct, at Federal expense, a study to determine the potential impacts on navigation of construction of a bridge across Knik Arm, Cook Inlet, Alaska.

SEC. 4006. KUSKOKWIM RIVER, ALASKA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation, Kuskokwim River, Alaska, in the vicinity of the village of Crooked Creek.

SEC. 4007. ST. GEORGE HARBOR, ALASKA.

The Secretary shall conduct, at Federal expense, a study to determine the feasibility of providing navigation improvements at St. George Harbor, Alaska.

SEC. 4008. SUSITNA RIVER, ALASKA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for hydropower, recreation, and related purposes on the Susitna River, Alaska.

SEC. 4009. GILA BEND, MARICOPA, ARIZONA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Gila Bend, Maricopa, Arizona. In conducting the study, the Secretary shall review plans and designs developed by non-Federal interests and shall incorporate such plans and designs into the Federal study if the Secretary determines that such plans and designs are consistent with Federal standards.

SEC. 4010. SEARCY COUNTY, ARKANSAS.

The Secretary shall conduct a study to determine the feasibility of using Greers Ferry Lake as a water supply source for Searcy County, Arkansas.

SEC. 4011. DRY CREEK VALLEY, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project to provide recycled water for agricultural water supply, Dry Creek Valley, California, including a review of the feasibility of expanding the Geysers recharge project north of Healdsburg, California.

SEC. 4012. ELKHORN SLOUGH ESTUARY, CALIFORNIA.

The Secretary shall conduct a study of the Elkhorn Slough estuary, California, to determine the feasibility of conserving, enhancing, and restoring estuarine habitats by developing strategies to address hydrological management issues.

SEC. 4013. FRESNO, KINGS, AND KERN COUNTIES, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply for Fresno, Kings, and Kern Counties, California.

SEC. 4014. LOS ANGELES RIVER, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and ecosystem restoration, Los Angeles River, California.

(b) REVITALIZATION PLAN.—In conducting the study, the Secretary shall review the Los Angeles River revitalization plan developed by non-Federal interests and shall incorporate such plan into the Federal study if the Secretary determines that such plan is consistent with Federal standards.

SEC. 4015. LYTLE CREEK, RIALTO, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and groundwater recharge, Lytle Creek, Rialto, California.

SEC. 4016. MOKELUMNE RIVER, SAN JOAQUIN COUNTY, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply along the Mokelumne River, San Joaquin County, California.

(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to invalidate, preempt, or create any exception to State water law, State water rights, or Federal or State permitted activities or agreements.

SEC. 4017. NAPA RIVER, ST. HELENA, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall conduct a comprehensive study of the Napa River in the vicinity of St. Helena, California, for the purposes of improving flood management through reconnecting the river to its floodplain; restoring habitat, including riparian and aquatic habitat; improving fish passage and water quality; and restoring native plant communities.

(b) PLANS AND DESIGNS.—In conducting the study, the Secretary shall review plans and designs developed by non-Federal interests and shall incorporate such plans and designs into the Federal study if the Secretary determines that such plans and designs are consistent with Federal standards.

SEC. 4018. ORICK, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and ecosystem restoration, Orick, California. In conducting the study,

the Secretary shall determine the feasibility of restoring or rehabilitating the Redwood Creek Levees, Humboldt County, California.

SEC. 4019. RIALTO, FONTANA, AND COLTON, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply for Rialto, Fontana, and Colton, California.

SEC. 4020. SACRAMENTO RIVER, CALIFORNIA.

The Secretary shall conduct a comprehensive study to determine the feasibility of, and alternatives for, measures to protect water diversion facilities and fish protective screen facilities in the vicinity of river mile 178 on the Sacramento River, California.

SEC. 4021. SAN DIEGO COUNTY, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, San Diego County, California, including a review of the feasibility of connecting 4 existing reservoirs to increase usable storage capacity.

SEC. 4022. SAN FRANCISCO BAY, SACRAMENTO-SAN JOAQUIN DELTA, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of the beneficial use of dredged material from the San Francisco Bay in the Sacramento-San Joaquin Delta, California, including the benefits and impacts of salinity in the Delta and the benefits to navigation, flood damage reduction, ecosystem restoration, water quality, salinity control, water supply reliability, and recreation.

(b) COOPERATION.—In conducting the study, the Secretary shall cooperate with the California Department of Water Resources and appropriate Federal and State entities in developing options for the beneficial use of dredged material from San Francisco Bay for the Sacramento-San Joaquin Delta area.

(c) REVIEW.—The study shall include a review of the feasibility of using Sherman Island as a rehandling site for levee maintenance material, as well as for ecosystem restoration. The review may include monitoring a pilot project using up to 150,000 cubic yards of dredged material and being carried out at the Sherman Island site, examining larger scale use of dredged materials from the San Francisco Bay and Suisun Bay Channel, and analyzing the feasibility of the potential use of saline materials from the San Francisco Bay for both rehandling and ecosystem restoration purposes.

SEC. 4023. SOUTH SAN FRANCISCO BAY SHORELINE STUDY, CALIFORNIA.

(a) IN GENERAL.—In conducting the South San Francisco Bay shoreline study, the Secretary shall—

(1) review the planning, design, and land acquisition documents prepared by the California State Coastal Conservancy, the Santa Clara Valley Water District, and other local interests in developing recommendations for measures to provide flood protection of the South San Francisco Bay shoreline, restoration of the South San Francisco Bay salt ponds (including lands owned by the Department of the Interior), and other related purposes; and

(2) incorporate such planning, design, and land acquisition documents into the Federal study if the Secretary determines that such documents are consistent with Federal standards.

(b) REPORT.—Not later than December 31, 2008, the Secretary shall transmit a feasibility report for the South San Francisco Bay shoreline study to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(c) CREDIT.—

(1) IN GENERAL.—The Secretary shall credit toward the non-Federal share of the cost of any project authorized by law as a result of the South San Francisco Bay shoreline study the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(2) LIMITATION.—In no case may work that was carried out more than 5 years before the date of enactment of this Act be eligible for credit under this subsection.

SEC. 4024. TWENTYNINE PALMS, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Pinto Cove Wash, in the vicinity of Twentynine Palms, California.

SEC. 4025. YUCCA VALLEY, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, West Burnt Mountain basin, in the vicinity of Yucca Valley, California.

SEC. 4026. BOULDER CREEK, BOULDER, COLORADO.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction in the Boulder Creek floodplain, Colorado.

SEC. 4027. ROARING FORK RIVER, BASALT, COLORADO.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and other purposes for the Roaring Fork River, Basalt, Colorado.

SEC. 4028. DELAWARE AND CHRISTINA RIVERS AND SHELLPOT CREEK, WILMINGTON, DELAWARE.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and related purposes along the Delaware and Christina Rivers and Shellpot Creek, Wilmington, Delaware.

SEC. 4029. COLLIER COUNTY BEACHES, FLORIDA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for hurricane and storm damage reduction and flood damage reduction in the vicinity of Vanderbilt, Park Shore, and Naples beaches, Collier County, Florida.

SEC. 4030. VANDERBILT BEACH LAGOON, FLORIDA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental restoration, water supply, and improvement of water quality at Vanderbilt Beach Lagoon, Florida.

SEC. 4031. MERIWETHER COUNTY, GEORGIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Meriwether County, Georgia.

SEC. 4032. TYBEE ISLAND, GEORGIA.

The Secretary shall conduct a study to determine the feasibility of including the northern end of Tybee Island extending from the north terminal groin to the mouth of Lazaretto Creek as a part of the project for beach erosion control, Tybee Island, Georgia, carried out under section 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d–5).

SEC. 4033. KAUKONAHUA-HELEMANO WATERSHED, OAHU, HAWAII.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Kaukonahua-Helemano watershed, Oahu, Hawaii.

SEC. 4034. WEST MAUI, MAUI, HAWAII.

The Secretary shall conduct a study to determine the feasibility of carrying out projects for water resources development, environmental restoration, and natural resources protection, West Maui, Maui, Hawaii.

SEC. 4035. 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—

(1) to add ecosystem restoration and water supply as project purposes to be studied; and

(2) to require the Secretary to credit toward the non-Federal share of the cost of the study the cost, not to exceed $500,000, of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 4036. BALLARD'S ISLAND SIDE CHANNEL, ILLINOIS.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for ecosystem restoration, Ballard's Island, Illinois.

SEC. 4037. 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. 4038. SOUTH BRANCH, CHICAGO RIVER, CHICAGO, ILLINOIS.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for ecosystem restoration at the South Fork of the South Branch of the Chicago River, Chicago, Illinois.

SEC. 4039. UTICA, ILLINOIS.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction in the vicinity of Utica, Illinois.

SEC. 4040. LAKE AND PORTER COUNTIES, INDIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for riverfront development, including enhanced public access, recreation, and environmental restoration along Lake Michigan, Hammond, Whiting, East Chicago, Gary, and Portage, Indiana.

SEC. 4041. SALEM, INDIANA.

The Secreatry shall conduct a study to determine the feasibility of carrying out a project to provide an additional water supply source for Salem, Indiana.

SEC. 4042. BUCKHORN LAKE, KENTUCKY.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of modifying the project for flood damage reduction, Buckhorn Lake, Kentucky, authorized by section 2 of the Flood Control Act of June 28, 1938 (52 Stat. 1217), to add ecosystem restoration, recreation, and improved access as project purposes, including permanently raising the winter pool elevation of the project.

(b) IN-KIND CONTRIBUTIONS.—The non-Federal interest may provide the non-Federal share of the cost of the study in the form of services, materials, supplies, or other in-kind contributions.

SEC. 4043. DEWEY LAKE, KENTUCKY.

The Secretary shall conduct a study to determine the feasibility of modifying the project for Dewey Lake, Kentucky, to add water supply as a project purpose.

SEC. 4044. LOUISVILLE, KENTUCKY.

The Secretary shall conduct a study of the project for flood control, Louisville, Kentucky, authorized by section 4 of the Flood Control Act of June 28, 1938 (52 Stat. 1217), to investigate measures to address the rehabilitation of the project.

SEC. 4045. BASTROP-MOREHOUSE PARISH, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Bastrop-Morehouse Parish, Louisiana.

SEC. 4046. OFFSHORE OIL AND GAS FABRICATION PORTS, LOUISIANA.

(a) BENEFITS.—In conducting a feasibility study for each of the following projects for navigation, the Secretary shall include in the calculation of national economic development benefits all economic benefits associated with contracts for new energy exploration and contracts for the fabrication of energy infrastructure that would result from carrying out the project:

(1) Atchafalaya River, Bayous Chene, Boeuf, and Black, Louisiana, being conducted under

section 430 of the Water Resources Development Act of 2000 (114 Stat. 2639).

(2) Iberia Port, Louisiana, being conducted under section 431 of the Water Resources Development Act of 2000 (114 Stat. 2639).

(b) REPEAL.—Section 6009 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13; 119 Stat. 282) is repealed.

SEC. 4047. VERMILION RIVER, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation on the Vermilion River, Louisiana, from the intersection of the Vermilion River and the Gulf Intracoastal Waterway to the industrial area north of the Vermilion River.

SEC. 4048. WEST FELICIANA PARISH, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for riverfront development, including enhanced public access, recreation, and environmental restoration, on the Mississippi River in West Feliciana Parish, Louisiana.

SEC. 4049. PATAPSCO RIVER, MARYLAND.

The Secretary shall conduct a study to determine and assess the impact of debris in the Patapsco River basin, Maryland, on wetlands, water quality, and public health and to identify management measures to reduce the inflow of debris into the Patapsco River.

SEC. 4050. FALL RIVER HARBOR, MASSACHUSETTS AND RHODE ISLAND.

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.

SEC. 4051. HAMBURG AND GREEN OAK TOWNSHIPS, MICHIGAN.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction on Ore Lake and the Huron River for Hamburg and Green Oak Townships, Michigan.

SEC. 4052. ST. CLAIR RIVER, MICHIGAN.

(a) IN GENERAL.—The Secretary shall carry out a study of the relationships among dredging of the St. Clair River for navigation, erosion in the river, and declining water levels in the river and in Lake Michigan and Lake Huron.

(b) RECOMMENDATIONS.—The report on the results of the study may include recommendations to address water level declines in Lake Michigan and Lake Huron.

SEC. 4053. DULUTH-SUPERIOR HARBOR, MINNESOTA AND WISCONSIN.

(a) IN GENERAL.—The Secretary shall conduct a study and prepare a report to evaluate the integrity of the bulkhead system located on and in the vicinity of Duluth-Superior Harbor, Duluth, Minnesota, and Superior, Wisconsin.

(b) CONTENTS.—The report shall include—

(1) a determination of causes of corrosion of the bulkhead system;

(2) recommendations to reduce corrosion of the bulkhead system;

(3) a description of the necessary repairs to the bulkhead system; and

(4) an estimate of the cost of addressing the causes of the corrosion and carrying out necessary repairs.

SEC. 4054. WILD RICE RIVER, MINNESOTA.

The Secretary shall review the project for flood protection and other purposes on 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.

SEC. 4055. MISSISSIPPI COASTAL AREA, MISSISSIPPI.

The Secretary shall conduct a study to determine the feasibility of making improvements or modifications to existing improvements in the coastal area of Mississippi in the interest of hurricane and storm damage reduction, prevention of saltwater intrusion, preservation of fish and wildlife, prevention of erosion, and other related water resource purposes.

SEC. 4056. NORTHEAST MISSISSIPPI.

The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Tennessee-Tombigbee Waterway, Alabama and Mississippi, to provide water supply for northeast Mississippi.

SEC. 4057. ST. LOUIS, MISSOURI.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, St. Louis, Missouri, to restore or rehabilitate the levee system feature of the project for flood protection, St. Louis, Missouri, authorized by the first section of the Act entitled ''An Act authorizing construction of certain public works on the Mississippi River for the protection of Saint Louis, Missouri'', approved August 9, 1955 (69 Stat. 540).

SEC. 4058. DREDGED MATERIAL DISPOSAL, NEW JERSEY.

The Secretary shall conduct a study to determine the feasibility of carrying out a project in the vicinity of the Atlantic Intracoastal Waterway, New Jersey, for the construction of a dredged material disposal transfer facility to make dredged material available for beneficial reuse.

SEC. 4059. BAYONNE, NEW JERSEY.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental restoration, including improved water quality, enhanced public access, and recreation, on the Kill Van Kull, Bayonne, New Jersey.

SEC. 4060. CARTERET, NEW JERSEY.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental restoration, including improved water quality, enhanced public access, and recreation, on the Raritan River, Carteret, New Jersey.

SEC. 4061. ELIZABETH RIVER, ELIZABETH, NEW JERSEY.

The Secretary shall conduct a study to determine the feasibility of carrying out ecosystem restoration improvements in the Elizabeth River watershed, Elizabeth, New Jersey.

SEC. 4062. GLOUCESTER COUNTY, NEW JERSEY.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Gloucester, New Jersey, including the feasibility of restoring the flood protection dikes in Gibbstown, New Jersey, and the associated tidegates in Gloucester, New Jersey.

SEC. 4063. PERTH AMBOY, NEW JERSEY.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for riverfront development, including enhanced public access, recreation, and environmental restoration, on the Arthur Kill, Perth Amboy, New Jersey.

SEC. 4064. WRECK POND, MONMOUTH COUNTY, NEW JERSEY.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental restoration at Wreck Pond, New Jersey, including Black Creek and associated waters.

SEC. 4065. BATAVIA, NEW YORK.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for hydropower and related purposes in the vicinity of Batavia, New York.

SEC. 4066. BIG SISTER CREEK, EVANS, NEW YORK.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Big Sister Creek, Evans, New York.

(b) EVALUATION OF POTENTIAL SOLUTIONS.—In conducting the study, the Secretary shall evaluate potential solutions to flooding from all sources, including flooding that results from ice jams.

SEC. 4067. EAST CHESTER BAY, TURTLE COVE, NEW YORK.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation, East Chester Creek, Chester Bay, Turtle Cove, New York.

SEC. 4068. FINGER LAKES, NEW YORK.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for aquatic ecosystem restoration and protection, Finger Lakes, New York, to address water quality and invasive species.

SEC. 4069. HUDSON-RARITAN ESTUARY, NEW YORK AND NEW JERSEY.

In conducting the study for environmental restoration, Hudson-Raritan Estuary, New York and New Jersey, the Secretary shall establish and utilize watershed restoration teams composed of estuary restoration experts from the Corps of Engineers, the New Jersey Department of Environmental Protection, and the Port Authority of New York and New Jersey and other experts designated by the Secretary for the purpose of developing habitat restoration and water quality enhancement.

SEC. 4070. LAKE ERIE SHORELINE, BUFFALO, NEW YORK.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for storm damage reduction and shoreline protection in the vicinity of Gallagher Beach, Lake Erie Shoreline, Buffalo, New York.

SEC. 4071. NEWTOWN CREEK, NEW YORK.

The Secretary shall conduct a study to determine the feasibility of carrying out ecosystem restoration improvements on Newtown Creek, Brooklyn and Queens, New York.

SEC. 4072. NIAGARA RIVER, NEW YORK.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for a low-head hydroelectric generating facility in the Niagara River, New York.

SEC. 4073. UPPER DELAWARE RIVER WATERSHED, NEW YORK.

Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)) and with the consent of the affected local government, a nonprofit organization may serve as the non-Federal interest for a study for the Upper Delaware River watershed, New York, being carried out under Committee Resolution 2495 of the Committee on Transportation and Infrastructure of the House of Representatives, adopted May 9, 1996.

SEC. 4074. LINCOLN COUNTY, NORTH CAROLINA.

The Secretary shall conduct a study of existing water and water quality-related infrastructure in Lincoln County, North Carolina, to assist local interests in determining the most efficient and effective way to connect county infrastructure.

SEC. 4075. WILKES COUNTY, NORTH CAROLINA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Wilkes County, North Carolina.

SEC. 4076. YADKINVILLE, NORTH CAROLINA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Yadkinville, North Carolina.

SEC. 4077. CINCINNATI, OHIO.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for ecosystem restoration and recreation on the Ohio River, Cincinnati, Ohio.

(b) DESIGN.—While conducting the study, the Secretary may continue to carry out design work for the project as authorized by section 118 of division H of the Consolidated Appropriations Act, 2004 (118 Stat. 439).

(c) EXISTING PLANS.—In conducting the study, the Secretary shall review the Central Riverfront Park Master Plan, dated December 1999,

and incorporate any components of the plan that the Secretary determines are consistent with Federal standards.

(d) CREDIT.—

(1) IN GENERAL.—The Secretary shall credit toward the non-Federal share of the cost of any project authorized by law as a result of the study the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(2) LIMITATION.—In no case may work that was carried out more than 5 years before the date of enactment of this Act be eligible for credit under this subsection.

SEC. 4078. EUCLID, OHIO.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation, ecosystem restoration, and recreation on Lake Erie, in the vicinity of the Euclid Lakefront, Euclid, Ohio.

SEC. 4079. LAKE ERIE, OHIO.

The Secretary shall conduct a study to determine the feasibility of carrying out projects for power generation at confined disposal facilities along Lake Erie, Ohio.

SEC. 4080. 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. 4081. SUTHERLIN, OREGON.

(a) STUDY.—The Secretary shall conduct a study of water resources along Sutherlin Creek in the vicinity of Sutherlin, Oregon, to determine the feasibility of carrying out a project to restore and enhance aquatic resources using a combination of structural and bioengineering techniques and, if the Secretary determines that the project is feasible, the Secretary may carry out the project.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000.

SEC. 4082. TILLAMOOK BAY AND BAR, OREGON.

The Secretary shall conduct a study of the project for navigation, Tillamook Bay and Bar, Oregon, authorized by the first section of the River and Harbor Appropriations Act of July 25, 1912 (37 Stat. 220), to investigate measures to address dangerous and hazardous wave and ocean conditions.

SEC. 4083. ECOSYSTEM RESTORATION AND FISH PASSAGE IMPROVEMENTS, OREGON.

(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of undertaking ecosystem restoration and fish passage improvements on rivers throughout the State of Oregon.

(b) REQUIREMENTS.—In carrying out the study, the Secretary shall—

(1) work in coordination with the State of Oregon, local governments, and other Federal agencies; and

(2) place emphasis on—

(A) fish passage and conservation and restoration strategies to benefit species that are listed or proposed for listing as threatened or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(B) other watershed restoration objectives.

(c) PILOT PROGRAM.—

(1) IN GENERAL.—In conjunction with conducting the study under subsection (a), the Secretary may carry out pilot projects to demonstrate the effectiveness of ecosystem restoration and fish passages.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 to carry out this subsection.

SEC. 4084. WALLA WALLA RIVER BASIN, OREGON.

In conducting the study of determine the feasibility of carrying out a project for ecosystem restoration, Walla Walla River Basin, Oregon, the Secretary shall—

(1) credit toward the non-Federal share of the cost of the study the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and

(2) allow the non-Federal interest to provide the non-Federal share of the cost of the study in the form of in-kind services and materials.

SEC. 4085. CHARTIERS CREEK WATERSHED, PENNSYLVANIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Chartiers Creek watershed, Pennsylvania.

SEC. 4086. KINZUA DAM AND ALLEGHENY RESERVOIR, PENNSYLVANIA.

The Secretary shall conduct a study of the project for flood control, Kinzua Dam and Allegheny Reservoir, Warren, Pennsylvania, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1570), and modified by section 2 of the Flood Control Act of June 28, 1938 (52 Stat. 1215), section 2 of the Flood Control Act of August 18, 1941 (55 Stat. 646), and section 4 of the Flood Control Act of December 22, 1944 (58 Stat. 887), to review operations of and identify modifications to the project to expand recreational opportunities.

SEC. 4087. NORTH CENTRAL PENNSYLVANIA.

The Secretary shall conduct a study to determine the feasibility of carrying out project for aquatic ecosystem restoration and protection in Warren, McKean, Potter, Tioga, Lycoming, Centre, Cameron, Elk, Clearfield, Jefferson, Clarion, Venango, Forest, Clinton, Crawford, and Mifflin Counties, Pennsylvania, particularly as related to abandoned mine drainage abatement and reestablishment of stream and river channels.

SEC. 4088. NORTHAMPTON AND LEHIGH COUNTIES STREAMS, PENNSYLVANIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for ecosystem restoration, floodplain management, flood damage reduction, water quality control, and watershed management, for the streams of Northampton and Lehigh Counties, Pennsylvania.

SEC. 4089. WESTERN PENNSYLVANIA FLOOD DAMAGE REDUCTION.

(a) IN GENERAL.—The Secretary shall conduct a study of structural and nonstructural flood damage reduction, stream bank protection, storm water management, channel clearing and modification, and watershed coordination measures in the Mahoning River basin, Pennsylvania, the Allegheny River basin, Pennsylvania, and the Upper Ohio River basin, Pennsylvania, to provide a level of flood protection sufficient to prevent future losses to communities located in such basins from flooding such as occurred in September 2004, but not less than a 100-year level of flood protection.

(b) PRIORITY COMMUNITIES.—In carrying out this section, the Secretary shall give priority to the following Pennsylvania communities: Marshall Township, Ross Township, Shaler Township, Jackson Township, Harmony, Zelienople, Darlington Township, Houston Borough, Chartiers Township, Washington, Canton Township, Tarentum Borough, and East Deer Township.

SEC. 4090. WILLIAMSPORT, PENNSYLVANIA.

The Secretary shall conduct a study of the project for flood control, Williamsport, Pennsylvania, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1570), to investigate measures to rehabilitate the project.

SEC. 4091. YARDLEY BOROUGH, PENNSYLVANIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, at Yardley Borough, Pennsylvania, including the alternative of raising River Road.

SEC. 4092. RIO VALENCIANO, JUNCOS, PUERTO RICO.

(a) IN GENERAL.—The Secretary shall conduct a study to reevaluate the project for flood damage reduction and water supply, Rio Valenciano, Juncos, Puerto Rico, authorized by section 209 of the Flood Control Act of 1962 (76 Stat. 1197) and section 204 of the Flood Control Act of 1970 (84 Stat. 1828), to determine the feasibility of carrying out the project.

(b) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the study the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 4093. CROOKED CREEK, BENNETTSVILLE, SOUTH CAROLINA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Crooked Creek, Bennettsville, South Carolina.

SEC. 4094. BROAD RIVER, YORK COUNTY, SOUTH CAROLINA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Broad River, York County, South Carolina.

SEC. 4095. GEORGETOWN AND WILLIAMSBURG COUNTIES, SOUTH CAROLINA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply for Georgetown and Williamsburg Counties, South Carolina, including the viability and practicality of constructing a desalinization water treatment facility to meet such water supply needs.

SEC. 4096. CHATTANOOGA, TENNESSEE.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Chattanooga Creek, Dobbs Branch, Chattanooga, Tennessee.

SEC. 4097. CLEVELAND, TENNESSEE.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Cleveland, Tennessee.

SEC. 4098. CUMBERLAND RIVER, NASHVILLE, TENNESSEE.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for recreation on, riverbank protection for, and environmental protection of, the Cumberland River and riparian habitats in the city of Nashville and Davidson County, Tennessee.

SEC. 4099. LEWIS, LAWRENCE, AND WAYNE COUNTIES, TENNESSEE.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply for Lewis, Lawrence, and Wayne Counties, Tennessee.

SEC. 4100. WOLF RIVER AND NONCONNAH CREEK, MEMPHIS TENNESSEE.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction along Wolf River and Nonconnah Creek, in the vicinity of Memphis, Tennessee, to include the repair, replacement, rehabilitation, and restoration of the following pumping stations: Cypress Creek, Nonconnah Creek, Ensley, Marble Bayou, and Bayou Gayoso.

SEC. 4101. ABILENE, TEXAS.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Abilene, Texas.

SEC. 4102. COASTAL TEXAS ECOSYSTEM PROTECTION AND RESTORATION, TEXAS.

(a) IN GENERAL.—The Secretary shall develop a comprehensive plan to determine the feasibility of carrying out projects for flood damage reduction, hurricane and storm damage reduction, and ecosystem restoration in the coastal areas of the State of Texas.

(b) SCOPE.—The comprehensive plan shall provide for the protection, conservation, and

restoration of wetlands, barrier islands, shorelines, and related lands and features that protect critical resources, habitat, and infrastructure from the impacts of coastal storms, hurricanes, erosion, and subsidence.

(c) DEFINITION.—For purposes of this section, the term ''coastal areas in the State of Texas'' means the coastal areas of the State of Texas from the Sabine River on the east to the Rio Grande River on the west and includes tidal waters, barrier islands, marches, coastal wetlands, rivers and streams, and adjacent areas.

SEC. 4103. FORT BEND COUNTY, TEXAS.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Fort Bend County, Texas.

SEC. 4104. HARRIS COUNTY, TEXAS.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Harris County, Texas.

SEC. 4105. PORT OF GALVESTON, TEXAS.

The Secretary shall conduct a study of the feasibility of carrying out a project for dredged material disposal in the vicinity of the project for navigation and environmental restoration, Houston-Galveston Navigation Channels, Texas, authorized by section 101(a)(30) of the Water Resources Development Act of 1996 (110 Stat. 3666).

SEC. 4106. ROMA CREEK, TEXAS.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Roma Creek, Texas.

SEC. 4107. WALNUT CREEK, TEXAS.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, environmental restoration, and erosion control, Walnut Creek, Texas.

SEC. 4108. GRAND COUNTY AND MOAB, UTAH.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply for Grand County and the city of Moab, Utah, including a review of the impact of current and future demands on the Spanish Valley Aquifer.

SEC. 4109. SOUTHWESTERN UTAH.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Santa Clara River, Washington, Iron, and Kane Counties, Utah.

SEC. 4110. CHOWAN RIVER BASIN, VIRGINIA AND NORTH CAROLINA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, environmental restoration, navigation, and erosion control, Chowan River basin, Virginia and North Carolina.

SEC. 4111. JAMES RIVER, RICHMOND, VIRGINIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction for the James River in the vicinity of Richmond, Virginia, including the Shockoe Bottom area.

SEC. 4112. ELLIOTT BAY SEAWALL, SEATTLE, WASHINGTON.

(a) IN GENERAL.—The study for rehabilitation of the Elliott Bay Seawall, Seattle, Washington, being carried out under Committee Resolution 2704 of the Committee on Transportation and Infrastructure of the House of Representatives adopted September 25, 2002, is modified to include a determination of the feasibility of reducing future damage to the seawall from seismic activity.

(b) ACCEPTANCE OF CONTRIBUTIONS.—In carrying out the study, the Secretary may accept contributions in excess of the non-Federal share of the cost of the study from the non-Federal interest to the extent that the Secretary determines that the contributions will facilitate completion of the study.

(c) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of any project authorized by law as a result of the study the value of contributions accepted by the Secretary under subsection (b).

SEC. 4113. MONONGAHELA RIVER BASIN, NORTHERN WEST VIRGINIA.

The Secretary shall conduct a study to determine the feasibility of carrying out aquatic ecosystem restoration and protection projects in the watersheds of the Monongahela River Basin lying within the counties of Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood, Doddridge, Monongalia, Marion, Harrison, Taylor, Barbour, Preston, Tucker, Mineral, Grant, Gilmer, Brooke, and Rithchie, West Virginia, particularly as related to abandoned mine drainage abatement.

SEC. 4114. KENOSHA HARBOR, WISCONSIN.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation, Kenosha Harbor, Wisconsin, including the extension of existing piers.

SEC. 4115. WAUWATOSA, WISCONSIN.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and environmental restoration, Menomonee River and Underwood Creek, Wauwatosa, Wisconsin, and greater Milwaukee watersheds, Wisconsin.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 5001. MAINTENANCE OF NAVIGATION CHANNELS.

(a) IN GENERAL.—Upon request of a non-Federal interest, the Secretary shall be responsible for maintenance of the following navigation channels and breakwaters constructed or improved by the non-Federal interest if the Secretary determines that such maintenance is economically justified and environmentally acceptable and that the channel or breakwater was constructed in accordance with applicable permits and appropriate engineering and design standards:

(1) Manatee Harbor basin, Florida.

(2) Bayou LaFourche Channel, Port Fourchon, Louisiana.

(3) Calcasieu River at Devil's Elbow, Louisiana.

(4) Pidgeon Industrial Harbor, Pidgeon Industrial Park, Memphis Harbor, Tennessee.

(5) Pix Bayou Navigation Channel, Chambers County, Texas.

(6) Racine Harbor, Wisconsin.

(b) COMPLETION OF ASSESSMENT.—Not later than 6 months after the date of receipt of a request from a non-Federal interest for Federal assumption of maintenance of a channel listed in subsection (a), the Secretary shall make a determination as provided in subsection (a) and advise the non-Federal interest of the Secretary's determination.

SEC. 5002. WATERSHED MANAGEMENT.

(a) IN GENERAL.—The Secretary may provide technical, planning, and design assistance to non-Federal interests for carrying out watershed management, restoration, and development projects at the locations described in subsection (d).

(b) SPECIFIC MEASURES.—Assistance provided under subsection (a) may be in support of non-Federal projects for the following purposes:

(1) Management and restoration of water quality.

(2) Control and remediation of toxic sediments.

(3) Restoration of degraded streams, rivers, wetlands, and other waterbodies to their natural condition as a means to control flooding, excessive erosion, and sedimentation.

(4) Protection and restoration of watersheds, including urban watersheds.

(5) Demonstration of technologies for nonstructural measures to reduce destructive impacts of flooding.

(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of assistance provided under subsection (a) shall be 50 percent.

(d) PROJECT LOCATIONS.—The locations referred to in subsection (a) are the following:

(1) Cucamonga basin, Upland, California.

(2) Charlotte Harbor watershed, Florida.

(3) Big Creek watershed, Roswell, Georgia.

(4) Those portions of the watersheds of the Chattahoochee, Etowah, Flint, Ocmulgee, and Oconee Rivers lying within the counties of Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Fulton, Forsyth, Gwinnett, Hall, Henry, Paulding, Rockdale, and Walton, Georgia.

(5) Kinkaid Lake, Jackson County, Illinois.

(6) Amite River basin, Louisiana.

(7) East Atchafalaya River basin, Iberville Parish and Pointe Coupee Parish, Louisiana.

(8) Red River watershed, Louisiana.

(9) Taunton River basin, Massachusetts.

(10) Lower Platte River watershed, Nebraska.

(11) Rio Grande watershed, New Mexico.

(12) Marlboro Township, New Jersey.

(13) Buffalo River watershed, New York.

(14) Cattaragus Creek watershed, New York.

(15) Eighteenmile Creek watershed, Niagara County, New York.

(16) Esopus, Plattekill, and Rondout Creeks, Greene, Sullivan, and Ulster Counties, New York.

(17) Genesee River watershed, New York.

(18) Greenwood Lake watershed, New York and New Jersey.

(19) Long Island Sound watershed, New York.

(20) Oswego River basin, New York.

(21) Ramapo River watershed, New York.

(22) Tonawanda Creek watershed, New York.

(23) Tuscarawas River basin, Ohio.

(24) Western Lake Erie basin, Ohio.

(25) Those portions of the watersheds of the Beaver, Upper Ohio, Connoquenessing, Lower Allegheny, Kiskiminetas, Lower Monongahela, Youghiogheny, Shenango, and Mahoning Rivers lying within the counties of Beaver, Butler, Lawrence, and Mercer, Pennsylvania.

(26) Otter Creek watershed, Pennsylvania.

(27) Unami Creek watershed, Milford Township, Pennsylvania.

(28) Sauk River basin, Washington.

(29) Greater Milwaukee watersheds, Wisconsin.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.

SEC. 5003. DAM SAFETY.

(a) ASSISTANCE.—The Secretary may provide assistance to enhance dam safety at the following locations:

(1) Fish Creek Dam, Blaine County, Idaho.

(A) Hamilton Dam, Saginaw River, Flint, Michigan.

(B) Candor Dam, Candor, New York.

(C) State Dam, Auburn, New York.

(D) Whaley Lake Dam, Pawling, New York.

(E) Ingham Spring Dam, Solebury Township, Pennsylvania.

(F) Leaser Lake Dam, Lehigh County, Pennsylvania.

(G) Stillwater Dam, Monroe County, Pennsylvania.

(H) Wissahickon Creek Dam, Montgomery County, Pennsylvania.

(b) SPECIAL RULE.—The assistance provided under subsection (a) for State Dam, Auburn, New York, shall be for a project for rehabilitation in accordance with the report on State Dam Rehabilitation, Owasco Lake Outlet, New York, dated March 1999, if the Secretary determines that the project is feasible.

(c) FERN RIDGE DAM, OREGON.—It is the sense of Congress that the Secretary should immediately carry out a project to remedy the situation at Fern Ridge Dam, Oregon, due to the rapid deterioration of the dam. Cost sharing for the project shall be as provided by section 1203 of the Water Resources Development Act of 1986 (33 U.S.C. 467n).

(d) KEHLY RUN DAMS, PENNSYLVANIA.—Section 504(a)(2) of the Water Resources Development Act of 1999 (113 Stat. 338; 117 Stat. 1842) is amended by striking ''Dams'' and inserting ''Dams No. 1–5''.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a) $6,000,000.

SEC. 5004. STRUCTURAL INTEGRITY EVALUATIONS.

(a) IN GENERAL.—Upon request of a non-Federal interest, the Secretary shall evaluate the structural integrity and effectiveness of a project for flood damage reduction and, if the Secretary determines that the project does not meet such minimum standards as the Secretary may establish and, absent action by the Secretary, the project will fail, the Secretary may take such action as may be necessary to restore the integrity and effectiveness of the project.

(b) PRIORITY.—The Secretary shall evaluate under subsection (a) the following projects:

(1) Project for flood damage reduction, Arkansas River Levees, river mile 205 to river mile 308.4, Arkansas.

(2) Project for flood damage reduction, Nonconnah Creek, Tennessee.

SEC. 5005. FLOOD MITIGATION PRIORITY AREAS.

(a) IN GENERAL.—Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e); 114 Stat. 2599) is amended—

(1) by striking ''and'' at the end of paragraphs (23) and (27);

(2) by striking the period at the end of paragraph (28) and inserting a semicolon; and

(3) by adding at the end the following:

''(29) Ascension Parish, Louisiana;

''(30) East Baton Rouge Parish, Louisiana;

''(31) Iberville Parish, Louisiana;

''(32) Livingston Parish, Louisiana; and

''(33) Pointe Coupee Parish, Louisiana.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 212(i)(1) of such Act (33 U.S.C. 2332(i)(1)) is amended by striking ''section—'' and all that follows before the period at the end and inserting ''section $20,000,000''.

SEC. 5006. ADDITIONAL ASSISTANCE FOR AUTHORIZED PROJECTS.

(a) IN GENERAL.—Section 219(e) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334) is amended—

(1) by striking ''and'' at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting a semicolon; and

(3) by adding at the end the following:

''(9) $35,000,000 for the project described in subsection (c)(18);

''(10) $20,000,000 for the project described in subsection (c)(20);

''(11) $35,000,000 for the project described in subsection (c)(23);

''(12) $20,000,000 for the project described in subsection (c)(25);

''(13) $20,000,000 for the project described in subsection (c)(26);

''(14) $35,000,000 for the project described in subsection (c)(27);

''(15) $20,000,000 for the project described in subsection (c)(28); and

''(16) $30,000,000 for the project described in subsection (c)(40).''.

(b) EAST 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 (114 Stat. 2763A–219) if such assistance is authorized to be used for such purposes.

SEC. 5007. EXPEDITED COMPLETION OF REPORTS AND CONSTRUCTION FOR CERTAIN PROJECTS.

The Secretary shall expedite completion of the reports and, if the Secretary determines the project is feasible, shall expedite completion of construction for the following projects:

(1) Fulmer Creek, Village of Mohawk, New York, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(2) Moyer Creek, Village of Frankfort, New York, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(3) Steele Creek, Village of Ilion, New York, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(4) Oriskany Wildlife Management Area, Rome, New York, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(5) Whitney Point Lake, Otselic River, Whitney Point, New York, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).

(6) Newton Creek, Bainbridge, New York, being carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

(7) Chenango Lake, Chenango County, New York, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

SEC. 5008. EXPEDITED COMPLETION OF REPORTS FOR CERTAIN PROJECTS.

(a) IN GENERAL.—The Secretary shall expedite completion of the reports for the following projects and, if the Secretary determines that a project is justified in the completed report, proceed directly to project preconstruction, engineering, and design:

(1) Project for water supply, Little Red River, Arkansas.

(2) Project for shoreline stabilization at Egmont Key, Florida.

(3) Project for ecosystem restoration, University Lake, Baton Rouge, Louisiana.

(4) Project for hurricane and storm damage reduction, Montauk Point, New York.

(b) SPECIAL RULE FOR EGMONT KEY, FLORIDA.—In carrying out the project for shoreline stabilization at Egmont Key, Florida, referred to in subsection (a)(2), the Secretary shall waive any cost share to be provided by non-Federal interests for any portion of the project that benefits federally owned property.

(c) SPECIAL RULE FOR MONTAUK POINT, NEW YORK.—The Secretary shall complete the report for the project referred to in subsection (a)(4) not later than September 30, 2005, notwithstanding the ownership of the property to be protected.

SEC. 5009. SOUTHEASTERN WATER RESOURCES ASSESSMENT.

(a) IN GENERAL.—The Secretary shall conduct, at Federal expense, an assessment of the water resources needs of the river basins and watersheds of the southeastern United States.

(b) COOPERATIVE AGREEMENTS.—In carrying out the assessment, the Secretary may enter into cooperative agreements with State and local agencies, non-Federal and nonprofit entities, and regional researchers.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $7,000,000 to carry out this section.

SEC. 5010. UPPER MISSISSIPPI RIVER ENVIRONMENTAL MANAGEMENT PROGRAM.

Section 1103(e)(7) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(7)) is amended—

(1) by adding at the end of subparagraph (A) the following: ''The non-Federal interest may provide the non-Federal share of the cost of the project in the form of in-kind services and materials.''; and

(2) by inserting after subparagraph (B) the following:

''(C) Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.''.

SEC. 5011. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.

Section 514(g) of the Water Resources Development Act of 1999 (113 Stat. 343; 117 Stat. 142) is amended by striking ''and 2004'' and inserting ''through 2015''.

SEC. 5012. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.

Section 506(f)(3)(B) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22; 114 Stat. 2646) is amended by striking ''50 percent'' and inserting ''100 percent''.

SEC. 5013. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401(c) of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; 114 Stat. 2613) is amended by striking ''2006'' and inserting ''2011''.

SEC. 5014. GREAT LAKES TRIBUTARY MODEL.

Section 516(g)(2) of the Water Resources Development Act of 1996 (33 U.S.C. 2326b(g)(2)) is amended by striking ''2006'' and inserting ''2011''.

SEC. 5015. SUSQUEHANNA, DELAWARE, AND POTOMAC RIVER BASINS.

(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 section 2.2 of both the Susquehanna River Basin Compact (Public Law 91–575) and the Delaware River Basin Compact (Public Law 87–328), beginning in fiscal year 2005 and thereafter, the Division Engineer, North Atlantic Division, Corps of Engineers, shall be the ex officio United States member under the Susquehanna River Basin Compact and the Delaware River Basin Compact, who shall serve without additional compensation and who may designate an alternate member or members in accordance with the terms of those respective compacts.

(b) AUTHORIZATION TO ALLOCATE.—The Secretary may 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 their respective interstate compacts.

(c) WATER SUPPLY AND CONSERVATION STORAGE.—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, during any period in which the Commission has determined that a drought warning or drought emergency exists. The agreement shall provide that the cost for any such water supply and conservation storage shall not exceed the incremental operating costs associated with providing the storage.

SEC. 5016. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.

(a) FORM OF ASSISTANCE.—Section 510(a)(2) of the Water Resources Development Act of 1996 (110 Stat. 3759) is amended by striking '', and beneficial uses of dredged material'' and inserting '', beneficial uses of dredged material, and restoration of submerged aquatic vegetation''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 510(i) of such Act (110 Stat. 3761) is amended by striking ''$10,000,000'' and inserting ''$50,000,000''.

SEC. 5017. CHESAPEAKE BAY OYSTER RESTORATION.

The second sentence of section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended by striking ''$20,000,000'' and inserting ''$30,000,000''.

SEC. 5018. HYPOXIA ASSESSMENT.

The Secretary may participate with Federal, State, and local agencies, non-Federal and nonprofit entities, regional researchers, and other interested parties to assess hypoxia in the Gulf of Mexico.

SEC. 5019. POTOMAC RIVER WATERSHED ASSESSMENT AND TRIBUTARY STRATEGY EVALUATION AND MONITORING PROGRAM.

The Secretary may participate in the Potomac River Watershed Assessment and Tributary Strategy Evaluation and Monitoring Program to identify a series of resource management indicators to accurately monitor the effectiveness of

the implementation of the agreed upon tributary strategies and other public policies that pertain to natural resource protection of the Potomac River watershed.

SEC. 5020. LOCK AND DAM SECURITY.

(a) STANDARDS.—The Secretary, in consultation with the Federal Emergency Management Agency, the Tennessee Valley Authority, and the Coast Guard, shall develop standards for the security of locks and dams, including the testing and certification of vessel exclusion barriers.

(b) SITE SURVEYS.—At the request of a lock or dam owner, the Secretary shall provide technical assistance, on a reimbursible basis, to improve lock or dam security.

(c) COOPERATIVE AGREEMENT.—The Secretary may enter into a cooperative agreement with a nonprofit alliance of public and private organizations that has the mission of promoting safe waterways and seaports to carry out testing and certification activities, and to perform site surveys, under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $3,000,000 to carry out this section.

SEC. 5021. PINHOOK CREEK, HUNTSVILLE, ALABAMA.

The Secretary shall design and construct the locally preferred plan for flood protection at Pinhook Creek, Huntsville, Alabama, under the authority of section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s). The Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

SEC. 5022. TALLAPOOSA, ALABAMA.

The Secretary may provide technical assistance relating to water supply to the Middle Tallapoosa Water Supply District, Alabama. There is authorized to be appropriated $5,000,000 to carry out this section.

SEC. 5023. ALASKA.

Section 570 of the Water Resources Development Act of 1999 (113 Stat. 369) is amended—

(1) in subsection (c) by inserting ''environmental restoration,'' after ''water supply and related facilities,'';

(2) in subsection (e)(3)(B) by striking the last sentence;

(3) in subsection (h) by striking ''$25,000,000'' and inserting ''$45,000,000''; and

(4) by adding at the end the following:

''(i) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.

''(j) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.''.

SEC. 5024. BARROW, ALASKA.

The Secretary shall carry out, under section 117 of the Energy and Water Development Appropriations Act, 2005 (118 Stat. 2944), a nonstructural project for coastal erosion and storm damage prevention and reduction at Barrow, Alaska, including relocation of infrastructure.

SEC. 5025. COFFMAN COVE, ALASKA.

The Secretary is authorized to carry out a project for navigation, Coffman Cove, Alaska, at a total cost of $3,000,000.

SEC. 5026. FORT YUKON, ALASKA.

The Secretary shall make repairs to the dike at Fort Yukon, Alaska, so that the dike meets Corps of Engineers standards.

SEC. 5027. KOTZEBUE HARBOR, ALASKA.

The Secretary is authorized to carry out a project for navigation, Kotzebue Harbor, Kotzebue, Alaska, at at total cost of $2,200,000.

SEC. 5028. LOWELL CREEK TUNNEL, SEWARD, ALASKA.

(a) LONG-TERM MAINTENANCE AND REPAIR.—The Secretary shall assume responsibility for the long-term maintenance and repair of the Lowell Creek Tunnel.

(b) STUDY.—The Secretary shall conduct a study to determine whether alternative methods of flood diversion in Lowell Canyon are feasible.

SEC. 5029. 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. 5030. TANANA RIVER, ALASKA.

The Secretary shall carry out, on an emergency basis, the removal of the hazard to navigation on the Tanana River, Alaska, near the mouth of the Chena River, as described in the January 3, 2005, memorandum from the Commander, Seventeenth Coast Guard District, to the Corps of Engineers, Alaska District, Anchorage, Alaska.

SEC. 5031. VALDEZ, ALASKA.

The Secretary is authorized to construct a small boat harbor in Valdez, Alaska, at a total cost of $20,000,000, with an estimated Federal cost of $10,500,000 and an estimated non-Federal cost of $9,500,000.

SEC. 5032. WHITTIER, ALASKA.

(a) STUDY.—The Secretary shall conduct, at Federal expense, a study to determine the feasibility of carrying out projects for navigation at Whittier, Alaska, to construct a new boat harbor at the head of Whittier Bay and to expand the existing harbor and, if the Secretary determines that a project is feasible, the Secretary may carry out the project.

(b) NON-FEDERAL COST SHARE.—The non-Federal interest may use, and the Secretary shall accept, funds provided under any other Federal program to satisfy, in whole or in part, the non-Federal share of the construction of any project carried out under this section if such funds are authorized to be used to carry out such project.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $35,200,000.

SEC. 5033. WRANGELL HARBOR, ALASKA.

(a) GENERAL NAVIGATION FEATURES.—In carrying out the project for navigation, Wrangell Harbor, Alaska, authorized by section 101(b)(1) of the Water Resources Development Act of 1999 (113 Stat. 279), the Secretary shall consider the dredging of the mooring basin and construction of the inner harbor facilities to be general navigation features for purposes of estimating the non-Federal share of project costs.

(b) REVISION OF PARTNERSHIP AGREEMENT.—The Secretary shall revise the partnership agreement for the project to reflect the change required by subsection (a).

SEC. 5034. AUGUSTA AND CLARENDON, ARKANSAS.

(a) IN GENERAL.—The Secretary is authorized to perform operation, maintenance, and rehabilitation of authorized and completed levees on the White River between Augusta and Clarendon, Arkansas.

(b) REIMBURSEMENT.—After performing the operation, maintenance, and rehabilitation under subsection (a), the Secretary shall seek reimbursement from the Secretary of the Interior of an amount equal to the costs allocated to benefits to a Federal wildlife refuge of such operation, maintenance, and rehabilitation.

SEC. 5035. DES ARC LEVEE PROTECTION, ARKANSAS.

The Secretary shall review the project for flood control, Des Arc, Arkansas, to determine whether bank and channel scour along the White River threaten the existing project and whether the scour is as a result of a design deficiency. If the Secretary determines that such conditions exist as a result of a deficiency, the Secretary shall carry out measures to eliminate the deficiency.

SEC. 5036. HELENA AND VICINITY, ARKANSAS.

The Secretary shall accept as fulfilling the non-Federal cost-sharing responsibilities for the project for flood control, Helena and Vicinity, Arkansas, authorized by section 401 of the Water Resources Development Act of 1986 (100 Stat. 4112), the non-Federal cash contribution of $568,000 and the lands, easements, rights-of-way, relocations, and dredged material disposal areas provided by the non-Federal sponsor as of September 1, 2003, and the Secretary shall not seek to recover any reimbursement from the non-Federal sponsor related to advanced payments to, or work performed for, the non-Federal sponsor under the authority of sections 103 and 104 of the Water Resources Development Act of 1986 (33 U.S.C. 2213, 2214).

SEC. 5037. LOOMIS LANDING, ARKANSAS.

The Secretary shall conduct a study of shore damage in the vicinity of Loomis Landing, Arkansas, to determine if the damage is the result of a Federal navigation project, and, if the Secretary determines that the damage is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the damage under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).

SEC. 5038. ST. FRANCIS RIVER BASIN, ARKANSAS AND MISSOURI.

The Secretary shall conduct a study of increased siltation and streambank erosion in the St. Francis River Basin, Arkansas and Missouri, to determine if the siltation or erosion, or both, are the result of a Federal flood control project and, if the Secretary determines that the siltation or erosion, or both, are the result of a Federal flood control project, the Secretary shall carry out a project to mitigate the siltation or erosion, or both.

SEC. 5039. WHITE RIVER BASIN, ARKANSAS.

(a) MINIMUM FLOWS.—

(1) IN GENERAL.—In carrying out section 304 of the Water Resources Development Act of 2000 (114 Stat. 2601), the Secretary shall implement alternatives BS–3 and NF–7, as described in the White River Minimum Flows Reallocation Study Report, Arkansas and Missouri, dated July 2004.

(2) COST SHARING.—Reallocation of storage and installation of facilities under this subsection shall be considered fish and wildlife enhancement that provides national benefits and shall be a Federal expense in accordance with section 906(e)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(e)(1)).

(3) OFFSET.—In carrying out this subsection, losses to hydropower shall be offset by a reduction, not to exceed $17,000,000, in the costs allocated to hydropower, as determined by the present value of the estimated replacement cost of the electrical energy and capacity at the time of the implementation.

(b) FISH HATCHERY.—In operating the fish hatchery at Beaver Lake, Arkansas, authorized by section 105 of the Water Resources Development Act of 1976 (90 Stat. 2921), losses to hydropower shall be offset by a reduction, not to exceed $2,200,000, in the costs allocated to hydropower, as determined by the present value of the estimated replacement cost of the electrical energy and capacity at the time of the implementation.

(c) REPEAL.—Section 374 of the Water Resources Development Act of 1999 (113 Stat. 321) is repealed.

SEC. 5040. CAMBRIA, CALIFORNIA.

Section 219(f)(48) of the Water Resources Development Act of 1992 (114 Stat. 2763A–220) is amended—

(1) by striking ''$10,300,000'' and inserting the following:

''(A) IN GENERAL.—$10,300,000'';

(2) by adding at the end the following:

''(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the

project not to exceed $3,000,000 for the cost of planning and design work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.''; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

SEC. 5041. CONTRA COSTA CANAL, OAKLEY AND KNIGHTSEN, CALIFORNIA; MALLARD SLOUGH, PITTSBURG, CALIFORNIA.

Sections 512 and 514 of the Water Resources Development Act of 2000 (114 Stat. 2650) are each amended by adding at the end the following: ''All planning, study, design, and construction on the project shall be carried out by the office of the district engineer, San Francisco, California.''.

SEC. 5042. DANA POINT HARBOR, CALIFORNIA.

The Secretary shall conduct a study of the causes of water quality degradation within Dana Point Harbor, California, to determine if the degradation is the result of a Federal navigation project, and, if the Secretary determines that the degradation is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the degradation at Federal expense.

SEC. 5043. EAST SAN JOAQUIN COUNTY, CALIFORNIA.

Section 219(f)(22) of the Water Resources Development Act of 1992 (113 Stat. 336) is amended—

(1) by striking ''$25,000,000'' and inserting the following:

''(A) IN GENERAL.—$25,000,000'';

(2) by adding at the end the following:

''(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project (i) the cost of design and construction work carried out by the non-Federal interest before, on, or after the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and (ii) the cost of provided for the project by the non-Federal interest.

''(C) IN-KIND CONTRIBUTIONS.—The non-Federal interest may provide any portion of the non-Federal share of the cost of the project in the form of in-kind services and materials.''; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

SEC. 5044. EASTERN SANTA CLARA BASIN, CALIFORNIA.

Section 111(c) of the Miscellaneous Appropriations Act, 2001 (as enacted into law by Public Law 106–554; 114 Stat. 2763A-224) is amended—

(1) by striking ''$25,000,000'' and inserting ''$28,000,000''; and

(2) by striking ''$7,000,000'' and inserting ''$10,000,000''.

SEC. 5045. PINE FLAT DAM AND RESERVOIR, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall review the Kings River Fisheries Management Program Framework Agreement, dated May 29, 1999, among the California Department of Fish and Game, the Kings River Water Association, and the Kings River Conservation District and, if the Secretary determines that the management program is feasible, the Secretary may participate in the management program.

(b) PROHIBITION.—Nothing in this section authorizes any project for the raising of, or the construction of, a multilevel intake structure at Pine Flat Dam, California.

(c) 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 Report of the Chief of Engineers, Pine Flat Dam and Reservoir, Fresno County, California, dated July 19, 2002.

(d) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to $20,000,000 to carry out this section.

SEC. 5046. SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.

(a) IN GENERAL.—The Secretary is authorized to transfer title to the Bascule Bridge, deauthorized by section 347(a)(2) of the Water Resources Development Act of 2000 (114. Stat. 2618), to the city of West Sacramento, California, subject to the execution of an agreement by the Secretary and the city which specifies the terms and conditions for such transfer. The terms and conditions of the transfer shall include a provision authorizing the Secretary to participate in the construction of a replacement bridge following the removal of the Bascule Bridge.

(b) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated $5,000,000 for the Secretary to participate in the construction of a replacement bridge under this section.

SEC. 5047. SAN FRANCISCO, CALIFORNIA.

(a) IN GENERAL.—The Secretary, in cooperation with the Port of San Francisco, California, may carry out the project for repair and removal, as appropriate, of Piers 35, 36, and 80 in San Francisco, California, substantially in accordance with the Port's redevelopment plan.

(1) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated $20,000,000 to carry out this subsection.

SEC. 5048. SAN FRANCISCO, CALIFORNIA, WATERFRONT AREA.

(a) AREA TO BE DECLARED NONNAVIGABLE; PUBLIC INTEREST.—Unless the Secretary finds, after consultation with local and regional public officials (including local and regional public planning organizations), that the proposed projects to be undertaken within the boundaries of the portion of the San Francisco, California, waterfront area described in subsection (b) are not in the public interest, such portion is declared to be nonnavigable waters of the United States.

(b) NORTHERN EMBARCADERO SOUTH OF BRYANT STREET.—The portion of the San Francisco, California, waterfront area referred to in subsection (a) is as follows: Beginning at the intersection of the northeasterly prolongation of that 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 distant from the existing southern boundary of Pier 40 produced 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 pierhead line; to the northwesterly line of Bryant Street produced northwesterly; thence southwesterly along said northwesterly line of Bryant Street produced to the point of beginning.

(c) REQUIREMENT THAT AREA BE IMPROVED.—The declaration of nonnavigability under subsection (a) applies only to those parts of the area described in subsection (b) that are or will be bulkheaded, filled, or otherwise occupied by permanent structures and does not affect the applicability of any Federal statute or regulation applicable to such parts the day before the date of enactment of this Act, including sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401 and 403; 30 Stat. 1151), commonly known as the Rivers and Harbors Appropriation Act of 1899, section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) EXPIRATION DATE.—If, 20 years from the date of enactment of this Act, any area or part thereof described in subsection (b) is not bulkheaded or filled or occupied by permanent structures, including marina facilities, in accordance with the requirements set out in subsection (c), or if work in connection with any activity permitted in subsection (c) is not commenced within 5 years after issuance of such permits, then the declaration of nonnavigability for such area or part thereof shall expire.

SEC. 5049. SANTA VENETIA, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1958 (33 U.S.C. 701s), Santa Venetia, California, if the Secretary determines that the project is feasible.

(b) PROJECT FINANCING.—In carrying out the project under this section, the Secretary shall allow the non-Federal interests to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184), to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

SEC. 5050. STOCKTON, CALIFORNIA.

(a) REEVALUATION.—The Secretary shall reevaluate the feasibility of the Lower Mosher Slough element and the levee extensions on the Upper Calaveras River element of the project for flood control, Stockton Metropolitan Area, California, carried out under section 211(f)(3) of the Water Resources Development Act of 1996 (110 Stat. 3683), to determine the eligibility of such elements for reimbursement under section 211 of such Act (33 U.S.C. 701b–13).

(b) SPECIAL RULES FOR REEVALUATION.—In conducting the reevaluation under subsection (a), the Secretary shall not reject a feasibility determination based on one or more of the policies of the Corps of Engineers concerning the frequency of flooding, the drainage area, and the amount of runoff.

(c) REIMBURSEMENT.—If the Secretary determines that the elements referred to subsection (a) are feasible, the Secretary shall reimburse, subject to appropriations, the non-Federal interest under section 211 of the Water Resources Development Act of 1996 for the Federal share of the cost of such elements.

SEC. 5051. VICTOR V. VEYSEY DAM, CALIFORNIA.

(a) DESIGNATION.—The Prado Dam, authorized by the Flood Control Act of 1936 (49 Stat. 1570), shall be known and designated as the ''Victor V. Veysey Dam''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the dam referred to in subsection (a) shall be deemed to be a reference to the ''Victor V. Veysey Dam''.

SEC. 5052. WHITTIER, CALIFORNIA.

The Secretary shall carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) in the vicinity of Whittier, California, if the Secretary determines that the project is feasible.

SEC. 5053. CHARLES HERVEY TOWNSHEND BREAKWATER, NEW HAVEN HARBOR, CONNECTICUT.

(a) DESIGNATION.—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''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the breakwater referred to in subsection (a) shall be deemed to be a reference to the ''Charles Hervey Townshend Breakwater''.

SEC. 5054. CHRISTINA RIVER SHIPWRECK, DELAWARE.

The Secretary may carry out the removal of the debris associated with the steamship ''STATE OF PENNSYLVANIA'' and other derelict vessels from the Christina River, Delaware, under section 202 of the Water Resources Development Act of 1976 (90 Stat. 2945).

SEC. 5055. ANACOSTIA RIVER, DISTRICT OF COLUMBIA, MARYLAND, AND VIRGINIA.

(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 Governor of Virginia, the County Executives of Montgomery County and Prince George's County, Maryland, and other interested persons, shall develop a 10-year comprehensive action plan for the restoration and protection of the ecological integrity of the Anacostia River and its tributaries.

(b) PUBLIC AVAILABILITY.—Upon completion of the plan, the Secretary shall make the plan available to the public.

SEC. 5056. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.

Section 109(e)(2) of the Miscellaneous Appropriations Act, 2001 (enacted into law by Public Law 106–554) (114 Stat. 2763A–222) is amended by adding at the end the following:

''(C) CREDIT FOR WORK PRIOR TO EXECUTION OF THE PARTNERSHIP AGREEMENT.—The Secretary shall credit toward the non-Federal share of the cost of the project (i) the cost of construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and (ii) the cost of land acquisition carried out by the non-Federal interest for projects to be carried out under this section.''.

SEC. 5057. LAKE WORTH, FLORIDA.

The Secretary may carry out necessary repairs for the Lake Worth bulkhead replacement project, West Palm Beach, Florida, at an estimated total cost of $9,000,000.

SEC. 5058. LAKE LANIER, GEORGIA.

The Secretary may assist local interests with planning, design, and construction of facilities at the Lake Lanier Olympic Center, Georgia, at a total cost of $5,300,000.

SEC. 5059. RILEY CREEK RECREATION AREA, IDAHO.

The Secretary is authorized to carry out the Riley Creek Recreation Area Operation Plan of the Albeni Falls Management Plan, dated October 2001, for the Riley Creek Recreation Area, Albeni Falls Dam, Bonner County, Idaho.

SEC. 5060. RECONSTRUCTION OF ILLINOIS FLOOD PROTECTION PROJECTS.

(a) IN GENERAL.—The Secretary may participate in the reconstruction of an eligible flood control project if the Secretary determines that such reconstruction is not required as a result of improper operation and maintenance of the project by the non-Federal interest.

(b) COST SHARING.—The non-Federal share of the costs for the reconstruction of a flood control project authorized by this section shall be the same non-Federal share that was applicable to construction of the project. The non-Federal interest shall be responsible for operation and maintenance and repair of a project for which reconstruction is undertaken under this section.

(c) RECONSTRUCTION DEFINED.—In this section, the term ''reconstruction'', as used with respect to a project, means addressing major project deficiencies 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 its authorized project purposes. In addressing such deficiencies, the Secretary may incorporate current design standards and efficiency improvements, including the replacement of obsolete mechanical and electrical components at pumping stations, if such incorporation does not significantly change the scope, function, and purpose of the project as authorized.

(d) ELIGIBLE PROJECTS.—The following flood control projects are eligible for reconstruction under this section:

(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) Cairo, Illinois Mainline Levee, Cairo, Illinois.

(5) Goose Pond Pump Station, Cairo, Illinois.

(6) Cottonwood Slough Pump Station, Alexander County, Illinois.

(7) 10th and 28th Street Pump Stations, Cairo, Illinois.

(8) Flood control levee projects in Brookport, Shawneetown, Old Shawneetown, Golconda, Rosiclare, Harrisburg, and Reevesville, Illinois.

(e) JUSTIFICATION.—The reconstruction of a project authorized by this section shall not be considered a separable element of the project.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated—

(1) $15,000,000 to carry out the projects described in paragraphs (1) through (7) of subsection (d); and

(2) $15,000,000 to carry out the projects described in subsection (d)(8).

Such sums shall remain available until expended.

SEC. 5061. KASKASKIA RIVER BASIN, ILLINOIS, RESTORATION.

(a) KASKASKIA RIVER BASIN DEFINED.—In this section, the term ''Kaskaskia River Basin'' means the Kaskaskia River, Illinois, its backwaters, its side channels, and all tributaries, including their watersheds, draining into the Kaskaskia River.

(b) COMPREHENSIVE PLAN.—

(1) DEVELOPMENT.—The Secretary shall develop, as expeditiously as practicable, a comprehensive plan for the purpose of restoring, preserving, and protecting the Kaskaskia River Basin.

(2) TECHNOLOGIES AND INNOVATIVE APPROACHES.—The comprehensive plan shall provide for the development of new technologies and innovative approaches—

(A) to enhance the Kaskaskia River as a transportation corridor;

(B) to improve water quality within the entire Kaskaskia River Basin;

(C) to restore, enhance, and preserve habitat for plants and wildlife;

(D) to increase economic opportunity for agriculture and business communities; and

(E) to reduce the impacts of flooding to communities and landowners.

(3) SPECIFIC COMPONENTS.—The comprehensive plan shall include such features as are necessary to provide for—

(A) the development and implementation of a program for sediment removal technology, sediment characterization, sediment transport, and beneficial uses of sediment;

(B) the development and implementation of a program for the planning, conservation, evaluation, and construction of measures for fish and wildlife habitat conservation and rehabilitation, and stabilization and enhancement of land and water resources in the basin;

(C) the development and implementation of a long-term resource monitoring program;

(D) the development and implementation of a computerized inventory and analysis system; and

(E) the development and implementation of a systemic plan to reduce flood impacts by means of ecosystem restoration projects.

(4) CONSULTATION.—The comprehensive plan shall be developed by the Secretary in consultation with appropriate Federal agencies, the State of Illinois, and the Kaskaskia River Coordinating Council.

(5) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the comprehensive plan.

(6) ADDITIONAL STUDIES AND ANALYSES.—After transmission of a report under paragraph (5), the Secretary shall conduct studies and analyses of projects related to the comprehensive plan that are appropriate and consistent with this subsection.

(c) GENERAL PROVISIONS.—

(1) WATER QUALITY.—In carrying out activities under this section, the Secretary's recommendations shall be consistent with applicable State water quality standards.

(2) PUBLIC PARTICIPATION.—In developing the comprehensive plan under subsection (b), the Secretary shall implement procedures to facilitate public participation, including providing advance notice of meetings, providing adequate opportunity for public input and comment, maintaining appropriate records, and making a record of the proceedings of meetings available for public inspection.

(d) COORDINATION.—The Secretary shall integrate activities carried out under this section with ongoing Federal and State programs, projects, and activities, including the following:

(1) Farm programs of the Department of Agriculture.

(2) Conservation Reserve Enhancement Program (State of Illinois) and Conservation 2000 Ecosystem Program of the Illinois Department of Natural Resources.

(3) Conservation 2000 Conservation Practices Program and the Livestock Management Facilities Act administered by the Illinois Department of Agriculture.

(4) National Buffer Initiative of the Natural Resources Conservation Service.

(5) Nonpoint source grant program administered by the Illinois Environmental Protection Agency.

(e) COST SHARING.—

(1) IN GENERAL.—The non-Federal share of the cost of activities carried out under this section shall be 35 percent.

(2) IN-KIND SERVICES.—The Secretary may credit the cost of in-kind services provided by the non-Federal interest for an activity carried out under this section toward not more than 80 percent of the non-Federal share of the cost of the activity. In-kind services shall include all State funds expended on programs that accomplish the goals of this section, as determined by the Secretary. The programs may include the Kaskaskia River Conservation Reserve Program, the Illinois Conservation 2000 Program, the Open Lands Trust Fund, and other appropriate programs carried out in the Kaskaskia River Basin.

SEC. 5062. FLOODPLAIN MAPPING, LITTLE CALUMET RIVER, CHICAGO, ILLINOIS.

(a) IN GENERAL.—The Secretary shall provide assistance for a project to develop maps identifying 100- and 500-year flood inundation areas along the Little Calumet River, Chicago, Illinois.

(b) REQUIREMENTS.—Maps developed under the project shall include hydrologic and hydraulic information and shall accurately show the flood inundation of each property by flood risk in the floodplain. The maps shall be produced in a high resolution format and shall be made available to all flood prone areas along the Little Calumet River, Chicago, Illinois, in an electronic format.

(c) PARTICIPATION OF FEMA.—The Secretary and the non-Federal interests for the project shall work with the Director of the Federal

Emergency Management Agency to ensure the validity of the maps developed under the project for flood insurance purposes.

(d) FORMS OF ASSISTANCE.—In carrying out the project, the Secretary may enter into contracts or cooperative agreements with the non-Federal interests or provide reimbursements of project costs.

(e) FEDERAL SHARE.—The Federal share of the cost of the project shall be 50 percent.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000.

SEC. 5063. NATALIE CREEK, MIDLOTHIAN AND OAK FOREST, ILLINOIS.

The Secretary shall carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), Natalie Creek, Midlothian and Oak Forest, Illinois, if the Secretary determines that the project is feasible.

SEC. 5064. ILLINOIS RIVER BASIN RESTORATION.

(a) EXTENSION OF AUTHORIZATION.—Section 519(c)(2) of the Water Resources Development Act of 2000 (114 Stat. 2654) is amended by striking ''2004'' and inserting ''2010''.

(b) IN-KIND SERVICES.—Section 519(g)(3) of such Act (114 Stat. 2655) is amended by inserting before the period at the end of the first sentence ''if such services are provided not more than 5 years before the date of initiation of the project or activity''.

(c) NONPROFIT ENTITIES AND MONITORING.—Section 519 of such Act (114 Stat. 2654) is amended by adding at the end the following:

''(h) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

''(i) MONITORING.—The Secretary shall develop an Illinois river basin monitoring program to support the plan referred to in subsection (b). Data collected under the monitoring program shall incorporate data provided by the State of Illinois and shall be publicly accessible through electronic means.''.

SEC. 5065. PROMONTORY POINT, LAKE MICHIGAN, ILLINOIS.

In carrying out the project for storm damage reduction and shoreline erosion protection, Lake Michigan, authorized by section 101(a)(12) of the Water Resources Development Act of 1996 (110 Stat. 3664), the Secretary shall reevaluate the feasibility of reconstructing the Promontory Point section consistent with the original limestone step design.

SEC. 5066. BURNS WATERWAY HARBOR, INDIANA.

The Secretary shall conduct a study of shoaling in the vicinity of Burns Waterway Harbor, Indiana, to determine if the shoaling is the result of a Federal navigation project, and, if the Secretary determines that the shoaling is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the shoaling under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426).

SEC. 5067. CALUMET REGION, INDIANA.

Section 219(f)(12) of the Water Resources Development Act of 1992 (113 Stat. 335; 117 Stat. 1843) is amended—

(1) by striking ''$30,000,000'' and inserting the following:

''(A) IN GENERAL.—$30,000,000'';

(2) by adding at the end the following:

''(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of planning and design work carried out by the non-Federal interest before, on, or after the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.''; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

SEC. 5068. FLOODPLAIN MAPPING, MISSOURI RIVER, IOWA.

(a) IN GENERAL.—The Secretary shall provide assistance for a project to develop maps identifying 100- and 500-year flood inundation areas in the State of Iowa, along the Missouri River.

(b) REQUIREMENTS.—Maps developed under the project shall include hydrologic and hydraulic information and shall accurately portray the flood hazard areas in the floodplain. The maps shall be produced in a high resolution format and shall be made available to the State of Iowa in an electronic format.

(c) PARTICIPATION OF FEMA.—The Secretary and the non-Federal interests for the project shall work with the Director of the Federal Emergency Management Agency to ensure the validity of the maps developed under the project for flood insurance purposes.

(d) FORMS OF ASSISTANCE.—In carrying out the project, the Secretary may enter into contracts or cooperative agreements with the non-Federal interests or provide reimbursements of project costs.

(e) FEDERAL SHARE.—The Federal share of the cost of the project shall be 50 percent.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000.

SEC. 5069. RATHBUN LAKE, IOWA.

(a) CONVEYANCE.—The Secretary shall convey the remaining water supply storage allocation in Rathbun Lake, Iowa, to the Rathbun Regional Water Association (in this section referred to as the ''Water Association'').

(b) COST SHARING.—Notwithstanding the Water Supply Act of 1958 (43 U.S.C. 390b), the Water Association shall pay 100 percent of the cost of the water supply storage allocation to be conveyed under subsection (a). The Secretary shall credit toward such non-Federal share the cost of any structures and facilities constructed by the Water Association at the project.

(c) TERMS AND CONDITIONS.—Before conveying the water supply storage allocation under subsection (a), the Secretary shall enter into an agreement with the Water Association, under which the Water Association shall agree to—

(1) in accordance with designs approved by the Chief of Engineers, construct structures and facilities referred to in subsection (b) that have a value equal to or greater than the amount that otherwise would be paid to the Federal Government for the costs of the water supply storage under the Water Supply Act of 1958 (43 U.S.C. 390b);

(2) be responsible for operating and maintaining the structures and facilities;

(3) pay all operation and maintenance costs allocated to the water supply storage space;

(4) use any revenues generated at the structures and facilities that are above those required to operate and maintain or improve the complex to undertake, subject to the approval of the Chief of Engineers, activities that will improve the quality of the environment in the Rathbun Lake watershed area; and

(5) such other terms and conditions as the Secretary considers necessary to protect the interests of the United States.

SEC. 5070. CUMBERLAND RIVER BASIN, KENTUCKY.

At reservoirs managed by the Secretary above Cumberland River mile 385.5 within the Cumberland River basin, Kentucky, the Secretary shall charge fees associated with storage and maintenance of water supply that do not exceed the fees in effect on October 1, 2002.

SEC. 5071. LOUISVILLE, KENTUCKY.

(a) IN GENERAL.—Section 557 of the Water Resources Development Act of 1999 (113 Stat. 353) is amended—

(1) in the section heading by inserting ''kentucky and'' before ''northern west virginia''; and

(2) by adding at the end the following:

''(4) LOUISVILLE, KENTUCKY.—Report of the Corps of Engineers entitled 'Louisville Waterfront Park, Phase II, Kentucky, Master Plan', dated July 22, 2002, at a total cost of $32,000,000, with an estimated Federal cost of $16,000,000 and an estimated non-Federal cost of $16,000,000.''.

(b) CONFORMING AMENDMENT.—In the table of contents contained in section 1(b) of such Act strike the item relating to section 557 and insert the following:

''Sec. 557. Kentucky and Northern West Virginia.''.

SEC. 5072. MAYFIELD CREEK AND TRIBUTARIES, KENTUCKY.

The Secretary shall conduct a study of flood damage along Mayfield Creek and tributaries between Wickliffe and Mayfield, Kentucky, to determine if the damage is the result of a Federal flood damage reduction project, and, if the Secretary determines that the damage is the result of a Federal flood damage reduction project, the Secretary shall carry out a project to mitigate the damage at Federal expense.

SEC. 5073. NORTH FORK, KENTUCKY RIVER, BREATHITT COUNTY, KENTUCKY.

The Secretary shall rebuild the structure that is impeding high water flows on the North Fork of the Kentucky River in Breathitt County, Kentucky, in a manner that will reduce flood damages at an estimated total cost of $1,800,000. The non-Federal interest shall provide lands, easements, rights-of-way, relocations, and disposal areas required for the project. Operation and maintenance of the rebuilt structure shall be a non-Federal expense.

SEC. 5074. PADUCAH, KENTUCKY.

The Secretary shall complete a feasibility report for rehabilitation of the project for flood damage reduction, Paducah, Kentucky, and, if the Secretary determines that the project is feasible, the Secretary shall carry out the project at a total cost of $3,000,000.

SEC. 5075. SOUTHERN AND EASTERN KENTUCKY.

Section 531 of the Water Resources Development Act of 1996 (110 Stat. 3773; 113 Stat. 348; 117 Stat. 142) is amended by adding the following:

''(i) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.''.

SEC. 5076. WINCHESTER, KENTUCKY.

Section 219(c) of the Water Resources Development Act of 1992 (106 Stat. 4835; 114 Stat. 2763A–219) is amended by adding at the end the following:

''(41) WINCHESTER, KENTUCKY.—Wastewater infrastructure, Winchester, Kentucky.''.

SEC. 5077. BATON ROUGE, LOUISIANA.

Section 219(f)(21) of the Water Resources Development Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220) is amended by striking ''$20,000,000'' and inserting ''$35,000,000''.

SEC. 5078. CALCASIEU SHIP CHANNEL, LOUISIANA.

The Secretary shall expedite completion of a dredged material management plan for the Calcasieu Ship Channel, Louisiana, and may take interim measures to increase the capacity of existing disposal areas, or to construct new confined or beneficial use disposal areas, for the channel.

SEC. 5079. CROSS LAKE, SHREVEPORT, LOUISIANA.

The Secretary may accept from the Department of the Air Force, and may use, not to exceed $4,500,000 to assist the city of Shreveport, Louisiana, with its plan to construct a water intake facility.

SEC. 5080. WEST BATON ROUGE PARISH, LOUISIANA.

Section 517(5) of the Water Resources Development Act of 1999 (113 Stat. 345) is amended to read as follows:

''(5) Mississippi River, West Baton Rouge Parish, Louisiana, project for waterfront and

riverine preservation, restoration, enhancement modifications, and interpretive center development.''.

SEC. 5081. CHARLESTOWN, MARYLAND.

(a) IN GENERAL.—The Secretary may carry out a project for nonstructural flood damage reduction and ecosystem restoration at Charlestown, Maryland.

(b) LAND ACQUISITION.—The flood damage reduction component of the project may include the acquisition of private property from willing sellers.

(c) JUSTIFICATION.—Any nonstructural flood damage reduction project to be carried out under this section that will result in the conversion of property to use for ecosystem restoration and wildlife habitat shall be justified based on national ecosystem restoration benefits.

(d) USE OF ACQUIRED PROPERTY.—Property acquired under this section shall be maintained in public ownership for ecosystem restoration and wildlife habitat.

(e) ABILITY TO PAY.—In determining the appropriate non-Federal cost share for the project, the Secretary shall determine the ability of Cecil County, Maryland, to participate as a cost-sharing non-Federal interest in accordance with section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,000,000 to carry out this section.

SEC. 5082. DELMARVA CONSERVATION CORRIDOR, MARYLAND AND DELAWARE.

(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 Maryland and Delaware 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. 5083. MASSACHUSETTS DREDGED MATERIAL DISPOSAL SITES.

The Secretary may cooperate with Massachusetts in the management and long-term monitoring of aquatic dredged material disposal sites within the State, and is authorized to accept funds from the State to carry out such activities.

SEC. 5084. ONTONAGON HARBOR, MICHIGAN.

The Secretary shall conduct a study of shore damage in the vicinity of the project for navigation, Ontonagon Harbor, Ontonagon County, Michigan, authorized by section 101 of the Rivers and Harbors Act of 1962 (76 Stat. 1176, 100 Stat. 4213, 110 Stat. 3730), to determine if the damage is the result of a Federal navigation project, and, if the Secretary determines that the damage is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the damage under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).

SEC. 5085. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.

(a) ECOSYSTEM RESTORATION.—The Secretary shall carry out feasible aquatic ecosystem restoration projects identified in the comprehensive management plan for St. Clair River and Lake St. Clair, Michigan, developed under section 426 of the Water Resources Development Act of 1999 (113 Stat. 326), at a total Federal cost of not to exceed $5,000,000.

(b) PLAN.—Section 426(d) of the Water Resources Development Act of 1999 (113 Stat. 326) is amended by striking ''$400,000'' and inserting ''$475,000''.

SEC. 5086. CROOKSTON, MINNESOTA.

The Secretary shall conduct a study for a project for emergency streambank protection along the Red Lake River in Crookston, Minnesota, and, if the Secretary determines that the project is feasible, the Secretary may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r); except that the maximum amount of Federal funds that may be expended for the project shall be $6,500,000.

SEC. 5087. GARRISON AND KATHIO TOWNSHIP, MINNESOTA.

(a) PROJECT DESCRIPTION.—Section 219(f)(61) of the Water Resources Development Act of 1992 (114 Stat. 2763A–221) is amended—

(1) in the paragraph heading by striking ''TOWNSHIP'' and inserting ''TOWNSHIP AND CROW WING AND MILLE LACS COUNTIES'';

(2) by striking ''$11,000,000'' and inserting ''$17,000,000'';

(3) by inserting '', Crow Wing County, Mille Lacs County,'' after ''Garrison''; and

(4) by adding at the end the following: ''Such assistance shall be provided directly to the Garrison-Kathio-West Mille Lacs Lake Sanitary District, Minnesota.''.

(b) PROCEDURES.—In carrying out the project authorized by such section 219(f)(61), the Secretary may use the cost sharing and contracting procedures available to the Secretary under section 569 of the Water Resources Development Act of 1999 (113 Stat. 368).

SEC. 5088. MINNEAPOLIS, MINNESOTA.

(a) CONVEYANCE.—The Secretary shall convey to the city of Minneapolis by quitclaim deed and without consideration all right, title, and interest of the United States to the property known as the War Department (Fort Snelling Interceptor) Tunnel in Minneapolis, Minnesota.

(b) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to the conveyance under this section.

SEC. 5089. NORTHEASTERN MINNESOTA.

(a) IN GENERAL.—Section 569 of the Water Resources Development Act of 1999 (113 Stat. 368) is amended—

(1) in subsection (a) by striking ''Benton, Sherburne,'' and inserting ''Beltrami, Hubbard, Wadena,'';

(2) by striking the last sentence of subsection (e)(3)(B);

(3) by striking subsection (g) and inserting the following:

''(g) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity.''; and

(4) by adding at the end the following:

''(i) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.''.

(b) BIWABIK, MINNESOTA.—The Secretary shall reimburse the non-Federal interest for the project for environmental infrastructure, Biwabik, Minnesota, carried out under section 569 of the Water Resources Development Act of 1999 (113 Stat. 368), for planning, design, and construction costs that were incurred by the non-Federal interest with respect to the project before the date of the partnership agreement for the project and that were in excess of the non-Federal share of the cost of the project if the Secretary determines that the costs are appropriate.

SEC. 5090. HARRISON, HANCOCK, AND JACKSON COUNTIES, MISSISSIPPI.

In carrying out projects for the protection, restoration, and creation of aquatic and ecologically related habitats located in Harrison, Hancock, and Jackson Counties, Mississippi, under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326), the Secretary shall accept any portion of the non-Federal share of the cost of the project in the form of in-kind services and materials.

SEC. 5091. MISSISSIPPI RIVER, MISSOURI, AND ILLINOIS.

As a part of the operation and maintenance of the project for the Mississippi River (Regulating Works), between the Ohio and Missouri Rivers, Missouri and Illinois, authorized by the first section of an Act entitled ''Making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved June 25, 1910, the Secretary may carry out activities necessary to restore and protect fish and wildlife habitat in the middle Mississippi River system. Such activities may include modification of navigation training structures, modification and creation of side channels, modification and creation of islands, and studies and analysis necessary to apply adaptive management principles in design of future work.

SEC. 5092. ST. LOUIS, MISSOURI.

Section 219(f)(32) of the Water Resources Development Act of 1992 (113 Stat. 337) is amended by striking ''$15,000,000'' and inserting ''$35,000,000''.

SEC. 5093. ACID BROOK, POMPTON LAKES, NEW JERSEY.

The Secretary shall carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), Acid Brook, Pompton Lakes, New Jersey, if the Secretary determines that the project is feasible.

SEC. 5094. HACKENSACK MEADOWLANDS AREA, NEW JERSEY.

Section 324 of the Water Resources Development Act of 1992 (106 Stat. 4849; 110 Stat. 3779) is amended—

(1) in subsection (a)—

(A) by striking ''design'' and inserting ''planning, design,''; and

(B) by striking ''Hackensack Meadowlands Development'' and all that follows through ''Plan for'' and inserting ''New Jersey Meadowlands Commission for the development of an environmental improvement program for'';

(2) in subsection (b)—

(A) in the subsection heading by striking ''REQUIRED'';

(B) by striking ''shall'' and inserting ''may'';

(C) by striking paragraph (1) and inserting the following:

''(1) Restoration and acquisitions of significant wetlands and aquatic habitat that contribute to the Meadowlands ecosystem.'';

(D) in paragraph (2) by inserting ''and aquatic habitat'' before the period at the end; and

(E) by striking paragraph (7) and inserting the following:

''(7) Research, development, and implementation for a water quality improvement program, including restoration of hydrology and tidal flows and remediation of hot spots and other sources of contaminants that degrade existing or planned sites.'';

(3) in subsection (c) by inserting before the last sentence the following: ''The non-Federal sponsor may also provide in-kind services, not to exceed the non-Federal share of the total project cost, and may also receive credit for reasonable cost of design work completed prior to entering into the partnership agreement with the Secretary for a project to be carried out under the program developed under subsection (a).''; and

(4) in subsection (d) by striking ''$5,000,000'' and inserting ''$35,000,000''.

SEC. 5095. CENTRAL NEW MEXICO, NEW MEXICO.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 593(h) of the Water Resources Development Act of 1999 (113 Stat. 381) is amended by striking ''$25,000,000'' and inserting ''$40,000,000''.

(b) CORPS OF ENGINEERS EXPENSES.—Section 593 of such Act (113 Stat. 381) is amended by adding at the end the following:

''(i) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.''.

SEC. 5096. ATLANTIC COAST OF NEW YORK.

(a) DEVELOPMENT OF PROGRAM.—Section 404(a) of the Water Resources Development Act of 1992 (106 Stat. 4863) is amended—

(1) by striking ''processes'' and inserting ''and related environmental processes'';

(2) by inserting after ''Atlantic Coast'' the following: ''(and associated back bays)'';

(3) by inserting after ''actions'' the following: '', environmental restoration or conservation measures for coastal and back bays,''; and

(4) by adding at the end the following: ''The plan for collecting data and monitoring information included in such annual report shall be fully coordinated with and agreed to by appropriate agencies of the State of New York.''.

(b) ANNUAL REPORTS.—Section 404(b) of such Act is amended—

(1) by striking ''INITIAL PLAN.—Not later than 12 months after the date of the enactment of this Act, the'' and inserting ''ANNUAL REPORTS.—The'';

(2) by striking ''initial plan for data collection and monitoring'' and inserting ''annual report of data collection and monitoring activities''; and

(3) by striking the last sentence.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 404(c) of such Act (113 Stat. 341) is amended by striking ''and an additional total of $2,500,000 for fiscal years thereafter'' and inserting ''$2,500,000 for fiscal years 2000 through 2004, and $7,500,000 for fiscal years beginning after September 30, 2004,''.

(d) TSUNAMI WARNING SYSTEM.—Section 404 of the Water Resources Development Act of 1992 (106 Stat. 4863) is amended by adding at the end the following:

''(d) TSUNAMI WARNING SYSTEM.—There is authorized to be appropriated $800,000 for the Secretary to carry out a project for a tsunami warning system, Atlantic Coast of New York.''.

SEC. 5097. COLLEGE POINT, NEW YORK CITY, NEW YORK.

In carrying out section 312 of the Water Resources Development Act of 1990 (104 Stat. 4639), the Secretary shall give priority to work in College Point, New York City, New York.

SEC. 5098. FLUSHING BAY AND CREEK, NEW YORK CITY, NEW YORK.

The Secretary shall credit toward the non-Federal share of the cost of the project for ecosystem restoration, Flushing Bay and Creek, New York City, New York, the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 5099. HUDSON RIVER, NEW YORK.

The Secretary may participate with the State of New York, New York City, and the Hudson River Park Trust in carrying out activities to restore critical marine habitat, improve safety, and protect and rehabilitate critical infrastructure. There is authorized to be appropriated $5,000,000 to carry out this section.

SEC. 5100. MOUNT MORRIS DAM, NEW YORK.

As part of the operation and maintenance of the Mount Morris Dam, New York, the Secretary may make improvements to the access road for the dam to provide safe access to a Federal visitor's center.

SEC. 5101. ONONDAGA LAKE, NEW YORK.

Section 573 of the Water Resources Development Act of 1999 (113 Stat. 372) is amended—

(1) in subsection (f) by striking ''$10,000,000'' and inserting ''$30,000,000'';

(2) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(3) by inserting after subsection (e) the following:

''(f) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.''.

SEC. 5102. JOHN H. KERR DAM AND RESERVOIR, NORTH CAROLINA.

The Secretary shall expedite the completion of the calculations necessary to negotiate and execute a revised, permanent contract for water supply storage at John H. Kerr Dam and Reservoir, North Carolina, among the Secretary and the Kerr Lake Regional Water System and the city of Henderson, North Carolina.

SEC. 5103. STANLY COUNTY, NORTH CAROLINA.

Section 219(f)(64) of the Water Resources Development Act of 1992 (114 Stat. 2763A–221) is amended by inserting ''water and'' before ''wastewater''.

SEC. 5104. W. KERR SCOTT DAM AND RESERVOIR, NORTH CAROLINA.

The Secretary shall remove debris from the joint intake at the W. Kerr Scott Dam and Reservoir, North Carolina.

SEC. 5105. OHIO.

Section 594 of the Water Resources Development Act of 1999 (113 Stat. 381) is amended—

(1) in subsection (b) by striking ''design and construction'' and inserting ''planning, design, and construction'';

(2) in subsection (g) by striking ''$60,000,000'' and inserting ''$100,000,000''; and

(3) by adding at the end the following:

''(h) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.''.

SEC. 5106. TOUSSAINT RIVER, OHIO.

(a) IN GENERAL.—The project for navigation, Toussaint River, Carroll Township, Ohio, authorized by section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to authorize the Secretary to enter into an agreement with the non-Federal interest under which the Secretary may—

(1) acquire, and transfer to the non-Federal interest, a dredge and associated equipment with the capacity to perform operation and maintenance of the project; and

(2) provide the non-Federal interest with a lump-sum payment to cover all future costs of operation and maintenance of the project.

(b) AGREEMENT.—The Secretary may carry out subsection (a)(1) by entering into an agreement with the non-Federal interest under which the non-Federal interest may acquire the dredge and associated equipment directly and be reimbursed by the Secretary.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,800,000 to carry out this section. Of such funds, $500,000 may be used to carry out subsection (a)(1).

(d) RELEASE.—Upon the acquisition and transfer of a dredge and associated equipment under subsection (a)(1), and the payment of funds under subsection (a)(2), all future Federal responsibility for operation and maintenance of the project is extinguished.

SEC. 5107. EUGENE, OREGON.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of restoring the millrace in Eugene, Oregon, and, if the Secretary determines that the restoration is feasible, the Secretary shall carry out the restoration.

(b) CONSIDERATION OF NONECONOMIC BENEFITS.—In determining the feasibility of restoring the millrace, the Secretary shall include noneconomic benefits associated with the historical significance of the millrace and associated with preservation and enhancement of resources.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

SEC. 5108. JOHN DAY LOCK AND DAM, LAKE UMATILLA, OREGON AND WASHINGTON.

(a) IN GENERAL.—The Secretary shall pay not more than $2,500,000 to the provider of research and curation support previously provided to the Federal Government as a result of—

(1) the multipurpose project at John Day Lock and Dam, Lake Umatilla, Oregon and Washington, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 167); and

(2) the several navigation and flood damage reduction projects constructed on the Columbia River and Lower Willamette River, Oregon and Washington.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000.

SEC. 5109. LOWELL, OREGON.

(a) IN GENERAL.—The Secretary may convey without consideration to Lowell School District, by quitclaim deed, all right, title, and interest of the United States in and to land and buildings thereon, known as Tract A–82, located in Lowell, Oregon, and described in subsection (b).

(b) DESCRIPTION OF PROPERTY.—The parcel of land authorized to be conveyed under subsection (a) is 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 at 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; thence east 250.0 feet to the true point of beginning of this description in Section 14, Township 19 South, Range 1 West of the Willamette Meridian, Lane County, Oregon.

(c) TERMS AND CONDITIONS.—Before conveying the parcel to the school district, the Secretary shall ensure that the conditions of buildings and facilities meet the requirements of applicable Federal law.

(d) REVERSION.—If the Secretary determines that the property conveyed under subsection (a) ceases to be held in public ownership, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

(e) GENERALLY APPLICABLE PROVISIONS.—

(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.—An entity to which a conveyance is made under this section 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. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

SEC. 5110. ALLEGHENY COUNTY, PENNSYLVANIA.

Section 219(f)(66) of the Water Resources Development Act of 1992 (114 Stat. 2763A–221) is amended—

(1) by striking ''$20,000,000'' and inserting the following:

''(A) IN GENERAL.—$20,000,000'';

(2) by adding at the end the following:

''(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.''; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

SEC. 5111. LEHIGH RIVER, LEHIGH COUNTY, PENNSYLVANIA.

The Secretary shall use existing water quality data to model the effects of the Francis E. Walter Dam, at different water levels, to determine

its impact on water and related resources in and along the Lehigh River in Lehigh County, Pennsylvania. There is authorized to be appropriated $500,000 to carry out this section.

SEC. 5112. NORTHEAST PENNSYLVANIA.

Section 219(f)(11) of the Water Resources Development Act of 1992 (113 Stat. 335) is amended by striking ''and Monroe'' and inserting ''Northumberland, Union, Snyder, and Montour''.

SEC. 5113. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

(a) STUDY AND STRATEGY DEVELOPMENT.—Section 567(a) of the Water Resources Development Act of 1996 (110 Stat. 3787; 114 Stat. 2662) is amended—

(1) in the matter preceding paragraph (1) by inserting ''and carry out'' after ''develop''; and

(2) in paragraph (2) by striking ''$10,000,000.'' and inserting ''$20,000,000, of which the Secretary may utilize not more than $5,000,000 to design and construct feasible pilot projects during the development of the strategy to demonstrate alternative approaches for the strategy. The total cost for any single pilot project may not exceed $500,000. The Secretary shall evaluate the results of the pilot projects and consider the results in the development of the strategy.''.

(b) COOPERATIVE AGREEMENTS.—Section 567(c) of such Act (114 Stat. 2662) is amended—

(1) in the subsection heading by striking ''COOPERATION'' and inserting ''COOPERATIVE''; and

(2) in the first sentence—

(A) by inserting ''and carrying out'' after ''developing''; and

(B) by striking ''cooperation'' and inserting ''cost-sharing and cooperative''.

(c) IMPLEMENTATION OF STRATEGY.—Section 567(d) of such Act (114 Stat. 2663) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary'';

(2) in the second sentence of paragraph (1) (as so designated)—

(A) by striking ''implement'' and inserting ''carry out''; and

(B) by striking ''implementing'' and inserting ''carrying out'';

(3) by adding at the end the following:

''(2) PRIORITY PROJECT.—In carrying out projects to implement the strategy, the Secretary shall give priority to the project for ecosystem restoration, Cooperstown, New York, described in the Upper Susquehanna River Basin—Cooperstown Area Ecosystem Restoration Feasibility Study, dated December 2004, prepared by the Corps of Engineers and the New York State Department of Environmental Conservation.''; and

(4) by aligning the remainder of the text of paragraph (1) (as designated by paragraph (1) of this subsection) with paragraph (2) (as added by paragraph (3) of this subsection).

(d) CREDIT.—Section 567 of such Act (110 Stat. 3787; 114 Stat. 2662) is amended by adding at the end the following:

''(e) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of a project under this section—

''(1) the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and

''(2) the cost of in-kind services and materials provided for the project by the non-Federal interest.''.

SEC. 5114. CANO MARTIN PENA, SAN JUAN, PUERTO RICO.

The Secretary shall review a report prepared by the non-Federal interest concerning flood protection and environmental restoration for Cano Martin Pena, San Juan, Puerto Rico, and, if the Secretary determines that the report meets the evaluation and design standards of the Corps of Engineers and that the project is feasible, the Secretary may carry out the project at a total cost of $130,000,000, with an estimated Federal cost of $85,000,000 and an estimated non-Federal cost of $45,000,000.

SEC. 5115. BEAUFORT AND JASPER COUNTIES, SOUTH CAROLINA.

The Secretary may accept from the Department of the Navy, and may use, not to exceed $23,000,000 to assist the Beaufort Jasper Water and Sewage Authority, South Carolina, with its plan to consolidate civilian and military wastewater treatment facilities.

SEC. 5116. FRITZ LANDING, TENNESSEE.

The Secretary shall—

(1) conduct a study of the Fritz Landing Agricultural Spur Levee, Tennessee, to determine the extent of levee modifications that would be required to make the levee and associated drainage structures consistent with Federal standards;

(2) design and construct such modifications; and

(3) after completion of such modifications, incorporate the levee into the project for flood control, Mississippi River and Tributaries, authorized by the Act entitled ''An Act for the control of floods on the Mississippi River and its tributaries, and for other purposes'', approved May 15, 1928 (45 Stat. 534–539), commonly known as the ''Flood Control Act of 1928''.

SEC. 5117. J. PERCY PRIEST DAM AND RESERVOIR, TENNESSEE.

The Secretary shall plan, design, and construct a trail system at the J. Percy Priest Dam and Reservoir, Tennessee, authorized by section 4 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved June 28, 1938 (52 Stat. 1217), including design and construction of support facilities for public health and safety associated with trail development. In carrying out such improvements, the Secretary is authorized to use funds made available by the State of Tennessee from any Federal or State source, or both.

SEC. 5118. TOWN CREEK, LENOIR CITY, TENNESSEE.

The Secretary shall design and construct the project for flood damage reduction designated as Alternative 4 in the Town Creek, Lenoir City, Loudon County, Tennessee, feasibility report of the Nashville district engineer, dated November 2000, under the authority of section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), notwithstanding section 1 of the Flood Control Act of June 22, 1936 (33 U.S.C. 701a; 49 Stat. 1570). The non-Federal share of the cost of the project shall be subject to section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)).

SEC. 5119. TENNESSEE RIVER PARTNERSHIP.

(a) IN GENERAL.—As part of the operation and maintenance of the project for navigation, Tennessee River, Tennessee, Alabama, Mississippi, and Kentucky, authorized by the first section of the River and Harbor Act of July 3, 1930 (46 Stat. 927), the Secretary may enter into a partnership with a nonprofit entity to remove debris from the Tennessee River in the vicinity of Knoxville, Tennessee, by providing a vessel to such entity, at Federal expense, for such debris removal purposes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000.

SEC. 5120. UPPER MISSISSIPPI EMBAYMENT, TENNESSEE, ARKANSAS, AND MISSISSIPPI.

The Secretary may participate with non-Federal and nonprofit entities to address issues concerning managing groundwater as a sustainable resource through the Upper Mississippi Embayment, Tennessee, Arkansas, and Mississippi, and coordinating the protection of groundwater supply and groundwater quality with local surface water protection programs. There is authorized to be appropriated $5,000,000 to carry out this section.

SEC. 5121. BOSQUE RIVER WATERSHED, TEXAS.

(a) COMPREHENSIVE PLAN.—The Secretary, in consultation with appropriate Federal, State, and local entities, shall develop, as expeditiously as practicable, a comprehensive plan for development of new technologies and innovative approaches for restoring, preserving, and protecting the Bosque River watershed within Bosque, Hamilton, McLennan, and Erath Counties, Texas. The Secretary, in cooperation with the Secretary of Agriculture, may carry out activities identified in the comprehensive plan to demonstrate practicable alternatives for stabilization and enhancement of land and water resources in the basin.

(b) SERVICES OF PUBLIC NON-PROFIT INSTITUTIONS AND OTHER ENTITIES.—In carrying out subsection (a), the Secretary may utilize, through contracts or other means, the services of public non-profit institutions and such other entities as the Secretary considers appropriate.

(c) NON-FEDERAL SHARE.—

(1) IN GENERAL.—The non-Federal share of the cost of activities carried out under this section shall be 35 percent.

(2) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of activities carried out under this section the cost of planning, design, and construction work completed by or on behalf of the non-Federal interests for implementation of measures constructed with assistance provided under this section. The amount of such credit shall not exceed the non-Federal share of the cost of such activities.

(3) OPERATION AND MAINTENANCE.—The non-Federal share of the cost of operation and maintenance for measures constructed with assistance provided under this section shall be 100 percent.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

SEC. 5122. DALLAS FLOODWAY, DALLAS, TEXAS.

(a) IN GENERAL.—The Secretary shall review the Balanced Vision Plan for the Trinity River Corridor, Dallas, Texas, dated December 2003 and amended in March 2004, prepared by the non-Federal interest for the project for flood damage reduction and other purposes, Dallas Floodway, Dallas, Texas, and, if the Secretary determines that the project is technically sound and environmentally acceptable, shall carry out the project at a total cost of $194,000,000, with an estimated Federal cost of $126,100,000 and an estimated non-Federal cost of $67,900,000.

(b) CREDIT.—

(1) IN-KIND CONTRIBUTIONS.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(2) CASH CONTRIBUTIONS.—The Secretary shall accept funds provided by the non-Federal interests for use in carrying out planning, engineering, and design for the project. The Federal share of such planning, engineering, and design carried out with non-Federal contributions shall be credited against the non-Federal share of project costs.

SEC. 5123. HARRIS COUNTY, TEXAS.

(a) IN GENERAL.—Section 575(a) of the Water Resources Development Act of 1996 (110 Stat. 3789; 113 Stat. 311) is amended by inserting before the period at the end the following: '', whether or not such works or actions are partially funded under the hazard mitigation grant program of the Federal Emergency Management Agency''.

(b) SPECIFIC PROJECTS.—Section 575(b) of such Act (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. 5124. ONION CREEK, TEXAS.

In carrying out the study for the project for flood damage reduction, recreation, and ecosystem restoration, Onion Creek, Texas, the Secretary shall include the costs and benefits associated with the relocation of flood-prone residences in the study area for the project in the period beginning 2 years before the date of initiation of the study and ending on the date of execution of the partnership agreement for construction of the project to the extent the Secretary determines such relocations are compatible with the project. The Secretary shall credit toward the non-Federal share of the cost of the project the cost of relocation of such flood-prone residences incurred by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the relocation of such residences is integral to the project.

SEC. 5125. DYKE MARSH, FAIRFAX COUNTY, VIRGINIA.

The Secretary shall accept funds from the National Park Service to restore Dyke Marsh, Fairfax County, Virginia.

SEC. 5126. EASTERN SHORE AND SOUTHWEST VIRGINIA.

Section 219(f)(10) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335) is amended—

(1) by striking ''$20,000,000 for water supply and wastewater infrastructure'' and inserting the following:

''(A) IN GENERAL.—$20,000,000 for water supply, wastewater infrastructure, and environmental restoration'';

(2) by adding at the end the following:

''(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.''; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

SEC. 5127. 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. 5128. BAKER BAY AND ILWACO HARBOR, WASHINGTON.

The Secretary shall conduct a study of increased siltation in Baker Bay and Ilwaco Harbor, Washington, to determine if the siltation is the result of a Federal navigation project (including diverted flows from the Columbia River) and, if the Secretary determines that the siltation is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the siltation as part of maintenance of the Federal navigation project.

SEC. 5129. HAMILTON ISLAND CAMPGROUND, WASHINGTON.

The Secretary is authorized to plan, design, and construct a campground for Bonneville Lock and Dam at Hamilton Island (also know as ''Strawberry Island'') in Skamania County, Washington.

SEC. 5130. PUGET ISLAND, WASHINGTON.

The Secretary is directed to place dredged and other suitable material along portions of the Columbia River shoreline of Puget Island, Washington, between river miles 38 to 47 in order to protect economic and environmental resources in the area from further erosion, at a Federal cost of $1,000,000. This action shall be coordinated with appropriate resource agencies and comply with applicable Federal laws.

SEC. 5131. WILLAPA BAY, WASHINGTON.

Section 545 of the Water Resources Development Act of 2000 (114 Stat. 2675) is amended—

(1) in subsection (b)(1) by striking ''may construct'' and inserting ''shall construct''; and

(2) by inserting ''and ecosystem restoration'' after ''erosion protection'' each place it appears.

SEC. 5132. BLUESTONE, WEST VIRGINIA.

Section 547 of the Water Resources Development Act of 2000 (114 Stat. 2676–2678) is amended—

(1) in subsection (b)(1)(A) by striking ''4 years'' and inserting ''5 years'';

(2) in subsection (b)(1)(B)(iii) by striking ''if all'' and all that follows through ''facility'' and inserting ''assurance project'';

(3) in subsection (b)(1)(C) by striking ''and construction'' and inserting '', construction, and operation and maintenance'';

(4) by adding at the end of subsection (b) the following:

''(3) OPERATION AND OWNERSHIP.—The Tri-Cities Power Authority shall be the owner and operator of the hydropower facilities referred to in subsection (a).'';

(5) in subsection (c)(1)—

(A) by striking ''No'' and inserting ''Unless otherwise provided, no'';

(B) by inserting ''planning,'' before ''design''; and

(C) by striking ''prior to'' and all that follows through ''subsection (d)'';

(6) in subsection (c)(2) by striking ''design'' and inserting ''planning, design,'';

(7) in subsection (d)—

(A) by striking paragraphs (1) and (2) and inserting the following:

''(1) APPROVAL.—The Secretary shall review the design and construction activities for all features of the hydroelectric project that pertain to and affect stability of the dam and control the release of water from Bluestone Dam to ensure that the quality of construction of those features meets all standards established for similar facilities constructed by the Secretary.'';

(B) by redesignating paragraph (3) as paragraph (2);

(C) by striking the period at the end of paragraph (2) (as so redesignated) and inserting '', except that hydroelectric power is no longer a project purpose of the facility. Water flow releases from the hydropower facilities shall be determined and directed by the Corps of Engineers.''; and

(D) by adding at the end the following:

''(3) COORDINATION.—Construction of the hydroelectric generating facilities shall be coordinated with the dam safety assurance project currently in the design and construction phases.'';

(8) in subsection (e) by striking ''in accordance'' and all that follows through ''58 Stat. 890)'';

(9) in subsection (f)—

(A) by striking ''facility of the interconnected systems of reservoirs operated by the Secretary'' each place it appears and inserting ''facilities under construction under such agreements''; and

(B) by striking ''design'' and inserting ''planning, design'';

(10) in subsection (f)(2)—

(A) by ''Secretary'' each place it appears and inserting ''Tri-Cities Power Authority''; and

(B) by striking ''facilities referred to in subsection (a)'' and inserting ''such facilities'';

(11) by striking paragraph (1) of subsection (g) and inserting the following:

''(1) to arrange for the transmission of power to the market or to construct such transmission facilities as necessary to market the power produced at the facilities referred to in subsection (a) with funds contributed by the Tri-Cities Power Authority; and'';

(12) in subsection (g)(2) by striking ''such facilities'' and all that follows through ''the Secretary'' and inserting ''the generating facility''; and

(13) by adding at the end the following:

''(i) TRI-CITIES POWER AUTHORITY DEFINED.—In this section, the 'Tri-Cities Power Authority' refers to the entity established by the City of Hinton, West Virginia, the City of White Sulphur Springs, West Virginia, and the City of Philippi, West Virginia, pursuant to a document entitled 'Second Amended and Restated Intergovernmental Agreement' approved by the Attorney General of West Virginia on February 14, 2002.''.

SEC. 5133. WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL.

(a) CHEAT AND TYGART RIVER BASINS, WEST VIRGINIA.—Section 581(a)(1) of the Water Resources Development Act of 1996 (110 Stat. 3790; 113 Stat. 313) is amended—

(1) by striking ''flood control measures'' and inserting ''structural and nonstructural flood control, streambank protection, stormwater management, and channel clearing and modification measures''; and

(2) by inserting ''with respect to measures that incorporate levees or floodwalls'' before the semicolon.

(b) PRIORITY COMMUNITIES.—Section 581(b) of the Water Resources Development Act of 1996 (110 Stat. 3791) is amended—

(1) by striking ''and'' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting a semicolon; and

(3) by adding at the end the following:

''(7) Etna, Pennsylvania, in the Pine Creek watershed; and

''(8) Millvale, Pennsylvania, in the Girty's Run River basin.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 581(c) of the Water Resources Development Act of 1996 (110 Stat. 3791) is amended by striking ''$12,000,000'' and inserting ''$90,000,000''.

SEC. 5134. LOWER KANAWHA RIVER BASIN, WEST VIRGINIA.

The Secretary shall conduct a watershed and river basin assessment under section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a) for the Lower Kanawha River Basin, in the counties of Mason, Putnam, Kanawha, Jackson, and Roane, West Virginia.

SEC. 5135. CENTRAL WEST VIRGINIA.

Section 571 of the Water Resources Development Act of 1999 (113 Stat. 371) is amended—

(1) in subsection (a)—

(A) by striking ''Nicholas,''; and

(B) by striking ''Gilmer,''; and

(2) by adding at the end the following:

''(i) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

''(j) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.''.

SEC. 5136. SOUTHERN WEST VIRGINIA.

(a) CORPS OF ENGINEERS.—Section 340 of the Water Resources Development Act of 1992 (106 Stat. 4856; 113 Stat. 320) is amended by adding at the end the following:

''(h) CORPS OF ENGINEERS.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.''.

(b) SOUTHERN WEST VIRGINIA DEFINED.—Section 340(f) of such Act is amended by inserting ''Nicholas,'' after ''Greenbrier,''.

(c) NONPROFIT ENTITIES.—Section 340 of the Water Resources Development Act of 1992 (106 Stat. 4856) is further amended by adding at the end the following:

''(i) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.''.

SEC. 5137. JOHNSONVILLE DAM, JOHNSONVILLE, WISCONSIN.

The Secretary shall conduct a study of the Johnsonville Dam, Johnsonville, Wisconsin, to determine if the structure prevents ice jams on the Sheboygan River.

SEC. 5138. 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) BUFFALO BAYOU, TEXAS.—The project for flood control, Buffalo Bayou, Texas.

''(10) HALLS BAYOU, TEXAS.—The project for flood control, Halls Bayou, Texas.

''(11) ST. PAUL DOWNTOWN AIRPORT (HOLMAN FIELD), ST. PAUL, MINNESOTA.—The project for flood damage reduction, St. Paul Downtown Airport (Holman Field), St. Paul, Minnesota.

''(12) THORNTON RESERVOIR, COOK COUNTY, ILLINOIS.—The project for flood control, Chicago Underflow Plan, Thornton Reservoir, Cook County, Illinois.

''(13) LAROSE TO GOLDEN MEADOW, LOUISIANA.—The project for flood control, Larose to Golden Meadow, Louisiana.

''(14) PERRIS, CALIFORNIA.—The project for flood control, Perris, California.''.

SEC. 5139. USE OF FEDERAL HOPPER DREDGE FLEET.

(a) STUDY.—The Secretary shall conduct a study on the appropriate use of the Federal hopper dredge fleet.

(b) CONTENTS.—In conducting the study, the Secretary shall—

(1) obtain and analyze baseline data to determine the appropriate use of the Federal hopper dredge fleet;

(2) prepare a comprehensive analysis of the costs and benefits of existing and proposed restrictions on the use of the Federal hopper dredge fleet; and

(3) assess the data and procedure used by the Secretary to prepare the Government cost estimate for worked performed by the Federal hopper dredge fleet.

(c) CONSULTATION.—The Secretary shall conduct the study in consultation with ports, pilots, and representatives of the private dredge industry.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

TITLE VI—FLORIDA EVERGLADES

SEC. 6001. HILLSBORO AND OKEECHOBEE AQUIFER, FLORIDA.

(a) MODIFICATION.—The project for Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the Water Resources Development Act of 1999 (113 Stat. 276), is modified to authorize the Secretary to carry out the project at a total cost of $39,200,000.

(b) TREATMENT.—Section 601(b)(2)(A) of the Water Resources Development Act of 2000 (114 Stat. 2681) is amended—

(1) in clause (i) by adding at the end the following: ''The project 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 purposes of this section as being in the Plan, except that operation and maintenance costs of the project shall remain a non-Federal responsibility.''; and

(2) in clause (iii) by inserting after ''subparagraph (B)'' the following: ''and the project for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer''.

SEC. 6002. PILOT PROJECTS.

Section 601(b)(2)(B) of the Water Resources Development Act of 2000 (114 Stat. 2681) is amended—

(1) in the matter preceding clause (i)—

(A) by striking ''$69,000,000'' and inserting ''$71,200,000''; and

(B) by striking ''$34,500,000'' each place it appears and inserting ''$35,600,000''; and

(2) in clause (i)—

(A) by striking ''$6,000,000'' and inserting ''$8,200,000''; and

(B) by striking ''$3,000,000'' each place it appears and inserting ''$4,100,000''.

SEC. 6003. MAXIMUM COST OF PROJECTS.

Section 601(b)(2)(E) of the Water Resources Development Act of 2000 (114 Stat. 2683) is amended by inserting ''and section (d)'' before the period at the end.

SEC. 6004. PROJECT AUTHORIZATION.

Section 601(d) of the Water Resources Development Act of 2000 (114 Stat. 2684) is amended by adding at the end the following:

''(3) PROJECT AUTHORIZATION.—The following project for water resources development and conservation and other purposes is authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the report designated in this paragraph:

''(A) INDIAN RIVER LAGOON SOUTH, FLORIDA.—The project for ecosystem restoration, water supply, flood damage reduction, and protection of water quality, Indian River Lagoon South, Florida: Report of the Chief of Engineers dated August 6, 2004, at a total cost of $1,210,608,000, with an estimated Federal cost of $605,304,000 and an estimated non-Federal cost of $605,304,000.''.

SEC. 6005. CREDIT.

Section 601(e)(5)(B) of the Water Resources Development Act of 2000 (114 Stat. 2685) is amended—

(1) in clause (i)—

(A) by striking ''or'' at the end of subclause (I);

(B) by adding ''or'' at the end of subclause (II); and

(C) by adding at the end the following:

''(III) the credit is provided for work carried out before the date of the partnership agreement between the Secretary and the non-Federal sponsor, as defined in an agreement between the Secretary and the non-Federal sponsor providing for such credit;''; and

(2) in clause (ii)—

(A) by striking ''design agreement or the project cooperation''; and

(B) by inserting before the semicolon the following: '', including in the case of credit provided under clause (i)(III) conditions relating to design and construction''.

SEC. 6006. OUTREACH AND ASSISTANCE.

Section 601(k) of the Water Resources Development Act of 2000 (114 Stat. 2691) is amended by adding at the end the following:

''(3) MAXIMUM EXPENDITURES.—The Secretary may expend up to $3,000,000 per fiscal year for fiscal years beginning after September 30, 2004, to carry out this subsection.''.

SEC. 6007. CRITICAL RESTORATION PROJECTS.

Section 528(b)(3)(C) of the Water Resources Development Act of 1996 (110 Stat. 3769; 113 Stat. 286) is amended—

(1) in clause (i) by striking ''$75,000,000'' and all that follows through ''2003'' and inserting ''$95,000,000''; and

(2) in clause (ii) by striking ''$25,000,000'' and inserting ''$30,000,000''.

SEC. 6008. DEAUTHORIZATIONS.

As of the date of enactment of this Act, the following projects are not authorized:

(1) 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.

(2) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 740), Martin County, Florida modifications to the Central and South Florida Project, as contained in Senate Document 101, 90th Congress, 2d Session.

(3) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (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.

SEC. 6009. MODIFIED WATER DELIVERY.

(a) TAMIAMI TRAIL.—The Secretary shall not carry out a project for raising Tamiami Trail, Florida, until such date as the project is specifically authorized by law.

(b) REPORTS.—The Secretary shall submit to Congress reports recommending specific authorizations in law for—

(1) changes to the project to improve water deliveries to Everglades National Park, authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-8), if necessary;

(2) a project to raise Tamiami Trail, Florida, if necessary; and

(3) a combined structural and operational plan for the C–111 Canal Project, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 1176), and modified by section 203 of the Flood Control Act of 1968 (82 Stat. 740), and further modified by section 316 of the Water Resources Development Act of 1996 (110 Stat. 3715), and the project to improve water deliveries to Everglades National Park.

TITLE VII—LOUISIANA COASTAL AREA

SEC. 7001. DEFINITIONS.

In this title, the following definitions apply:

(1) COASTAL LOUISIANA ECOSYSTEM.—The term ''coastal Louisiana ecosystem'' means the coastal area of Louisiana from the Sabine River on the west and the Pearl River on the east, including those parts of the Deltaic Plain and the Chenier Plain included within the study area of the Plan.

(2) GOVERNOR.—The term ''Governor'' means the Governor of the State of Louisiana.

(3) PLAN.—The term ''Plan'' means the report of the Chief of Engineers for ecosystem restoration for the Louisiana Coastal Area dated January 31, 2005.

(4) TASK FORCE.—The term ''Task Force'' means the Coastal Louisiana Ecosystem Protection and Restoration Task Force established by section 7003.

SEC. 7002. ADDITIONAL REPORTS.

(a) MISSISSIPPI RIVER GULF OUTLET.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report recommending modifications to the Mississippi River Gulf Outlet to address navigation, salt water intrusion, channel bank erosion, mitigation, and threats to life and property.

(b) CHENIER PLAIN.—Not later than July 1, 2006, the Secretary shall submit to Congress a report recommending near-term ecosystem restoration measures for the Chenier Plain, Louisiana.

(c) LONG-TERM PLAN.—

(1) COMPREHENSIVE FRAMEWORK.—Not later than one year after the date of enactment of this section, the Secretary shall submit to Congress a recommended framework for developing a long-term program that provides for the comprehensive protection, conservation, and restoration of the wetlands, estuaries (including Barataria-Terrebonne Estuary), barrier islands, and related land and features that protect critical resources, habitat, and infrastructure in the coastal Louisiana ecosystem from the impacts of coastal storms, hurricanes, erosion, and subsidence.

(2) CONSIDERATION.—In developing the recommended framework, the Secretary shall consider integrating other Federal or State projects

or activities within the coastal Louisiana ecosystem into the long-term restoration program.

(3) COMPREHENSIVE PLAN.—

(A) DEADLINE.—Not later than five years after the date of enactment of this Act, the Secretary shall submit to Congress a feasibility study recommending a comprehensive, long-term, plan for the protection, conservation, and restoration of the coastal Louisiana ecosystem.

(B) INTEGRATION.—The comprehensive, long-term, plan shall include recommendations for the integration of ongoing Federal and State projects, programs, and activities.

SEC. 7003. COASTAL LOUISIANA ECOSYSTEM PROTECTION AND RESTORATION TASK FORCE.

(a) ESTABLISHMENT AND MEMBERSHIP.—There is established the Coastal Louisiana Ecosystem Protection and Restoration Task Force, which 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):

(1) The Secretary.

(2) The Secretary of the Interior.

(3) The Secretary of Commerce.

(4) The Administrator of the Environmental Protection Agency.

(5) The Secretary of Agriculture.

(6) The Secretary of Transportation.

(7) The Secretary of Energy.

(8) The Director of the Federal Emergency Management Agency.

(9) The Commandant of the Coast Guard.

(10) The Coastal Advisor to the Governor.

(11) The Secretary of the Louisiana Department of Natural Resources.

(12) A representative of the Louisiana Governor's Advisory Commission on Coastal Restoration and Conservation.

(b) DUTIES OF TASK FORCE.—The Task Force shall—

(1) make recommendations to the Secretary regarding policies, strategies, plans, programs, projects, and activities for addressing protection, conservation, and restoration of the coastal Louisiana ecosystem;

(2) prepare financial plans for each of the agencies represented on the Task Force for funds proposed for the protection, conservation, and restoration of the coastal Louisiana ecosystem under authorities of each agency, including—

(A) recommendations that identify funds from current agency missions and budgets; and

(B) recommendations for coordinating individual agency budget requests; and

(3) submit to Congress a biennial report that summarizes the activities of the Task Force and progress towards the purposes set forth in section 7002(c)(1).

(c) PROCEDURES AND ADVICE.—The Task Force shall—

(1) implement procedures to facilitate public participation with regard to Task Force activities, including—

(A) providing advance notice of meetings;

(B) providing adequate opportunity for public input and comment;

(C) maintaining appropriate records; and

(D) making a record of proceedings available for public inspection; and

(2) establish such working groups as are necessary to assist the Task Force in carrying out its duties.

(d) COMPENSATION.—Members of the Task Force or any associated working group may not receive compensation for their services as members of the Task Force or working group.

(e) TRAVEL EXPENSES.—Travel expenses incurred by members of the Task Force, or members of an associated working group, in the performance of their service on the Task Force or working group shall be paid by the agency or entity that the member represents.

(f) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—The Task Force and any working group established by the Task Force shall not be considered an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 7004. INVESTIGATIONS.

(a) IN GENERAL.—The Secretary shall conduct feasibility studies for future authorization and large-scale studies substantially in accordance with the Plan at a total cost $130,000,000.

(b) EXISTING FEDERALLY AUTHORIZED WATER RESOURCES PROJECTS.—

(1) IN GENERAL.—The Secretary shall review existing federally authorized water resources projects in the coastal Louisiana ecosystem in order to determine their consistency with the purposes of this section and whether the projects have the potential to contribute to ecosystem restoration through revised operations or modified project features.

(2) FUNDING.—There is authorized to be appropriated $10,000,000 to carry out this subsection.

SEC. 7005. CONSTRUCTION.

(a) COASTAL LOUISIANA ECOSYSTEM PROGRAM.—

(1) IN GENERAL.—The Secretary shall carry out a coastal Louisiana ecosystem program substantially in accordance with the Plan, at a total cost of $50,000,000.

(2) OBJECTIVES.—The objectives of the program shall be to—

(A) identify uncertainties about the physical, chemical, geological, biological, and cultural baseline conditions in the coastal Louisiana ecosystem;

(B) improve the State of knowledge of the physical, chemical, geological, biological, and cultural baseline conditions in the coastal Louisiana ecosystem; and

(C) identify and develop technologies, models, and methods that could be useful in carrying out the purposes of this title.

(3) WORKING GROUPS.—The Secretary may establish such working groups as are necessary to assist in carrying out this subsection.

(4) PROCEDURES AND ADVICE.—In carrying out this subsection, the Secretary is authorized to enter into contracts and cooperative agreements with scientific and engineering experts in the restoration of aquatic and marine ecosystems, including a consortium of academic institutions in Louisiana and Mississippi for coastal restoration and enhancement through science and technology.

(b) DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary may carry out projects substantially in accordance with the Plan for the purpose of resolving critical areas of scientific or technological uncertainty related to the implementation of the comprehensive plan to be developed under section 7002(c)(3).

(2) MAXIMUM COST.—

(A) TOTAL COST.—The total cost for planning, design, and construction of all demonstration projects under this subsection shall not exceed $100,000,000.

(B) INDIVIDUAL PROJECT.—The total cost of an individual demonstration project under this subsection shall not exceed $25,000,000.

(c) INITIAL PROJECTS.—The Secretary is authorized to carry out the following projects substantially in accordance with the Plan:

(1) Mississippi River Gulf Outlet Environmental Restoration at a total cost of $105,300,000.

(2) Small Diversion at Hope Canal at a total cost of $68,600,000.

(3) Barataria Basin Barrier Shoreline Restoration at a total cost of $242,600,000.

(4) Small Bayou Lafourche Reintroduction at a total cost of $133,500,000.

(5) Medium Diversion at Myrtle Grove with Dedicated Dredging at a total cost of $278,300,000.

(d) BENEFICIAL USE OF DREDGED MATERIAL.—The Secretary, substantially in accordance with the Plan, shall implement in the coastal Louisiana ecosystem a program for the beneficial use of material dredged from federally maintained waterways at a total cost of $100,000,000.

SEC. 7006. NON-FEDERAL COST SHARE.

(a) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of a study authorized by section 7004 or a project authorized by section 7005 the cost of work carried out in the coastal Louisiana ecosystem by the non-Federal interest before the date of the partnership agreement for the study or project, as the case may be, if the Secretary determines that the work is integral to the study or project, as the case may be.

(b) TREATMENT OF CREDIT BETWEEN PROJECTS.—Any credit provided under this section toward the non-Federal share of the cost of a study authorized by section 7004 or a project authorized by section 7005 may be applied toward the non-Federal share of the cost of any other study authorized by section 7004 or any other project authorized by section 7005, as the case may be.

(c) PERIODIC MONITORING.—

(1) IN GENERAL.—To ensure that the contributions of the non-Federal interest equal the non-Federal share of the cost of a study authorized by section 7004 or a project authorized by section 7005, during each 5-year period beginning after the date of commencement of the first study under section 7004 or construction of the first project under section 7005, as the case may be, the Secretary shall—

(A) monitor the non-Federal provision for each study authorized by section 7004 or each project authorized by section 7005, as the case may be, of cash, in-kind services and materials, and land, easements, rights-of-way, relocations, and disposal areas; and

(B) manage, to the extent practicable, the requirement of the non-Federal interest to provide for each such project cash, in-kind services and materials, and land, easements, rights-of-way, relocations, and disposal areas.

(2) OTHER MONITORING.—The Secretary shall conduct monitoring separately for the study phase, construction phase, the preconstruction engineering and design phase, and the planning phase for each project authorized on or after date of enactment of this Act for all or any portion of the coastal Louisiana ecosystem.

(d) AUDITS.—Credit for land, easements, rights-of-way, relocations, and disposal areas (including land value and incidental costs) provided under this section, and the cost of work provided under this section, shall be subject to audit by the Secretary.

SEC. 7007. PROJECT JUSTIFICATION.

(a) 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 any project or activity authorized by or under this title or any other provision of law to protect, conserve, and restore the coastal Louisiana ecosystem, the Secretary may determine that—

(1) the project or activity is justified by the environmental benefits derived by the coastal Louisiana ecosystem; and

(2) no further economic justification for the project or activity is required if the Secretary determines that the project or activity is cost effective.

(b) LIMITATION ON APPLICABILITY.—Subsection (a) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the protection, conservation, and restoration of the coastal Louisiana ecosystem.

SEC. 7008. STATUTORY CONSTRUCTION.

(a) EXISTING AUTHORITY.—Except as otherwise provided in this title, nothing in this title affects any authority in effect on the date of enactment of this Act, or any requirement relating to the participation in protection, conservation, and restoration projects and activities in the coastal Louisiana ecosystem, including projects and activities referred to in subsection (a) of—

(1) the Department of the Army;

(2) the Department of the Interior;
(3) the Department of Commerce;
(4) the Environmental Protection Agency;
(5) the Department of Agriculture;
(6) the Department of Transportation;
(7) the Department of Energy;
(8) the Federal Emergency Management Agency;
(9) the Coast Guard; and
(10) the State of Louisiana.

(b) NEW AUTHORITY.—Nothing in this title confers any new regulatory authority on any Federal or non-Federal entity that carries out any project or activity authorized by or under this title.

TITLE VIII—UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM

SEC. 8001. DEFINITIONS.

In this title, the following definitions apply:

(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.

SEC. 8002. NAVIGATION IMPROVEMENTS AND RESTORATION.

Except as modified by this title, the Secretary shall undertake navigation improvements and restoration of the ecosystem for the Upper Mississippi River and Illinois Water System substantially in accordance with the Plan and subject to the conditions described therein.

SEC. 8003. AUTHORIZATION OF CONSTRUCTION OF NAVIGATION IMPROVEMENTS.

(a) SMALL SCALE AND NONSTRUCTURAL MEASURES.—

(1) IN GENERAL.—The Secretary shall—

(A) construct mooring facilities at Locks 12, 14, 18, 20, 22, 24, and LaGrange Lock;

(B) provide switchboats at Locks 20 through 25; and

(C) conduct development and testing of an appointment scheduling system.

(2) AUTHORIZATION OF APPROPRIATIONS.—The total cost of projects authorized under this subsection shall be $235,000,000. Such costs 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.

(b) NEW LOCKS.—

(1) IN GENERAL.—The Secretary shall 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.

(2) AUTHORIZATION OF APPROPRIATIONS.—The total cost of projects authorized under this subsection shall be $1,795,000,000. Such costs 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.

(c) CONCURRENCE.—The mitigation required for the projects authorized under subsections (a) and (b), including any acquisition of lands or interests in lands, shall be undertaken or acquired concurrently with lands and interests in lands for the projects authorized under subsections (a) and (b), and physical construction required for the purposes of mitigation shall be undertaken concurrently with the physical construction of such projects.

SEC. 8004. ECOSYSTEM RESTORATION AUTHORIZATION.

(a) 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.

(b) ECOSYSTEM RESTORATION PROJECTS.—

(1) 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.

(2) PROJECTS INCLUDED.—Ecosystem restoration projects may include—

(A) island building;
(B) construction of fish passages;
(C) floodplain restoration;
(D) water level management (including water drawdown);
(E) backwater restoration;
(F) side channel restoration;
(G) wing dam and dike restoration and modification;
(H) island and shoreline protection;
(I) topographical diversity;
(J) dam point control;
(K) use of dredged material for environmental purposes;
(L) tributary confluence restoration;
(M) spillway, dam, and levee modification; and
(N) land and easement acquisition.

(3) COST SHARING.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the Federal share of the cost of carrying out an ecosystem restoration project under this subsection shall be 65 percent.

(B) EXCEPTION FOR CERTAIN RESTORATION PROJECTS.—In the case of a project under this section 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 of structures for navigation; or

(iii) is located on federally owned land.

(C) SAVINGS CLAUSE.—Nothing in this subsection affects the applicability of section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(e)).

(D) 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 title, a non-Federal sponsor may include a nonprofit entity, with the consent of the affected local government.

(4) LAND ACQUISITION.—The Secretary may acquire land or an interest in land for an ecosystem restoration project from a willing seller through conveyance of—

(A) fee title to the land; or
(B) a flood plain conservation easement.

(c) ECOSYSTEM RESTORATION PRECONSTRUCTION ENGINEERING AND DESIGN.—

(1) RESTORATION DESIGN.—Before initiating the construction of any individual ecosystem restoration project, the Secretary shall—

(A) establish ecosystem restoration goals and identify specific performance measures designed to demonstrate ecosystem restoration;

(B) establish the without-project condition or baseline for each performance indicator; and

(C) for each separable element of the ecosystem restoration, identify specific target goals for each performance indicator.

(2) OUTCOMES.—Performance measures identified under paragraph (1)(A) shall include 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.

(3) RESTORATION DESIGN.—Restoration design carried out as part of ecosystem restoration shall include a monitoring plan for the performance measures identified under paragraph (1)(A), including—

(A) a timeline to achieve the identified target goals; and

(B) a timeline for the demonstration of project completion.

(d) SPECIFIC PROJECTS AUTHORIZATION.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this subsection $1,580,000,000, of which not more than $226,000,000 shall be available for projects described in subsection (b)(2)(B) and not more than $43,000,000 shall be available for projects described in subsection (b)(2)(J).

(2) LIMITATION ON AVAILABLE FUNDS.—Of the amounts made available under paragraph (1), not more than $35,000,000 in any fiscal year may be used for land acquisition under subsection (b)(4).

(3) INDIVIDUAL PROJECT LIMIT.—Other than for projects described in subparagraphs (B) and (J) of subsection (b)(2), the total cost of any single project carried out under this subsection shall not exceed $25,000,000.

(e) IMPLEMENTATION REPORTS.—

(1) IN GENERAL.—Not later than June 30, 2007, and every 4 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—

(A) includes baselines, milestones, goals, and priorities for ecosystem restoration projects; and

(B) measures the progress in meeting the goals.

(2) ADVISORY PANEL.—

(A) IN GENERAL.—The Secretary shall appoint and convene an advisory panel to provide independent guidance in the development of each implementation report under paragraph (1).

(B) 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.

(C) CHAIRPERSON.—The Secretary shall serve as chairperson of the advisory panel.

(D) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—The Advisory Panel and any working group established by the Advisory Panel shall not be considered an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.).

(f) RANKING SYSTEM.—

(1) IN GENERAL.—The Secretary, in consultation with the Advisory Panel, shall develop a system to rank proposed projects.

(2) PRIORITY.—The ranking system shall give greater weight to projects that restore natural river processes, including those projects listed in subsection (b)(2).

SEC. 8005. COMPARABLE PROGRESS.

(a) IN GENERAL.—As the Secretary conducts pre-engineering, design, and construction for

projects authorized under this title, the Secretary shall—

(1) select appropriate milestones; and

(2) determine, at the time of such selection, whether the projects are being carried out at comparable rates.

(b) NO COMPARABLE RATE.—If the Secretary determines under subsection (a)(2) that projects authorized under this subsection are not moving toward completion at a comparable rate, annual funding requests for the projects shall be adjusted to ensure that the projects move toward completion at a comparable rate in the future.

The Acting CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 109–160. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 109–160.

AMENDMENT NO. 1 OFFERED BY MR. DUNCAN

Mr. DUNCAN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. DUNCAN:

Page 11, line 7, insert ''(a) PROJECTS WITH CHIEF'S REPORT.—'' before ''Except as''.

Page 12, line 16, strike ''SHILY''' and insert ''SHLY'''.

Page 12, line 18, strike ''Shily'' and insert ''Shly'''.

Page 21, after line 21, insert the following:

(b) PROJECTS SUBJECT TO FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2005:

(1) DES MOINES/RACCOON RIVERS, IOWA.—The project for flood damage reduction, Des Moines/Raccoon Rivers, Iowa, at a total cost of $10,000,000, with an estimated Federal cost of $6,500,000 and an estimated non-Federal cost of $3,500,000.

(2) PORT OF IBERIA, LOUISIANA.—The project for navigation, Port of Iberia, Louisiana, at a total cost of $194,000,000, with an estimated Federal cost of $123,000,000 and an estimated non-Federal cost of $71,000,000.

(3) RARITAN AND SANDY HOOK BAYS, UNION BEACH, NEW JERSEY.—The project for hurricane and storm damage reduction, Raritan and Sandy Hook Bays, Union Beach, New Jersey, at a total cost of $99,095,000, with an estimated Federal cost of $64,412,000 and an estimated non-Federal cost of $34,683,000.

(4) HOCKING RIVER, MONDAY CREEK SUB-BASIN, OHIO.—The project for environmental restoration, Hocking River, Monday Creek Sub-basin, Ohio, at a total cost of $20,000,000, with an estimated Federal cost of $17,000,000 and an estimated non-Federal cost of $3,000,000.

(5) PAWLEY'S ISLAND, SOUTH CAROLINA.—The project for hurricane and storm damage reduction, Pawley's Island, South Carolina, at a total cost of $8,813,000, with an estimated Federal cost of $4,133,000 and an estimated non-Federal cost of $4,680,000.

Page 23, strike lines 9 through 13 and redesignate subsequent paragraphs accordingly.

Page 24, after line 18, insert the following:

(25) DRY AND OTTER CREEKS, CORTLAND, NEW YORK.—Project for flood damage reduction, Dry and Otter Creeks, Cortland, New York.

Page 27, line 8, strike ''(a)(21)'' and insert ''(a)(19)''.

Page 27, line 19, strike ''(a)(18)'' and insert ''(a)(16)''.

Page 28, line 1, strike ''(a)(35)'' and insert ''(a)(34)''.

Page 29, after line 17, insert the following:

(10) DRY AND OTTER CREEKS, CORTLAND COUNTY, NEW YORK.—Project for emergency streambank protection, Dry and Otter Creeks, Cortland County, New York.

Page 29, after line 24, insert the following:

(12) OWEGO CREEK, TIOGA COUNTY, NEW YORK.—Project for emergency streambank protection, Owego Creek, Tioga County, New York.

Page 40, line 1, after the second comma, insert ''Shore Parkway Greenway,''.

Page 83, strike line 20 and all that follows through line 18 on page 85 and insert the following:

(a) DETERMINATION OF CERTAIN NATIONAL BENEFITS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that, consistent with the Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies (1983), the Secretary may select a water resources project alternative that does not maximize net national economic development benefits or net national ecosystem restoration benefits if there is an overriding reason based on other Federal, State, local, or international concerns.

(2) FLOOD DAMAGE REDUCTION, NAVIGATION, AND HURRICANE STORM DAMAGE REDUCTION PROJECTS.—With respect to a water resources project the primary purpose of which is flood damage reduction, navigation, or hurricane and storm damage reduction, an overriding reason for selecting a plan other than the plan that maximizes net national economic development benefits may be if the Secretary determines, and the non-Federal interest concurs, that an alternative plan is feasible and achieves the project purposes while providing greater ecosystem restoration benefits.

(3) ECOSYSTEM RESTORATION PROJECTS.—With respect to a water resources project the primary purpose of which is ecosystem restoration, an overriding reason for selecting a plan other than the plan that maximizes net national ecosystem restoration benefits may be if the Secretary determines, and the non-Federal interest concurs, that an alternative plan is feasible and achieves the project purposes while providing greater economic development benefits.

Page 110, after line 20, insert the following:

SECTION 2041. SUPPORT OF ARMY CIVIL WORKS PROGRAM.

(a) IN GENERAL.—Notwithstanding section 2361 of title 10, United States Code, the Secretary is authorized to provide assistance through contracts, cooperative agreements, and grants to—

(1) the University of Tennessee, Knoxville, Tennessee, for establishment and operation of the Southeastern Water Resources Institute to study sustainable development and utilization of water resources in the southeastern United States;

(2) Lewis and Clark Community College, Illinois, for the Great Rivers National Research and Education Center (including facilities that have been or will be constructed at one or more locations in the vicinity of the confluence of the Illinois River, the Missouri River, and the Mississippi River), a collaborative effort of Lewis and Clark Community College, the University of Illinois, the Illinois Department of Natural Resources and Environmental Sciences, and other entities, for the study of river ecology, developing watershed and river management strategies, and educating students and the public on river issues; and

(3) the University of Texas at Dallas for support and operation of the International Center for Decision and Risk Analysis to study risk analysis and control methods for transboundary water resources management in the southwestern United States and other international water resources management problems.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out subsection (a)(1) $5,000,000, to carry out subsection (a)(2) $5,000,000, and to carry out subsection (a)(3) $5,000,000. Such sums shall remain available until expended.

Page 110, after line 22, insert the following (and redesignate subsequent sections accordingly):

SEC. 3001. COOK INLET, ALASKA.

Section 118(a)(2) of the Energy and Water Development Appropriations Act, 2005 (title I of division C of the Consolidated Appropriations Act, 2005; 118 Stat. 2945) is amended—

(1) by inserting ''maximum navigational'' before ''draft'';

(2) by striking ''greater than''; and

(3) by inserting ''or greater'' after ''35 feet''.

Page 125, after line 23, insert the following (and redesignate subsequent sections accordingly):

SEC. 3032. SOUTH PLATTE RIVER BASIN, COLORADO.

Section 808 of the Water Resources Development Act of 1986 (100 Stat. 4168) is amended by striking ''agriculture,'' and inserting ''agriculture, environmental restoration,''.

Page 130, line 17, strike ''costs it'' and insert ''the Federal share of the costs the non-Federal interest''.

Page 130, line 18, after ''project'' insert ''(including environmental mitigation costs and costs incurred for incomplete usable increments of the project)''.

Page 134, strike lines 10 through 22 and insert the following:

SEC. 3046. BEARDSTOWN COMMUNITY BOAT HARBOR, BEARDSTOWN, ILLINOIS.

(a) IN GENERAL.—The project for navigation, Muscooten Bay, Illinois River, Beardstown Community Boat Harbor, Beardstown, Illinois, constructed under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified—

(1) to include the channel between the harbor and the Illinois River; and

(2) to direct the Secretary to enter into a partnership agreement with the city of Beardstown to replace the local cooperation agreement dated August 18, 1983, with the Beardstown Community Park District.

(b) TERMS OF PARTNERSHIP AGREEMENT.—The partnership agreement referred to in subsection (a) shall include the same rights and responsibilities as the local cooperation agreement dated August 18, 1983, changing only the identity of the non-Federal sponsor.

Page 134, line 23, strike ''(b)'' and insert ''(c)''.

Page 159, strike section 3093 and insert the following:

SEC. 3093. ORCHARD BEACH, BRONX, NEW YORK.

Section 554 of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended by striking ''maximum Federal cost of $5,200,000'' and inserting ''total cost of $20,000,000''.

Page 190, after line 8, insert the following (and redesignate subsequent subsections accordingly):

(c) CALCASIEU SHIP CHANNEL, LOUISIANA.—

(1) IN GENERAL.—At such time as Pujo Heirs and Westland Corporation conveys all right, title, and interest in and to the real property described in paragraph (2)(A) to the United States, the Secretary shall convey all right, title, and interest of the United States in and to the real property described in paragraph (2)(B) to Pujo Heirs and Westland Corporation.

(2) LAND DESCRIPTION.—The parcels of land referred to in paragraph (1) are the following:

(A) NON-FEDERAL LAND.—An equivalent area to the real property described in subparagraph (B). The parcels that may be exchanged include Tract 128E, Tract 129E, Tract 131E, Tract 41A, Tract 42, Tract 132E, Tract 130E, Tract 134E, Tract 133E-3, Tract 140E, or some combination thereof.

(B) FEDERAL LAND.—An area in Cameron Parish, Louisiana, known as portions of Government Tract Numbers 139E–2 and 48 (both tracts on the west shore of the Calcasieu Ship Channel), and known as Corps of Engineers Dredge Material Placement Area O.

(3) CONDITIONS.—The exchange of real property under paragraph (1) shall be subject to the following conditions:

(A) DEEDS.—

(i) NON-FEDERAL LAND.—The conveyance of the real property described in paragraph (2)(A) to the Secretary shall be by a warranty deed acceptable to the Secretary.

(ii) FEDERAL LAND.—The conveyance of the real property described in paragraph (2)(B) to Pujo Heirs and Westland Corporation shall be by quitclaim deed.

(B) TIME LIMIT FOR EXCHANGE.—The land exchange under paragraph (1) shall be completed not later than 1 year after the date of enactment of this Act.

(4) VALUE OF PROPERTIES.—If the appraised fair market value, as determined by the Secretary, of the real property conveyed to Pujo Heirs and Westland Corporation by the Secretary under paragraph (1) exceeds the appraised fair market value, as determined by the Secretary, of the real property conveyed to the United States by Pujo Heirs and Westland Corporation under paragraph (1), Pujo Heirs and Westland Corporation shall make a payment to the United States equal to the excess in cash or a cash equivalent that is satisfactory to the Secretary.

Page 201, after line 24, insert the following (and redesignate subsequent sections accordingly):

SEC. 4005. DELAWARE RIVER.

The Secretary shall review, in consultation with the Delaware River Basin Commission and the States of Delaware, Pennsylvania, New Jersey, and New York, the report of the Chief of Engineers on the Delaware River, published as House Document Numbered 522, 87th Congress, Second Session, as it relates to the Mid-Delaware River Basin from Wilmington to Port Jervis, and any other pertinent reports (including the strategy for resolution of interstate flow management issues in the Delaware River Basin dated August 2004 and the National Park Service Lower Delaware River Management Plan (1997–1999)), with a view to determining whether any modifications of recommendations contained in the first report referred to are advisable at the present time, in the interest of flood damage reduction, ecosystem restoration, and other related problems.

Page 213, lines 11 and 12, strike ''services, materials, supplies, or other in-kind contributions'' and insert ''in-kind services and materials''.

Page 221, after line 20, insert the following (and redesignate subsequent sections accordingly):

SEC. 4073. SHORE PARKWAY GREENWAY, BROOKLYN, NEW YORK.

The Secretary shall conduct a study of the feasibility of carrying out a project for shoreline protection in the vicinity of the confluence of the Narrows and Gravesend Bay, Upper New York Bay, Shore Parkway Greenway, Brooklyn, New York.

Page 233, after line 4, insert the following (and redesignate subsequent sections accordingly):

SEC. 4105. JOHNSON CREEK, ARLINGTON, TEXAS.

(a) REEVALUATION OF ENVIRONMENTAL RESTORATION FEATURES.—The Secretary shall reevaluate the project for flood damage reduction, environmental restoration, and recreation, authorized by section 101(b)(14) of the Water Resources Development Act of 1999 (113 Stat. 280), to develop alternatives to the separable environmental restoration element of the project.

(b) STUDY OF ADDITIONAL FLOOD DAMAGE REDUCTION MEASURES.—The Secretary shall conduct a study to determine the feasibility of additional flood damage reduction measures and erosion control measures within the boundaries of the project referred to in subsection (a).

(c) PLANS AND DESIGNS.—In conducting the studies referred to in subsections (a) and (b), the Secretary shall review plans and designs developed by non-Federal interests and shall use such plans and designs to the extent that the Secretary determines that such plans and designs are consistent with Federal standards.

(d) CREDIT TOWARD FEDERAL SHARE.—If an alternative environmental restoration element is authorized by law, the Secretary shall credit toward the Federal share of the cost of that project the costs incurred by the Secretary to carry out the separable environmental restoration element of the project referred to in subsection (a). The non-Federal interest shall not be responsible for reimbursing the Secretary for any amount credited under this subsection.

(e) CREDIT TOWARD THE NON-FEDERAL SHARE.—The Secretary shall credit toward the non-Federal share of the cost of the studies under subsections (a) and (b), and the cost of any project carried out as a result of such studies the cost of work carried out by the non-Federal interest.

Page 238, strike line 9 and redesignate subsequent paragraphs accordingly.

Page 241, strike lines 4 through 10 and insert the following:

(c) FERN RIDGE DAM, OREGON.—

(1) IN GENERAL.—The Secretary shall plan, design, and complete emergency corrective actions to repair the embankment dam at the Fern Ridge Lake project, Oregon.

(2) TREATMENT.—The Secretary may treat work to be carried out under this subsection as a dam safety project, and the cost of the work may be recovered in accordance with section 1203 of the Water Resources Development Act of 1986 (33 U.S.C. 467n; 100 Stat. 4263).

Page 242, line 6, strike ''river mile 205 to river mile 308.4,''.

Page 243, after line 14, insert the following (and redesignate subsequent quoted paragraphs accordingly):

''(10) $27,000,000 for the project described in subsection (c)(19);

Page 245, after line 11, insert the following (and redesignate subsequent paragraphs accordingly):

(6) North River, Peabody, Massachusetts, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

Page 249, line 19, strike ''The Secretary'' and insert the following:

''(1) DELAWARE RIVER.—The Secretary''.

Page 250, after line 2, insert the following:

(2) SUSQUEHANNA RIVER.—The Secretary may enter into an agreement with the Susquehanna River Basin Commission to provide temporary water supply and conservation storage at Corps of Engineers facilities in the Susquehanna River Basin during any period in which the Commission has determined that a drought warning or drought emergency exists. The agreement shall provide that the cost for any such water supply and conservation storage shall not exceed the incremental operating costs associated with providing the storage.

Page 252, after line 3, insert the following (and redesignate subsequent sections accordingly):

SEC. 5021. REHABILITATION.

The Secretary, at Federal expense and not to exceed $1,000,000, shall rehabilitate and improve the water-related infrastructure and the transportation infrastructure for the historic property in the Anacostia River Watershed located in the District of Columbia, including measures to address wet weather conditions. To carry out this section, the Secretary shall accept funds provided for such project under any other Federal program.

SEC. 5022. RESEARCH AND DEVELOPMENT PROGRAM FOR COLUMBIA AND SNAKE RIVER SALMON SURVIVAL.

Section 511 of the Water Resources Development Act of 1996 (16 U.S.C. 3301 note; 110 Stat. 3761; 113 Stat. 375) is amended—

(1) in subsection (a)(6) by striking ''$10,000,000'' and inserting ''$25,000,000''; and

(2) in subsection (c)(2) by striking ''$1,000,000'' and inserting ''$10,000,000''.

SEC. 5023. WAGE SURVEYS.

Employees of the United States Army Corps of Engineers who are paid wages determined under the last undesignated paragraph under the heading ''Administrative Provisions'' of chapter V of the Supplemental Appropriations Act, 1982 (5 U.S.C. 5343 note; 96 Stat. 832) shall be allowed, through appropriate employee organization representatives, to participate in wage surveys under such paragraph to the same extent as are prevailing rate employees under subsection (c)(2) of section 5343 of title 5, United States Code. Nothing in such section 5343 shall be considered to affect which agencies are to be surveyed under such paragraph.

Page 253, after line 25, insert the following (and redesignate subsequent sections accordingly):

SEC. 5026. FIRE ISLAND, ALASKA.

(a) IN GENERAL.—The Secretary is authorized to provide planning, design, and construction assistance to the non-Federal interest for the construction of a causeway between Point Campbell and Fire Island, Alaska, including the beneficial use of dredged material in the construction of the causeway.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 to carry out this section.

Page 257, strike lines 6 through 19 (and redesignate subsequent sections accordingly).

Page 262, after line 12, insert the following (and redesignate subsequent sections accordingly):

SEC. 5045. LA–3 DREDGED MATERIAL OCEAN DISPOSAL SITE DESIGNATION, CALIFORNIA.

The third sentence of section 102(c)(4) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1412(c)(4)) is amended by striking ''January 1, 2003'' and inserting ''January 1, 2007''.

SEC. 5046. LANCASTER, CALIFORNIA.

Section 219(f)(50) of the Water Resources Development Act of 1992 (114 Stat. 2763A-220) is amended—

(1) by inserting after ''water'' the following: ''and wastewater'';

(2) by striking ''$14,500,000'' and inserting ''$24,500,000''.

SEC. 5047. ONTARIO AND CHINO, CALIFORNIA.

The Secretary shall carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), in the vicinity of Ontario and Chino, California, if the Secretary determines that the project is feasible.

Page 263, after line 16, insert the following (and redesignate subsequent sections accordingly):

SEC. 5046. RAYMOND BASIN, SIX BASINS, CHINO BASIN, AND SAN GABRIEL BASIN, CALIFORNIA.

(a) COMPREHENSIVE PLAN.—The Secretary, in consultation and coordination with appropriate Federal, State, and local entities, shall develop a comprehensive plan for the management of water resources in the Raymond Basin, Six Basins, Chino Basin, and San Gabriel Basin, California. The Secretary may carry out activities identified in the comprehensive plan to demonstrate practicable alternatives for water resources management.

(b) NON-FEDERAL SHARE.—

(1) IN GENERAL.—The non-Federal share of the cost of activities carried out under this section shall be 35 percent.

(2) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of activities carried out under this section the cost of planning, design, and construction work completed by or on behalf of the non-Federal interests for implementation of measures under this section. The amount of such credit shall not exceed the non-Federal share of the cost of such activities.

(3) OPERATION AND MAINTENANCE.—The non-Federal share of the cost of operation and maintenance of any measures constructed under this section shall be 100 percent.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

Page 267, after line 2, insert the following (and redesignate subsequent sections accordingly):

SEC. 5049. SAN PABLO BAY, CALIFORNIA, WATERSHED AND SUISUN MARSH ECOSYSTEM RESTORATION.

(a) SAN PABLO BAY WATERSHED, CALIFORNIA.—

(1) IN GENERAL.—The Secretary shall complete work, as expeditiously as possible, on the ongoing San Pablo Bay watershed, California, study to determine the feasibility of opportunities for restoring, preserving and protecting the San Pablo Bay watershed.

(2) REPORT.—Not later than March 31, 2008, the Secretary shall submit to Congress a report on the results of the study.

(b) SUISUN MARSH, CALIFORNIA.—The Secretary shall conduct a comprehensive study to determine the feasibility of opportunities for restoring, preserving and protecting the Suisun Marsh, California.

(c) SAN PABLO AND SUISUN BAY MARSH WATERSHED CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in critical restoration projects that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits in the following sub-watersheds of the San Pablo and Suisun Bay Marsh watersheds:

(A) The tidal areas of the Petaluma River, Napa-Sonoma Marsh.

(B) The shoreline of West Contra Costa County.

(C) Novato Creek.

(D) Suisun Marsh.

(E) Gallinas-Miller Creek.

(2) TYPES OF ASSISTANCE.—Participation in critical restoration projects under this subsection may include assistance for planning, design, or construction.

(d) NON-FEDERAL INTERESTS.—Notwithstanding the requirements of section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), a nonprofit entity may serve, with the consent of the affected local government, as a non-Federal interest for a project undertaken under this section.

(e) COST SHARING.—Before carrying out any project under this section, the Secretary shall enter into a partnership agreement with the non-Federal interest that shall require the non-Federal interest—

(1) to pay 35 percent of the cost of construction for the project;

(2) to provide any lands, easements, rights-of-way, dredged material disposal areas, and relocations necessary to carry out the project; and

(3) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the project.

(f) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of construction of a project under this section—

(1) the value of any lands, easements, rights-of-way, dredged material disposal areas, or relocations provided by the non-Federal interest for carrying out the project, regardless of the date of acquisition;

(2) funds received from the CALFED Bay-Delta program; and

(3) the cost of the studies, design, and construction work carried out by the non-Federal interest before the date of execution of a partnership agreement for the project if the Secretary determines that the work is integral to the project.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000.

Page 270, strike lines 10 through 14 and insert the following:

SEC. 5056. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.

Section 109 of the Miscellaneous Appropriations Act, 2001 (enacted into law by Public Law 106–554) (114 Stat. 2763A–222) is amended—

(1) by adding at the end of subsection (e)(2) the following:

Page 270, line 25, strike the final period and insert ''; and''.

Page 270, after line 25, insert the following:

(2) in subsection (f) by striking ''$100,000,000'' and inserting ''$100,000,000, of which not more than $15,000,000 may be used to provide planning, design, and construction assistance to the Florida Keys Aqueduct Authority for a water treatment plant, Florida City, Florida''.

Page 274, after line 17, insert the following (and redesignate subsequent subparagraphs accordingly):

(D) to ensure aquatic integrity of sidechannels and backwaters and their connectivity with the mainstem river;

Page 275, after line 12, insert the following (and redesignate subsequent subparagraphs accordingly):

(D) a conveyance study of the Kaskaskia River floodplain from Vandalia, Illinois, to Carlyle Lake to determine the impacts of existing and future waterfowl improvements on flood stages, including detailed surveys and mapping information to ensure proper hydraulic and hydrological analysis;

Page 275, line 22, strike ''Coordinating Council'' and insert ''Watershed Association''.

Page 277, after line 14, add the following:

(6) Other programs that may be developed by the State of Illinois or the Federal Government, or that are carried out by non-profit organizations, to carry out the objectives of the Kaskaskia River Basin Comprehensive Plan.

Page 280, strike lines 14 through 20 and insert the following:

SEC. 5065. PROMONTORY POINT, LAKE MICHIGAN, ILLINOIS.

In carrying out the project for storm damage reduction and shoreline erosion protection, Lake Michigan, authorized by section 101(a)(12) of the Water Resources Development Act of 1996 (110 Stat. 3664), the Secretary shall reconstruct the Promontory Point section consistent with the original limestone step design. Additional costs associated with such reconstruction shall be a non-Federal responsibility. The costs of reconstruction not consistent with the original limestone step design shall be a non-Federal responsibility.

SEC. 5066. SOUTHWEST ILLINOIS.

(a) SOUTHWEST ILLINOIS DEFINED.—In this section, the term ''Southwest Illinois'' means the counties of Madison, St. Clair, Monroe, Randolph, Perry, Franklin, Jackson, Union, Alexander, Pulaski, and Williamson, Illinois.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in Southwest Illinois.

(c) 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 Southwest Illinois, including projects for wastewater treatment and related facilities, water supply and related facilities, and surface water resource protection and development.

(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 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 project costs under each partnership agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The non-Federal interests shall receive credit for the reasonable cost of design work on a project completed by the non-Federal interest before entering into a partnership agreement with the Secretary for such project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share 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's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—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.

(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 ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity.

(h) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000. Such sums shall remain available until expended.

Page 287, after line 11, insert the following (and redesignate subsequent sections accordingly):

SEC. 5080. LAKE PONTCHARTRAIN, LOUISIANA.

For purposes of carrying out section 121 of the Federal Water Pollution Control Act (33 U.S.C. 1271), the Lake Pontchartrain, Louisiana, basin stakeholders conference convened by the Environmental Protection Agency, National Oceanic and Atmospheric Administration, and United States Geological Survey on February 25, 2002, shall be treated as being a management conference convened under section 320 of such Act (33 U.S.C. 1330).

Page 287, after line 12, insert the following:

(a) MODIFICATION OF STUDY.—The study for waterfront and riverine preservation, restoration, and enhancement, Mississippi River, West Baton Rouge Parish, Louisiana, being carried out under Committee Resolution 2570 of the Committee on Transportation and Infrastructure of the House of Representatives adopted July 23, 1998, is modified—

(1) to add West Feliciana Parish and East Baton Rouge Parish to the geographic scope of the study; and

(2) to direct the Secretary to credit toward the non-Federal share the cost of the study and the non-Federal share of the cost of any project authorized by law as a result of the study the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the study or project, as the case may be.

Page 287, line 13, before ''Section'' insert ''(b) EXPEDITED CONSIDERATION.—''.

Page 287, lines 15 and 16, strike ''Parish'' and insert '', West Feliciana, and East Baton Rouge Parishes''.

Page 287, line 17, after the second comma insert ''and''.

Page 287, lines 17 and 18, strike '', and interpretive center development''.

Page 306, after line 4, insert the following (and redesignate subsequent sections accordingly):

SEC. 5111. CLINTON COUNTY, PENNSYLVANIA.

Section 219(f)(13) of the Water Resources Development Act of 1992 (113 Stat. 335) is amended by striking ''$1,000,000'' and inserting ''$2,000,000''.

Page 309, after line 24, insert the following (and redesignate subsequent sections accordingly):

SEC. 5116. EAST TENNESSEE.

(a) EAST TENNESSEE DEFINED.—In this section, the term ''East Tennessee'' means the counties of Blount, Knox, Loudon, McMinn, Monroe, and Sevier, Tennessee.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in East Tennessee.

(c) 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 East Tennessee, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(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 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 project cost under each partnership agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The non-Federal interests shall receive credit for the reasonable cost of design work on a project completed by the non-Federal interest before entering into a partnership agreement with the Secretary for such project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share 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 cost.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project cost (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 cost.

(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.

(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 ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

(h) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000. Such sums shall remain available until expended.

Page 314, line 3, strike ''$5,000,000'' and insert ''$10,000,000''.

Page 314, after line 3, insert the following (and redesignate subsequent sections accordingly):

SEC. 5122. DALLAS COUNTY REGION, TEXAS.

(a) DALLAS COUNTY REGION DEFINED.—In this section, the term ''Dallas County region'' means the city of Dallas, and the municipalities of DeSoto, Duncanville, Lancaster, Wilmer, Hutchins, Balch Springs, Cedar Hill, Glenn Heights, and Ferris, Texas.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in the Dallas County region.

(c) 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 the Dallas County region, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(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 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 project costs under each partnership agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The non-Federal interests shall receive credit for the reasonable cost of design work on a project completed by the non-Federal interest before entering into a partnership agreement with the Secretary for such project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share 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's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—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 such 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.

(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 ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity.

(h) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000. Such sums shall remain available until expended.

Page 325, strike lines 22 through 25 and insert the following:

''(9) BUFFALO BAYOU, TEXAS.—A project for flood control, Buffalo Bayou, Texas, to provide an alternative to the project authorized by the first section of the River and Harbor Act of June 20, 1938 (52 Stat. 804) and modified by section 3a of the Flood Control Act of August 11, 1939 (53 Stat. 1414).

''(10) HALLS BAYOU, TEXAS.—A project for flood control, Halls Bayou, Texas, to provide an alternative to the project for flood control, Buffalo Bayou and tributaries, Texas, authorized by section 101(a)(21) of the Water Resources Development Act of 1990 (104 Stat. 4610).

Page 327, after line 9, insert the following:

SEC. 5140. ADDITIONAL ASSISTANCE FOR CRITICAL PROJECTS.

Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335–337; 114 Stat. 2763A–220–221) is amended—

(1) by striking the undesignated paragraph relating to Charleston, South Carolina, and inserting the following:

''(72) CHARLESTON, SOUTH CAROLINA.—$20,000,000 for wastewater infrastructure, including wastewater collection systems, and stormwater system improvements, Charleston, South Carolina.'';

(2) by redesignating the paragraph (71) relating to Placer and El Dorado Counties, California, as paragraph (73);

(3) by redesignating the paragraph (72) relating to Lassen, Plumas, Butte, Sierra, and Nevada Counties, California, as paragraph (74);

(4) by striking the paragraph (71) relating to Indianapolis, Indiana, and inserting the following:

''(75) INDIANAPOLIS, INDIANA.—$6,430,000 for environmental infrastructure for Indianapolis, Indiana.'';

(5) by redesignating the paragraph (73) relating to St. Croix Falls, Wisconsin, as paragraph (76); and

(6) by adding at the end the following:

''(77) ST. CLAIR COUNTY, ALABAMA.—$5,000,000 for water related infrastructure, St. Clair County, Alabama.

''(78) CRAWFORD COUNTY, ARKANSAS.—$35,000,000 for water supply infrastructure, Crawford County, Arkansas.

''(79) BRAWLEY COLONIA, IMPERIAL COUNTY, CALIFORNIA.—$1,400,000 for water infrastructure to improve water quality in the Brawley Colonia Water District, Imperial County, California.

''(80) CONTRA COSTA WATER DISTRICT, CALIFORNIA.—$23,000,000 for water and wastewater infrastructure for the Contra Costa Water District, California.

''(81) EAST BAY, SAN FRANCISCO, AND SANTA CLARA AREAS, CALIFORNIA.—$4,000,000 for a desalination project to serve the East Bay, San Francisco, and Santa Clara areas, California.

''(82) IMPERIAL COUNTY, CALIFORNIA.—$10,000,000 for wastewater infrastructure, including a wastewater disinfection facility and polishing system, to improve water quality in the vicinity of Calexico, California, on the southern New River, Imperial County, California.

''(83) RICHMOND, CALIFORNIA.—$25,000,000 for a recycled water treatment facility, Richmond, California.

''(84) SANTA CLARA COUNTY, CALIFORNIA.—$5,500,000 for an advanced recycling water treatment plant in Santa Clara County, California.

''(85) SOUTHERN LOS ANGELES COUNTY, CALIFORNIA.—$15,000,000 for environmental infrastructure for the groundwater basin optimization pipeline, Southern Los Angeles County, California.

''(86) SWEETWATER RESERVOIR, SAN DIEGO COUNTY, CALIFORNIA.—$375,000 to improve water quality, and remove nonnative aquatic species from the Sweetwater Reservoir, San Diego County, California.

''(87) WHITTIER, CALIFORNIA.—$8,000,000 for water, wastewater, and water related infrastructure, Whittier, California.

''(88) MONTEZUMA AND LA PLATA COUNTIES, COLORADO.—$1,000,000 for water and wastewater related infrastructure for the Ute Mountain project, Montezuma and La Plata Counties, Colorado.

''(89) PUEBLO AND OTERO COUNTIES, COLORADO.—$34,000,000 for water transmission infrastructure, Pueblo and Otero Counties, Colorado.

''(90) LEDYARD AND MONTVILLE, CONNECTICUT.—$7,113,000 for water infrastructure, Ledyard and Montville, Connecticut.

''(91) ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND MARYLAND.—$20,000,000 for environmental infrastructure and resource protection and development to enhance water quality and living resources in the Anacostia River watershed, District of Columbia and Maryland.

''(92) WASHINGTON, DISTRICT OF COLUMBIA.—$35,000,000 for implementation of a combined sewer overflow long-term control plan, Washington, District of Columbia.

''(93) CHARLOTTE COUNTY, FLORIDA.—$3,000,000 for water supply infrastructure, Charlotte County, Florida.

''(94) CHARLOTTE, LEE, AND COLLIER COUNTIES, FLORIDA.—$20,000,000 for water supply interconnectivity infrastructure, Charlotte, Lee, and Collier Counties, Florida.

''(95) COLLIER COUNTY, FLORIDA.—$5,000,000 for water infrastructure to improve water quality in the vicinity of the Gordon River, Collier County, Florida.

''(96) JACKSONVILLE, FLORIDA.—$25,000,000 for wastewater related infrastructure, including septic tank replacements, Jacksonville, Florida.

''(97) NORTH VERNON AND BUTLERVILLE, INDIANA.—$1,700,000 for wastewater infrastructure, North Vernon and Butlerville, Indiana.

''(98) SALEM, WASHINGTON COUNTY, INDIANA.—$3,200,000 for water supply infrastructure, Salem, Washington County, Indiana.

''(99) CENTRAL KENTUCKY.—$10,000,000 for water related infrastructure and resource protection and development, Scott, Franklin, Woodford, Anderson, Fayette, Mercer, Jessamine, Boyle, Lincoln, Garrard, Madison, Estill, Powell, Clark, Montgomery, and Bourbon Counties, Kentucky.

''(100) PLAQUEMINE, LOUISIANA.—$7,000,000 for sanitary sewer and wastewater infrastructure, Plaquemine, Louisiana.

''(101) CITY OF BILOXI, CITY OF GULFPORT, AND HARRISON COUNTY, MISSISSIPPI.—$15,000,000 for water and wastewater related infrastructure, city of Biloxi, city of Gulfport, and Harrison County, Mississippi.

''(102) CLARK COUNTY, NEVADA.—$30,000,000 for wastewater infrastructure, Clark County, Nevada.

''(103) HENDERSON, NEVADA.—$5,000,000 for wastewater infrastructure, Henderson, Nevada.

''(104) PATERSON, NEW JERSEY.—$35,000,000 for wastewater infrastructure, Paterson, New Jersey.

''(105) SENNETT, NEW YORK.—$1,500,000 for water infrastructure, Town of Sennett, New York.

''(106) SPRINGPORT AND FLEMING, NEW YORK.—$10,000,000 for water related infrastructure, including water mains, pump stations, and water storage tanks, Springport and Fleming, New York.

''(107) CABARRUS COUNTY, NORTH CAROLINA.—$4,500,000 for water related infrastructure, Cabarrus County, North Carolina.

''(108) RICHMOND COUNTY, NORTH CAROLINA.—$8,000,000 for water related infrastructure, Richmond County, North Carolina.

''(109) UNION COUNTY, NORTH CAROLINA.—$6,000,000 for wastewater infrastructure, Union County, North Carolina.

''(110) LAKE COUNTY, OHIO.—$1,500,000 for wastewater infrastructure, Lake County, Ohio.

''(111) MENTOR-ON-LAKE, OHIO.—$625,000 for water and wastewater infrastructure, Mentor-on-Lake, Ohio.

''(112) WILLOWICK, OHIO.—$665,000 for water and wastewater infrastructure, Willowick, Ohio.

''(113) ALBANY, OREGON.—$35,000,000 for wastewater infrastructure to improve water quality, Albany, Oregon.

''(114) BOROUGH OF STOCKERTON, BOROUGH OF TATAMY, AND PALMER TOWNSHIP, PENNSYLVANIA.—$10,000,000 for stormwater control measures, particularly to address sinkholes, in the vicinity of the Borough of Stockerton, the Borough of Tatamy, and Palmer Township, Pennsylvania.

''(115) HATFIELD BOROUGH, PENNSYLVANIA.—$310,000 for wastewater related infrastructure for Hatfield Borough, Pennsylvania.

''(116) LEHIGH COUNTY, PENNSYLVANIA.—$5,000,000 for stormwater control measures and storm sewer improvements, Lehigh County, Pennsylvania.

''(117) NORTH WALES BOROUGH, PENNSYLVANIA.—$1,516,584 for wastewater related infrastructure for North Wales Borough, Pennsylvania.

''(118) PEN ARGYL, PENNSYLVANIA.—$5,250,000 for wastewater infrastructure, Pen Argyl, Pennsylvania.

''(119) PHILADELPHIA, PENNSYLVANIA.—$1,600,000 for wastewater related infrastructure for Philadelphia, Pennsylvania.

''(120) VERA CRUZ, PENNSYLVANIA.—$5,500,000 for wastewater infrastructure, Vera Cruz, Pennsylvania.

''(121) COMMONWEALTH OF PUERTO RICO.—$35,000,000 for water and wastewater infrastructure in the Commonwealth of Puerto Rico.

''(122) CROSS, SOUTH CAROLINA.—$2,000,000 for water related environmental infrastructure, Cross, South Carolina.

''(123) MYRTLE BEACH, SOUTH CAROLINA.—$6,000,000 for environmental infrastructure, including ocean outfalls, Myrtle Beach, South Carolina.

''(124) NORTH MYRTLE BEACH, SOUTH CAROLINA.—$6,000,000 for environmental infrastructure, including ocean outfalls, North Myrtle Beach, South Carolina.

''(125) SURFSIDE, SOUTH CAROLINA.—$6,000,000 for environmental infrastructure, including stormwater system improvements and ocean outfalls, Surfside, South Carolina.

''(126) ATHENS, TENNESSEE.—$16,000,000 for wastewater infrastructure, Athens, Tennessee.

''(127) DUCHESNE, IRON, AND UINTAH COUNTIES, UTAH.—$10,800,000 for water related infrastructure, Duchesne, Iron, and Uintah Counties, Utah.

''(128) MONROE, NORTH CAROLINA.—$11,500,000 for water related infrastructure, including water supply reservoir dredging, Monroe, North Carolina.

''(129) CHARLOTTE, NORTH CAROLINA.—$5,000,000 for phase II of the Briar Creek wastewater project, Charlotte, North Carolina.

''(130) LOS ANGELES COUNTY, CALIFORNIA.—$3,000,000 for wastewater and water related infrastructure, Diamond Bar, La Habra Heights, and Rowland Heights, Los Angeles County, California.

''(131) ORANGE COUNTY, CALIFORNIA.—$15,000,000 for wastewater and water related infrastructure, Anaheim, Brea, La Habra, Mission Viejo, Rancho Santa Margarita, and Yorba Linda, Orange County, California.

''(132) SAN BERNADINO COUNTY, CALIFORNIA.—$9,000,000 for wastewater and water related infrastructure, Chino and Chino Hills, San Bernadino County, California.

''(133) FAYETTEVILLE, GRANTVILLE, LAGRANGE, PINE MOUNTAIN (HARRIS COUNTY), DOUGLASVILLE, AND CARROLLTON, GEORGIA.—$24,500,000 for water and wastewater infrastructure, Fayetteville, Grantville, LaGrange, Pine Mountain (Harris County), Douglasville, and Carrollton, Georgia.

''(134) MERIWETHER AND SPALDING COUNTIES, GEORGIA.—$7,000,000 for water and wastewater infrastructure, Meriwether and Spalding Counties, Georgia.

''(135) ARCADIA, SIERRA MADRE, AND UPLAND, CALIFORNIA.—$33,000,000 for water and wastewater infrastructure, Arcadia, Sierra Madre, and Upland, California, including $13,000,000 for stormwater infrastructure for Upland, California.

''(136) FT. BEND COUNTY, TEXAS.—$20,000,000 for wastewater infrastructure, Ft. Bend County, Texas.

''(137) NEW RIVER, CALIFORNIA.—$10,000,000 for wastewater infrastructure to improve water quality in the New River, California.

''(138) BIG BEAR AREA REGIONAL WASTEWATER AGENCY, CALIFORNIA.—$15,000,000 for water reclamation and distribution, Big Bear Area Regional Wastewater Agency, California.

''(139) LAKE NACIMIENTO, CALIFORNIA.—$25,000,000 for water supply infrastructure for the communities of Atascadero, Paso Robles, Templeton, and San Luis Obispo, San Luis Obispo County, California.

''(140) OTERO, BENT, CROWLEY, KIOWA, AND PROWERS COUNTIES, COLORADO.—$35,000,000 for water transmission infrastructure, Otero, Bent, Crowley, Kiowa, and Prowers Counties, Colorado.

''(141) SAIPAN, NORTHERN MARIANA ISLANDS.—$20,000,000 for water related infrastructure, Saipan, Northern Mariana Islands.

''(142) STOCKTON, CALIFORNIA.—$33,000,000 for water treatment and distribution infrastructure, Stockton, California.

''(143) JACKSON, MISSISSIPPI.—$25,000,000 for water and wastewater infrastructure, Jackson, Mississippi.

''(144) CROOKED CREEK, MARLBORO COUNTY, SOUTH CAROLINA.—$25,000,000 for a project for water storage and water supply infrastructure on Crooked Creek, Marlboro County, South Carolina.

''(145) CENTRAL TEXAS.—$20,000,000 for water and wastewater infrastructure in Bosque, Brazos, Burleson, Grimes, Hill, Hood, Johnson, Madison, McLennan, Limestone, Robertson, and Somervell Counties, Texas.

''(146) EL PASO COUNTY, TEXAS.—$25,000,000 for water related infrastructure and resource protection and development, El Paso County, Texas.

''(147) NORTHERN WEST VIRGINIA.—$20,000,000 for water and wastewater infrastructure in Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood, Doddridge, Monongalia, Marion, Harrison, Taylor, Barbour, Preston, Tucker, Mineral, Grant, Gilmer, Brooke, Ritchie Counties, West Virginia.''.

Page 329, line 19, strike the closing quotation marks and the final period and insert the following:

''(4) PROJECT SUBJECT TO A FINAL REPORT.—The following project for water resources development and conservation and other purposes is authorized to be carried out by the Secretary substantially in accordance with a final report of the Chief of Engineers:

''(A) PICAYUNE STRAND, FLORIDA.—The project for environmental restoration, Picayune Strand, Florida, at a total cost of $349,422,000, with an estimated Federal cost of $174,711,000 and an estimated non-Federal cost of $174,711,000, if a favorable report of the Chief is completed not later than December 31, 2005.''.

Page 355, line 6, strike ''this subsection'' and insert ''this title''.

Conform the table of contents of the bill accordingly.

The Acting CHAIRMAN. Pursuant to House Resolution 346, the gentleman from Tennessee (Mr. DUNCAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this en bloc amendment makes technical and conforming changes to project-related provisions in the bill and authorizes or modifies additional projects brought to the committee's attention following committee action.

Specifically, the Corps of Engineers has informed the committee that six additional chief's reports recommending that Congress authorize a water resources project will be completed by December 31, 2005.

The amendment also directs the Corps of Engineers to carry out a number of small projects under existing corps authority to provide flood damage reduction and emergency streambank protection.

For other projects that have not been studied, the amendment authorizes for new Corps of Engineers' projects. The amendment authorizes one land transfer for a navigation project. Finally, the amendment authorizes a number of activities or programs for water resources management.

This amendment, like the underlying bill, has been developed in a bipartisan fashion. All projects must be in the Federal interest and must comply with cost-sharing rules. This means not every project could be addressed, but within these constraints we did the best to meet the needs of all communities. I urge all Members to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I ask unanimous consent to control the time in opposition to this amendment, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman from Texas is recognized for 5 minutes.

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield myself such time as I may consume, and I rise to support the amendment offered by the gentleman from Tennessee (Mr. DUNCAN). This amendment is a bipartisan amendment addressing technical changes and modifications that have come to the attention of the subcommittee since the bill was considered at markup time.

The manager's amendment also contains a few new items, including the contingent authorization of five additional large-scale projects, provided that a favorable report of the chief of engineers is completed by the end of 2005.

These five projects are a project for flood damage reduction along the Des Moines and Raccoon rivers in Iowa; a project of navigation for the Port Iberia, Louisiana; a project for hurricane and storm damage reduction, Union Beach, New Jersey; a project for environmental restoration along the Hocking River, Ohio; and a project for hurricane and storm damage reduction in Pawley's Island, South Carolina.

Among the additional new items in the manager's amendment are authorizations for small flood damage reduction and emergency streambank protection projects in New York State, the authorization of a transfer of properties in the State of Louisiana, three additional Corps of Engineers' studies, and the authorization for the corps to participate in the restoration of the San Pablo Bay watershed in California.

Mr. Chairman, I reserve the balance of my time.

Mr. DUNCAN. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE), an outstanding member of the committee.

Mr. OSBORNE. Mr. Chairman, I thank the gentleman for yielding me this time, and I support the underlying bill, which is of great importance to U.S. commerce. The upper Mississippi and Illinois waterway project contained in the bill is critical to U.S. agriculture.

It is my understanding that an amendment will be offered that will cripple the modernization of the lock and dam system on the Mississippi River. Due to an increase in unscheduled maintenance closures, shippers have been forced to choose other higher-priced modes of transportation for their goods, resulting in less barge traffic and more cost for producers.

The upper Mississippi and Illinois river system is critically important to grain producers across the Nation because the price of grain nationwide is largely based on the price of grain that moves on the Mississippi River to our export markets. Over 1 billion bushels of grain, which is about 60 percent of all grain exports, move to export markets each year via the Mississippi River.

According to the National Corn Growers Association, the failure to build the seven new 1,200 foot locks will result in a $562 million loss in farm income annually by 2020. Of that amount, $264 million will be lost to exports and $316 million will be from lower prices and decreased domestic demand.

In addition to the economic impact on our country's farmers, shipping using waterways is one of the cheapest, safest, and most environmentally friendly ways to ship goods. The lock and dam system benefits the environment by creating backwaters and side channels that support habitat, recreation areas, and municipal water supplies. The backwaters created by the lock and dam system are estimated to support over 40 percent of the migratory waterfowl and fish breeding grounds and are home to over 500 miles of wildlife refuge.

So I certainly hope we will support the lock and dam system as part of the bill. It is a good bill, and I urge support.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I rise in strong support of the manager's amendment, which I think demonstrates the work that has been done by our ranking member and our Chair and the staff to be able to work through some of these complex issues.

I especially appreciate the work to incorporate planning language that will give more flexibility to the corps' planning process and starts the conversation about updating the principles and guidelines that are so desperately in need of revision.

I would also at this time, in addition to thanking our Chair and ranking member, acknowledge the hard work of our staff, Susan Bodine and Ken Kopocis, who have been putting long hours into producing what I think is very important legislation. I appreciate their cooperation and the progress that it represents.

Mr. DUNCAN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois (Mr. SHIMKUS).

(Mr. SHIMKUS asked and was given permission to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Chairman, I think a picture takes the place of a thousand words. This is what we get a chance to do with modernizing our lock and dams. We take one tow of 15 barges and we displace 870 tractor-trailer rigs on our Nation's highways. What this does is use the best means of transportation to get goods like coal, rock quarry goods, corn, and soybeans from New Orleans up to Chicago, or from Chicago down to New Orleans.

Now, if you want to take that same load up there now without the locks and dams, one load takes 870 tractor-trailer trucks. That is 870 trucks that are using diesel fuel. That is 870 trucks that are clogging our highways and our roads and our bridges. That is 870 trucks actually destroying or hurting the roadways that we spend a lot of money to build.

So there are a lot of important reasons why the corrections here in this bill are so critical. If we want an environmentally sound policy, we need to support this bill.

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Mr. DUNCAN. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. MURPHY), a member of the Committee on Transportation and Infrastructure.

Mr. MURPHY. Mr. Chairman, I support the amendment under consideration. I also want to say that I am pleased to work on language that was included to authorize the Army Corps to study ways to provide additional flood relief in southwestern Pennsylvania, particularly the Chartiers Creek watershed.

Over the years, many flood control projects have been built to minimize flood damage. However, as Hurricane Frances and Ivan made so clear, existing projects are inadequate. Last year's floods caused more than $260 million in damage in Pennsylvania, with Allegheny County the unwilling victim of most of it. Towns in my district incurred an estimated $60 million in damage; floodwaters killed one person and damaged more than 30,000 homes and businesses.

To this day, many of my constituents in an already depressed area struggle to rebuild. Seventeen existing flood control projects have yet to be repaired or restored, and just this week, many of my local communities met to discuss leftover debris. Our towns cannot wait any longer for the projects authorized in this bill, and I encourage my colleagues to support the bill.

Mr. OBERSTAR. Mr. Chairman, I support the bipartisan managers' amendment offered on behalf of the Committee.

This amendment addresses several issues that were brought to the attention of the committee following the committee markup of a technical or clarifying nature. It also adds six new projects contingent upon the completion of a report of the Chief of Engineers by December 31, 2005, These contingent authorizations are consistent with the criteria used by the committee in developing water resources legislation over the past several Congresses.

The managers' amendment also reflects a failure of the current administration and the Congress to address the water and wastewater infrastructure needs of communities across the Nation.

The amendment includes authorization for 73 new projects totaling $1.6 billion for water and wastewater related infrastructure. These are the types of projects that for many years had been financed through the Construction Grants and State Revolving Loan programs of the Environmental Protection Agency, the grant and loan programs of the Rural Utilities Service of the Department of Agriculture, and other Federal financial assistance programs.

Unfortunately for communities, this administration continues to put forward budget requests that cut these vital programs, and this House continues to accede to those cuts.

Just last month, this House approved funding for EPA's State revolving loan fund grants at $850 million. This compares to EPA funding 18 years ago of nearly $2.4 billion. This 65 percent cut in funding, is actually 80 percent when adjusted for inflation. The needs of communities have not declined, just the willingness of the Republican majority to help them.

Where do these communities turn for help? To the Corps of Engineers, America's premier water resource agency. I know that the Corps is up to the task of addressing these pressing needs; I only hope that the administration and the Congress can find the will to adequately fund the Nation's infrastructure needs.

I urge approval of the managers' amendment.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. LATHAM). The question is on the amendment offered by the gentleman from Tennessee (Mr. DUNCAN).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 109–160.

AMENDMENT NO. 2 OFFERED BY MR. MENENDEZ

Mr. MENENDEZ. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. MENENDEZ:

After section 1001(b)(2) of the bill (as added by the manager's amendment), add the following (and redesignate subsequent paragraphs accordingly):

(3) HUDSON-RARITAN ESTUARY, LIBERTY STATE PARK, NEW JERSEY.—The project for environmental restoration, Hudson-Raritan Estuary, Liberty State Park, New Jersey, at a total cost of $32,000,000, with an estimated Federal cost of $20,800,000 and an estimated non-Federal cost of $11,200,000.

The Acting CHAIRMAN. Pursuant to House Resolution 346, the gentleman from New Jersey (Mr. MENENDEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I yield myself such time as I may consume.

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Chairman, I understand this amendment is going to be accepted by the committee so I will keep my remarks brief.

This is an amendment that would authorize the Army Corps to perform environmental restoration activities at

Liberty State Park in Jersey City, New Jersey, provided a favorable report is issued by the Chief of Engineers.

Liberty State Park is one of the crown jewels of the State of New Jersey. It is an oasis in an urban setting right by the Statute of Liberty and Ellis Island, a gateway to a lot of America's history, but at the same time there are the remnants of the history of industrial use in the vast interior section of the park which is currently fenced off from the public because of residual contamination.

There is a restoration plan that would return 230 acres of the park to a state of ecological health. It is vital not only to the people of my State, but to literally tens of thousands of Americans who visit the park as a portal to the Statute of Liberty and Ellis Island.

I thank the leadership of the committee for working with me to clear up some confusion between our district corps office and headquarters, and I commend the leadership of the committee for putting this bill together. I look forward to working with the committee as we go to conference and as the bill is signed into law.

Mr. Chairman, I rise today to offer an amendment that would authorize the Army Corps to perform environmental restoration activities at Liberty State Park in Jersey City, New Jersey, provided a favorable report is issued by the Chief of Engineers. This amendment is very simple and straightforward, and I thank the leadership of the committee for working with me as we cleared up some confusion between our district Corps office and headquarters.

Liberty State Park is one of the jewels of the State of New Jersey. A reclaimed rail yard in the shadow of Ellis Island and the Statue of Liberty, the Park is rich in both history and scenic beauty. For over 60 years, the Central Railroad of New Jersey train terminal was the first stop for immigrants after passing through Ellis Island. It was from this historic terminal that they caught trains that would bring them throughout the country to begin their new lives. In more recent times and under a less joyful setting, the park hosted thousands of evacuees from Lower Manhattan on September 11, 2001.

As railroad traffic declined in the middle of the 20th Century, the area fell into disrepair. But through a tremendous amount of hard work, Liberty State Park was born, and has become an oasis in the heart of a densely packed metropolitan area, visited by over 4 million people each year. The residents of my district don't have a lot of open space to enjoy, but at Liberty State Park they have miles of walkways and bike paths, educational centers, over 100 acres of green space, and sweeping views of the Statue of Liberty and lower Manhattan.

However, the remnants of a history of industrial use remain over the vast interior section of the park, which is currently fenced off from the public because of residual contamination. The Army Corps is currently finishing the study of a restoration plan that would return over 230 acres of the park to a state of ecological health. New tidal wetlands will be created, invasive species will be removed, and the Park will become a prototype for ecological restoration in an urban environment.

Liberty State Park is just one example of why the Army Corps is getting a good reputation in my district for their environmental protection and restoration work. Their work on the Lower Passaic River, the Hudson-Raritan Estuary, at Minish Park and elsewhere has the potential to make a major difference in the quality of the land and water throughout New Jersey. This bill will help them continue and expand their environmental restoration work, and I appreciate the chairman and ranking member including so many projects that are important to my district.

This bill is also about economic growth. The ongoing deepening project in New York Harbor and Newark Bay will ensure that the world's largest container ships can continue to dock at the east coast's largest port. These ships carry far more than just products for store shelves. They bring jobs and economic growth, and help fuel an economic engine whose power is felt up and down the eastern seaboard, and deep into the nation's heartland.

There are a number of provisions in this bill that will be very helpful for the Harbor Deepening project, particularly in the handling and use of dredged material. The bill includes new financing tools for non-Federal agencies to create dredged material storage and handling facilities, and expands the allowed beneficial uses of that material to include environmental protection and restoration projects. New Jersey has thousands of sites—particularly Brownfields sites—that could benefit from this provision.

Mr. Chairman, this is a good bill, and I commend the chairman and ranking member for their work on it. I also thank them for their willingness to accept this amendment which is so important to my district, and look forward to working with them to move this bill forward through what I hope will be an imminent conference.

Mr. Chairman, I reserve the balance of my time.

Mr. DUNCAN. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I do not intend to speak in opposition to the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. DUNCAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman's amendment would authorize an environmental restoration project in New Jersey contingent upon the Chief of Engineers completing a final report not later than December 31, 2005.

The chief's report is the final technical document submitted by the Corps of Engineers for a project. It describes the analysis done, the alternatives considered, and the recommended plan.

In putting this bill together, the committee included those projects that had favorable chief's reports. With passage of the manager's amendment, we have added additional projects that the corps tells us will soon have completed chief's reports. These projects are authorized contingent on there being a completed chief's report by December 31, 2005.

Although the Liberty State Park project was not on the list of nearly completed studies provided earlier by the Corps, we now understand that this report is expected to be completed by the end of this year. Therefore, I have no objection to the gentleman's amendment to include his project as a contingent authorization.

Mr. Chairman, I yield back the balance of my time.

Mr. MENENDEZ. Mr. Chairman, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I support the amendment of the gentleman from New Jersey, Mr. MENENDEZ to add the environmental restoration project in Liberty State Park, New Jersey to the list of projects that can proceed, contingent upon the completion of the Chief of Engineers report no later than December 31, 2005.

This is a non-controversial amendment, and would have been included in the Committee amendment had the Corps of Engineers acknowledged earlier that the report will be finished this year.

I commend the gentleman from New Jersey, Mr. MENENDEZ for his hard work and persistence to ensure that the study for this project stayed on track for completion this year. Without his efforts, we would not be able to include this authorization in this year's bill.

I support the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. MENENDEZ).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 109–160.

AMENDMENT NO. 3 OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. STUPAK:

Page 110, after line 20, insert the following (and conform the table of contents accordingly):

SEC. 2041. CRITERIA FOR OPERATION AND MAINTENANCE OF HARBOR DREDGING PROJECTS.

The Secretary shall budget and request appropriations for operation and maintenance of harbor dredging projects based only upon criteria used for such projects in fiscal year 2004.

The Acting CHAIRMAN. Pursuant to House Resolution 346, the gentleman from Michigan (Mr. STUPAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer this important amendment along with the gentleman from Massachusetts (Mr. DELAHUNT) and the gentleman from Michigan (Mr. HOEKSTRA). Our amendment directs the Army Corps of Engineers to budget and request appropriations for operation and maintenance harbor dredging based upon criteria used in fiscal year 2004.

Beginning in fiscal year 2005, OMB and the Army Corps began implementing new guidelines and criteria for determining whether a harbor is eligible to be considered to be funded for dredging in the President's budget. According to the Corps, in order for a commercial harbor to be considered high use and therefore eligible to be included in the budget, it must now move at least 1 million tons of cargo annually.

As a result of this tonnage requirement, a number of routine Army Corps operations and maintenance harbor dredging projects will not be carried out this year or in fiscal year 2007. There are 293 harbors in the U.S. classified as low use. Thus, barring exceptional circumstances, these harbors are not eligible to be included in the Corps budget next year simply because of this tonnage requirement.

These highly inadequate guidelines are unfairly biased against rural communities and will have a detrimental effect on 19 communities in my Northern Michigan district, and to 274 other communities across this country. If these harbors are not dredged, small town, rural America will suffer more job losses, businesses will struggle, and infrastructure could be damaged.

Members only need to look at the community of Ontonagon in my district for an example of the devastating effect this policy will have. Ontonagon was taken by surprise when they were not included in the President's budget for the first time in more than 5 years. Just last year, Ontonagon was dredged to approximately 19 feet. Today, it has silted back to 6 feet. In less than a year, two-thirds of this harbor has been silted back in. This happens each and every year because of a silting problem unique to this harbor. While the Army Corps has recognized Ontonagon's unique problem in the past, the new tonnage requirement fails to recognize the unique circumstances around the country some of these harbors face.

If this harbor is not dredged, the future of SmurfitStone Container Corporation, which relies on the harbor for coal and limestone deliveries, and the White Pine Power Company, a revitalized coal plant that depends on the harbor for coal deliveries by ship for its power generation, will be in jeopardy.

Imagine the consequences for small towns like Ontonagon if their largest businesses are unable to receive the goods they need to remain competitive. This is just one example of many harbors that have been or will be shortchanged.

Rural communities already have limited resources available to them, and this will just add an additional hardship. The Army Corps must develop requirements to determine whether a harbor is to be included in the President's budget for a yearly dredge that does not unfairly impact small harbors and rural communities. We need to ensure the Corps is putting forth guidelines and policies that are as fair as possible to all communities across the country. I urge my colleagues to support the Stupak-Delahunt-Hoekstra amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DUNCAN. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I do not intend to speak in opposition to the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. DUNCAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the administration has issued performance-based budgeting criteria based on tonnage being moved. That method places a very low priority on maintaining small ports.

This process ignores the fact that two-thirds of all cargo on major waterways either start or finish at small ports. If we abandon our small harbors, we adversely affect the entire waterway system that is already plagued with deferred maintenance and crumbling infrastructure.

The gentleman's amendment would ask the Corps to prepare its budget using its previous criteria that were based on maintaining an acceptable level of service at least cost for a commercial port. It is not primarily based on the tonnage in transit. Using this previous method would not ignore the contributions of our small harbors to the Nation's commercial transportation system.

I believe the administration's current method of budgeting could adversely affect commercial navigation. Therefore, I support the gentleman's amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. DELAHUNT. Mr. Chairman, for my district—coastal Massachusetts—our waterways are as important as our roadways. They are a vital part of the Nation's transportation infrastructure.

It is the responsibility of the Army Corps of Engineers to help keep our harbors, rivers and other channels in navigable condition. Out of the blue, the rules have been changed to dramatically favor larger, commercial waterways. This constitutes complete abandonment of Federal responsibility and quite simply, is an assault on smaller communities all over the country, putting lives and livelihoods at risk.

The rationale for these changes is that financial constraints require us to abruptly change Army Corps' priorities to favor projects with "true value to the Nation." This sounds good—but is dangerously misleading. The changed formula focuses only on commercial tonnage and mileage, so smaller projects do not have a chance—even though they are critical to the economy and public safety.

When waterways close due to sediment build-up, the commercial fishing industry suffers. Tourism is compromised. And our transport stops—sometimes dead in the water. The Coast Guard can't undertake "search and rescue" because they can't move—literally.

Just as a deteriorating highway or bridge needs repair, our waterways need maintenance. If the traffic through a harbor requires an eight-foot draft and sediment builds up, leaving only five feet available, vessels cannot pass. It is larger, commercial vessels like tankers, fishing boats and barges that face the greatest difficulty and are most likely to run aground.

Entire portions of our local economy are organized around the sea and the easy transport of people and products in and out of our harbors. When you consider our island communities—such as Martha's Vineyard and Nantucket—the waterways carry all the necessities for local citizens, everything from food and water to lumber and heating oil.

In Chatham Harbor, which hosts the largest fleet of commercial fishing vessels in my district, we face a constant problem with shoaling. It is a 900-foot channel and when it is not clear, millions of dollars are at risk. For the first time in many years, the FY06 budget does not include dredging for Chatham because it does not meet these new criteria.

Then there's Green Harbor in Marshfield, the second highest lobster catch harbor in New England. Green Harbor would be shut down next year, costing millions of lost dollars in lobster catch alone, and untold tourist and other fisheries revenue.

In Woods Hole, we have a major Coast Guard station which launches many cutter search-and-rescue missions a year. Without regular dredging, that emergency equipment is land-bound. Tell that to the family of a fishing boat crew that can't reach shore. In that same harbor, the Federal government has invested millions in a state-of-the-art NOAA research vessel. It currently cannot dock at its home station, the world-renowned Woods Hole Oceanographic Institute, because the harbor is clogged with sediment.

For coastal communities, waterways are the arteries. Dredging is vital for the lifeblood of commerce to flow through these arteries for the economic health and safety of our coastal communities.

Mr. OBERSTAR. Mr. Chairman, I support the amendment of the gentleman from Michigan, Mr. STUPAK.

The gentleman's amendment requires the administration to adequately budget for Federal maintenance of smaller or low-use harbors. It reflects the growing frustration of the Members of this House, and the people they represent with the Administration's continuing efforts to deny communities Federal support for navigation at smaller harbors.

When the administration submitted its budget request for fiscal year 2006, it once again sought to eliminate or reduce funding for maintenance activities at smaller, less busy harbors. By abandoning Federal maintenance of these harbors, the administration places lives and livelihoods at risk.

Lives are at risk since many of these smaller harbors serve as harbors of refuge during inclement weather in many areas of the country, including the Great Lakes. Failure to adequately maintain harbors also creates unsafe navigation conditions, increasing the incidence of groundings and capsizing.

Livelihoods are at risk since many of these smaller harbors serve an important economic role in moving cargo, commercial fishing, and recreational opportunities.

Smaller harbors may not move hundreds or thousands of containers or tons of bulk cargo, but such harbors can be vital to the local community they serve. I hope that the message of

the gentleman's amendment is heard by the administration, and that the budgetary priorities for fiscal year 2007 reflect this serious concern.

I support the gentleman's amendment.

Mr. STUPAK. Mr. Chairman, I thank the gentleman from Tennessee (Mr. DUNCAN) for his support, and I yield back the balance of my time.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from Michigan (Mr. STUPAK).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 109–160.

AMENDMENT NO. 4 OFFERED BY MR. ROHRABACHER

Mr. ROHRABACHER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. ROHRABACHER:

Page 110, after line 20, insert the following (and redesignate subsequent sections, and conform the table of contents, of the bill accordingly):

SEC. 2041. AUTHORITY OF NON-FEDERAL INTERESTS TO LEVY HARBOR FEES.

Section 208(a) of Water Resources Development Act of 1986 (33 U.S.C. 2236(a)) is amended—

(1) in the matter preceding paragraph (1) by striking ''tonnage duties or fees'' and inserting ''one or more of tonnage duties, tonnage fees, and container fees''; and

(2) in paragraph (1)(A)—

(A) by striking ''or'' at the end of clause (i);

(B) by striking ''and'' at the end of clause (ii) and inserting ''or''; and

(C) by inserting after clause (ii) the following:

''(iii) to finance the cost of construction and operation and maintenance of any infrastructure project for a harbor, including an infrastructure project outside the boundaries of the harbor if the project is for transportation to, from, or through the harbor; and''; and

(3) in paragraph (1)(B) by inserting ''and security'' after ''emergency response''.

The Acting CHAIRMAN. Pursuant to House Resolution 346, the gentleman from California (Mr. ROHRABACHER) and the gentleman from Tennessee (Mr. DUNCAN) each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I yield myself such time as I may consume.

I rise to offer an amendment to H.R. 2864 that will expand the scope of section 208 in the Water Resources Development Act of 1986. My amendment will allow our ports to levy a fee on containers and use that fee to pay for security and infrastructure at the ports.

The Rohrabacher amendment will facilitate the effort to modernize and secure American ports. In my district, the ports of Long Beach and Los Angeles handle approximately 44 percent of all of the goods delivered to American shores, yet they are in constant need of revenue for facilities, improvements and upgrades to roads and bridges and rails.

Our marine terminals are invaluable commerce infrastructure, not only to our country but also for the many foreign manufacturers who sell primarily in the U.S. market. This is the portal through which foreign manufacturers deliver their goods to our markets. Yet these manufacturers provide almost none of the costs of operation or upkeep of these vital assets. This system, as it currently operates, is a subsidy to foreign manufacturers, paid by the American taxpayer, concealing the true cost of imported goods. What we have here is all backwards. What we are in effect doing, as the system works, is putting a tariff on products that are made in America.

Section 208 of WRDA currently allows ports to charge fees on tonnage and use those fees to fund infrastructure improvements. This section is hardly, if ever, invoked by the ports to raise funds due to the fact that it is complicated to collect and tends to be too unwieldy to be used effectively.

My amendment allows the ports to use a simpler and more efficient method: Fees on containers. The market-based fee in my amendment is simple to implement and to track, should be more widely used to raise funds for port projects. My amendment will also permit these fees to be used for homeland security projects at the ports, as well as infrastructure.

And let us be frank, the security threats that emanate from our ports come from foreign cargo. Why are we paying for their threat? If they want access to our markets, overseas manufacturers should pay the cost to ensure the safety of their deliveries. For too long the funding of marine terminals has been a one-way street with the American taxpayer footing the bill for the factory owners of Shanghai, Beijing and Macau while American manufacturers have been subsidizing their own competition.

Our port facilities should have the freedom to levy a market-based container fee which will provide new revenue and make our system more equitable to the American taxpayer and American manufacturers. The Rohrabacher amendment is the most efficient way to achieve these goals. The Rohrabacher amendment says we are on the side of the American taxpayer, and those people who run overseas to manufacture in China and elsewhere should be paying their part of the cost to make sure that that system, our port system, is working.

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I would expect that people on both sides of the aisle would be supporting this. Unfortunately, our port systems, our ports, the people who run them, would rather come to the American taxpayer and get stipends from us rather than asking for a just fee to those manufacturers in China to pay for some of the costs that are required to ship their goods through our ports.

This is an American versus foreign vote here. Whose side are we on? Who is going to pay the bill? Right now if our people go overseas and build their manufacturing plants, we end up subsidizing that by permitting them low-cost ways of getting their goods right into our market and undercutting the American producers who stayed behind to hire American people.

I would ask people on both sides of the aisle to seriously consider this. Do not listen to the ports who simply want more taxpayer subsidies. Let us let the people who use this system, the foreign manufacturers, pay their fair share.

Mr. Chairman, I reserve the balance of my time.

Mr. DUNCAN. Mr. Chairman, I yield myself such time as I may consume.

The gentleman from California is one of the best friends I have in this Congress, and I certainly have great admiration and respect for him, and I sympathize with everything that he has just said; but I must regretfully state the position of the committee at this point, which is in opposition to this amendment.

The civil works program of the Army Corps of Engineers provides Federal assistance for dredging entrance channels and harbors and the Department of Homeland Security now offers grants for security projects.

But, generally, capital improvements to port infrastructure are a non-Federal responsibility. The gentleman's amendment would permit a non-Federal interest, which could be the port authority or the State generally, to collect a fee per container that moves through the harbor and to use those funds for security purposes or for infrastructure projects within the port or any transportation infrastructure outside the harbor.

First, if the goal is to help ports, this amendment is unnecessary. Ports can already charge fees for services under the authority of section 208 of the Water Resources Development Act of 1986, which they can use to help them with the cost of security and port infrastructure.

Second, this amendment goes too far by allowing the collected funds to be used for transportation projects outside the port. This could mean potentially a State fee paid by shippers of containers at ports being used to pay for highway and rail projects elsewhere in the State. This is why the American Association of Port Authorities and even the gentleman's home port of LA/Long Beach oppose this amendment.

The Subcommittee on Water Resources and Environment held a hearing on this bill in November 2003. The American Association of Port Authorities, the Waterfront Coalition, and the World Shipping Council all testified in opposition to this proposal.

This amendment is the same as the amendment the gentleman from California brought to the House floor last

Congress. It was defeated by a vote of 359–65. The committee believes that the ports can and should charge whatever fees they believe are necessary to cover their security needs and infrastructure projects. They have the authority to do that now, and Congress should not dictate how they make this business decision.

I can assure the gentleman that I would like to work with him on some of the broader section 208 issues to see if we can better address his very legitimate concerns. We certainly sympathize with the gentleman's amendment. The gentleman's amendment is well-intentioned, but at this point the committee position is to urge our colleagues to oppose this amendment.

Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in opposition to the amendment.

This amendment is virtually the same as the amendment offered by the gentleman to the Water Resources Development Act of 2003, and which was defeated by a vote of 65 to 359.

The arguments against this amendment are the same, and unfortunately the gentleman from California has not addressed the concerns raised by the Committee on Transportation and Infrastructure the last time this amendment was offered.

I can understand the gentleman's interest in supporting additional investment in our Nation's ports and harbor infrastructure, but I do not believe that this amendment is the best way to achieve that goal.

Port authorities currently have the authority to collect fees for the services they provide, as provided by section 208 of the Water Resources Development Act of 1986, and decisions of the Supreme Court.

These fees can be used for services provided, and the construction, and operation and maintenance of, or emergency response services for navigation projects for a harbor.

The fees contemplated by the Rohrabacher amendment would be available for ports and States to use for any infrastructure project, including infrastructure outside the boundaries of the harbor, if the project is for transportation to, from, or through the harbor.

This could be any road, rail, or even airport project associated with the harbor.

It could also include the locks and dams on the inland waterway system.

This amendment could encourage ports or States to view containerized cargo as a simple source of revenue, in effect, a hidden tax to finance any and all transportation modes.

While I support the efforts of our Nation's port facilities to provide intermodal connections between the ports and the highways and rail systems that move goods to their final destinations, I believe that it is inappropriate to establish a fee system where the containerized cargo industry could be supporting other transportation modes.

In addition, this amendment is described as a way to pay for much-needed security enhancements at our Nation's ports.

However, in effect, the revenue raised by this amendment would be limited to only those in conjunction with the construction, operation, and maintenance of a navigation project or other infrastructure, and would cease to exist once these projects were complete.

It would not provide a long-term solution to reducing the vulnerability of our Nation's ports.

I urge my colleagues to oppose the amendment.

Mr. ROHRABACHER. Mr. Chairman, I yield myself the balance of my time.

The establishment has set up a system that we have built a Frankenstein monster in China by ensuring that jobs and manufacturing are going to China. I do not know why that is, I think that was a horrible decision, but it is time for us to start backing away from that policy. The most important way to start backing away from the policy of taking American jobs and shipping them to China, building the economic strength of China, the first step to take is to make sure that those people who go to China to manufacture are paying the cost of shipping their goods into America's markets rather than having the taxpayer provide that for them at the expense of our own manufacturers.

I would ask people on both sides of the aisle, let us turn around this policy, change the basic policy on China, vote ''yes'' on the Rohrabacher amendment.

Mr. OBERSTAR. Mr. Chairman, I must oppose the amendment of the gentleman from California, Mr. ROHRABACHER, in its current form.

While I congratulate the gentleman for seeking ways to enhance the availability of resources to address security and infrastructure needs, I believe that his proposal is too broad.

The proposal would amend the authority contained in the Water Resources Development Act of 1986 for ports to charge fees to recover a portion of their costs associated with port deepening projects. That authority was carefully crafted to ensure that the fees that were charged on a vessel were associated with improvements and activities at the port. This amendment allows for fees to finance activities well beyond the confines of the port.

The amendment specifically allows for the imposition of fees on containers and for those proceeds to be used for financing the cost of construction and operation and maintenance of infrastructure outside the boundaries of the harbor. This is simply too broad.

The amendment would allow for the imposition of container fees to finance highways or rail expansion, with the only requirement being that the project go to, from, or through the harbor. This could certainly benefit other transportation modes, but it would do so on the back of container traffic.

This proposal needs further review. We can look at the passenger facility charges currently used in the aviation program as a model. There, Congress working in collaboration with aviation interests developed a financing mechanism that has benefited airports, the airline industry, and air passengers. But, we did not allow these revenues to become the financing mechanism for a wide variety of infrastructure projects.

I would be pleased to work with the gentleman on his proposal, participate in hearings, and work with interested parties. But, in its current form, I oppose the gentleman's amendment.

Mr. DUNCAN. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. ROHRABACHER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. ROHRABACHER) will be postponed.

It is now in order to consider amendment No. 5 printed in House Report 109–160.

It is now in order to consider amendment No. 6 printed in House Report 109–160.

AMENDMENT NO. 6 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. FLAKE:

Page 346, strike lines 19 and 20 and insert the following:

(C) implement not later than January 1, 2006, an appointment system to schedule and prioritize, based upon the average lockage time of each barge company, traffic movements at each lock on the Upper Mississippi River and Illinois Waterway.

Page 347, strike lines 4 through 7 and insert the following:

(1) IN GENERAL.—The Secretary shall construct new 1,200-foot-long 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 if the combined, 3-year average of the number of total tons of commodities processed at these 7 locks in calender years 2007, 2008, and 2009 exceeds 35,000,000 tons.

(2) REPORTING REQUIREMENTS.—The Secretary shall submit to Congress—

(A) before December 31, 2010, a notification report, prepared in consultation with the National Research Council of the National Academy of Sciences, indicating a recommendation on whether to proceed with new lock construction described in paragraph (1) based on a cost-benefit analysis and on activities undertaken under subsection (a)(1); and

(B) before December 31, 2013, a reevaluation report on whether to proceed with new lock construction described in paragraph (1) taking into account regional, national, and world market conditions and the development and application of new peer-reviewed models.

Page 347, line 8, strike ''(2)'' and insert ''(3)''.

The Acting CHAIRMAN. Pursuant to House Resolution 346, the gentleman from Arizona (Mr. FLAKE) and the gentleman from Tennessee (Mr. DUNCAN) each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I yield myself 1 minute.

This amendment, contrary to what has been said on the floor earlier, in

fact, a Dear Colleague just went around that somebody brought my attention to that says that this project would prevent this critical piece of infrastructure modernization from going forward, this amendment would do nothing of the sort, unless the tonnage requirements that the corps has actually put forward on its own are not met that would justify the project. This simply says that this project only goes forward if the benefits outweigh the costs. It will not go forward under this amendment if the costs outweigh the benefits. It is a simple amendment. I would encourage my colleagues to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. DUNCAN. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Chairman, I rise in opposition to this amendment for several reasons. The first thing, it is a very basic kind of principle of politics and how we do government, that is, the idea of a use tax. When we buy gasoline at the gas pump, there is a tax on it and the purpose of that tax is to be able to build roads.

In this case, there are tow boats and barges and they pay a gasoline tax and the purpose of that tax is to help build our infrastructure. Through the years, the people that have been going up and down the Mississippi and the Ohio river valleys with the barges and the tow boats have been paying this tax. The tax, I believe, should be used to rebuild these locks.

I am from the St. Louis area, and some of these locks are just antiques. We do not even know when they are going to break sometimes. We have to move goods up and down the river. There are some critical supplies that have to get to various cities, such as fuel oil to Chicago and other things like that, not to mention the grain that is going out of the country. That is why it is very important to rebuild these locks. We are using a gasoline tax effectively to do that.

Mr. FLAKE. Mr. Chairman, I yield 30 seconds to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, the previous colleague who was concerned about this said it was time to rebuild the locks. It betrays a fundamental misunderstanding of what the project is. The project is not about rebuilding the locks. We have been doing that over the last 25 years. In fact, there is an $88 million project going right now for Lock 24. This is a $1.8 billion addition, building new locks in addition to what we already have there.

In that regard, the proposal that the gentleman from Arizona and I have offered up, saying we do not do a new one unless it is justified, seems reasonable, modest and important.

Mr. DUNCAN. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. Mr. Chairman, I thank the gentleman from Tennessee for yielding me this time.

I said previously, and I will say again, that I am in opposition to this amendment. Almost 70 percent of U.S. ag exports travel the upper Mississippi River and the Illinois waterway system. The current locks are 50 to 70 years old. They were built to handle 600-foot barges, not the 1,200-foot barges today. We are spending millions of dollars in emergency repairs. I have four pages of a computer printout in small print where we have spent $65 million in repairs, emergency repairs, to the current locks. Taxpayers are spending millions of dollars to put a Band-Aid on a system that is antiquated. We must modernize these locks. We cannot waste time. We cannot delay the project.

There is not another bill that has come to this floor this session that I am aware of that has had the support of the business community and labor unions. The building trades as well as the American Chamber of Commerce and a number of other groups and organizations have come together in support of this bill. I ask that our colleagues reject this amendment and vote ''yes'' on final passage.

Mr. FLAKE. Mr. Chairman, I yield myself 30 seconds. Again, I am going to sound like a broken record by the time this is through. All this amendment says is that based on the corps' own assumptions, river traffic is going to have to reach 35 million tons. That would be required to justify the project. If that is not met, the project will not go forward. If it is met, it will go forward.

We are simply saying that the corps' own assumptions need to be met, need to be satisfied, in order for the project to go forward. Again, this is not scuttle the project. This simply says it needs to be justified by their own figures.

Mr. DUNCAN. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to the Flake-Blumenauer amendment. The gentleman from Oregon is one of the most active and one of the finest members of our Subcommittee on Water Resources and the Environment. The gentleman from Arizona and I vote alike on probably 98 or 99 percent of the issues that come before this Congress, so I cannot overstate my respect and admiration for both of these gentlemen; but I do have to oppose this amendment.

Failure to upgrade our infrastructure is not fiscally conservative. Not constructing the upper Mississippi navigation improvement project, according to the National Corn Growers Association, will result in a loss of $562 million in annual farm income by 2020. Of this, $246 million would be lost in reduced exports to other countries. Navigation on the upper Mississippi River-Illinois Waterway provides for more than 400,000 jobs, including 90,000 high-paying manufacturing jobs. The navigation improvement project in H.R. 2864 would create an additional 48 million man-hours of work. There is a critical Federal interest in navigation. The vast array of navigation infrastructure is important to the Nation's economy and a secure economy is a necessary part of a secure Nation.

Right now, increased transportation costs mean that some of our farmers and manufacturers will not be able to compete in the world market and may go out of business. This means the shipment of cargo on these rivers will decrease, not increase. So it is sort of a self-fulfilling prophecy that we have been discussing. Right now, traffic on these rivers is constrained, very constrained, by small aging locks. It is not fiscally conservative to constrain the United States economy with outdated and obsolete infrastructure. If you do not improve or maintain buildings and homes, they deteriorate. That is not a fiscally conservative thing to do. We could say the same about our locks and our dams.

The language contained in title 8 of the bill is compromise language. This language was negotiated last year with the other body. The WRDA bill pending in the other body contains virtually identical language. The Flake-Blumenauer amendment will either delay or halt the project, costing U.S. taxpayers much, much more in the future. As a fiscal conservative, I try to be a careful steward of taxpayer dollars. This project is an investment in America, and I support it. Voting against the Flake-Blumenauer amendment is the fiscally conservative thing to do. Accordingly, I must oppose this amendment and urge a ''no'' vote on it.

Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I would make two brief points. First, what is not being focused on is where the traffic is going in this corridor. Some products that previously had gone out the mouth of the Mississippi River are now going north to Canada by rail, south to Mexico by rail, they are going west for export, or they are being consumed domestically.

That is why, and it comes to the second point: traffic on the river is not going up as these studies have shown. It has been flat for the last 20 years. It has been going down for the last 3 years. What the gentleman from Arizona and I have offered is a modest compromise. If 3 years is not enough, take 4 years. But look at where the trend line is going and justify a project before you start new construction, $1.8 billion, for something that frankly does not appear to be warranted according to the independent estimates, CRS, three studies from the National Academy of Science, and we have already seen that the corps' process has been severely discredited according to an investigation by the Inspector General.

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Mr. FLAKE. Mr. Chairman, I yield myself 1 minute.

Let me just say, again, I am sympathetic to the needs, and I have seen the locks. In fact, last week I was in Keokuk, Iowa and saw a lock not unlike the ones that are going to be funded by this project. And they are old. They do need maintenance. We are providing a lot of money for that now. We have been ongoing for the past several decades.

But this is new dollars, new money for new locks. And it seems to me that if we are fiscally conservative, we ought to say there ought to be a justification. There are ways one can justify it. They could say it is going to create a lot of jobs, a lot of people are going to be working on that project, but that all makes sense if we are all Keynesians now, and I hope we are not. I hope that we believe that taxpayers ought to be protected, and they spend their money best, unless there is a justified need. And here all we are saying, as the gentleman from Oregon (Mr. BLUMENAUER) said, this is a carefully constructed compromise saying that it should move forward if there is an economic justification for it. If there is not, then it should not move forward. That is all we are saying here.

Mr. Chairman, I yield 30 seconds to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate what the gentleman from Arizona (Mr. FLAKE) is saying. I think it is important to have this safety valve. Nobody is suggesting that we close the locks, stop the rehabilitation, and shove all this stuff on trucks. That is not what we are talking about. There is plenty of time, plenty of money that can be spent boosting the local economy by doing this right. But concentrate on the priorities. Make sure what we have got works, scale it to traffic, give it a fair test, see if the experts are right. If the experts are all wrong, then the project will go forward. If the experts are right, we will have saved $1.8 billion.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the debate that has been had on this topic. Again, we have this year over a $300 billion deficit. It is better than we thought it was going to be, but it is still over $300 billion. We have a debt near $8 trillion now. If we, as stewards of the taxpayers' money, cannot step in and when a project does not meet its own goals to move forward, if we cannot step in and say we are not going to do this, we are not going to spend the taxpayers' money on this, we are going to wait and get a project that is justified, then who are we as Members of Congress? We will never get a handle on this debt or deficit.

I would say that, if one is fiscally conservative, this amendment is a lock.

Mr. Chairman, I yield back the balance of my time.

Mr. DUNCAN. Mr. Chairman, I yield for a unanimous consent request to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in opposition to this amendment offered by the gentleman from Arizona (Mr. FLAKE) and the gentleman from Oregon (Mr. BLUMENAUER).

This amendment would prohibit the construction of new locks for the Upper Mississippi River and Illinois Waterway navigation project unless the volume of cargo moving along the system increases at a pre-determined rate.

I understand the concerns of the authors of this amendment.

The Upper Mississippi River and Illinois Waterway navigation project has a history of being the longest, the most costly, and the most controversial study by the Corps of Engineers that anyone can recall.

During the formulation of the navigation and ecosystem restoration components of this project, numerous outside groups, including the National Research Council, expressed concern with the economic justification for the project, including the predicted increases in grain shipments and other commodities that will utilize the new locks called for in the report of the Chief of Engineers.

However, the way to address these concerns is not to restrict the Corps' capability to carry out its mission, but to commit to the necessary congressional oversight on this project as each component proceeds towards implementation.

As with every major project carried out by the Corps, including the restoration of the Florida Everglades, the restoration of Coastal Louisiana, and the construction of the new locks on the Upper Mississippi River, it is the Congress that must ensure that Federal dollars are wisely spent.

As keepers of the Federal purse, we must commit to careful oversight of these major projects over the coming decades to ensure that taxpayer dollars are not wasted.

The Committee on Transportation and Infrastructure stands ready to keep careful watch over this project, as well as other programs of the Corps of Engineers.

For this reason, I must oppose the amendment offered by Mr. FLAKE and Mr. BLUMENAUER.

Mr. DUNCAN. Mr. Chairman, I yield the balance of my time to the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Chairman, I thank the chairman for yielding me this time.

In the remaining time, first of all, to my friend from Arizona, this is an authorization, not an appropriation. Half of the cost is going to be borne by those that use it, $900 million from the inland waterway trust fund. To my friend from Oregon, the trends on the inland waterway system have gone up except in this area where the locks and dams are crumbling because we are losing the reliability of these antiquated structures that were built in the 1930s with a 50-year useful life. And would they put the same sort of requirement on our national highway system?

The fact is that the Inland Waterway Structure and these locks and dams on the Upper Mississippi do have national significance. That is why we must modernize them and reject this amendment.

Mr. GREEN of Wisconsin. Mr. Chairman, I appreciate the opportunity to express my opposition to the Flake amendment.

I know many following this debate today are not from Wisconsin—or the Upper Midwest for that matter. You may look at this amendment and wonder—"is this investment in our infrastructure really worth the cost?" I can assure you, the answer to that question is "yes."

The Mississippi River is critical to Wisconsin's economic viability. Whether it is providing an efficient, cost-effective transportation system for Wisconsin agricultural products or helping bring lower-cost coal to Wisconsin power plants, the Mississippi River is the engine that keeps many communities in Wisconsin running. Unfortunately, this essential engine is aging—at times even sputtering. The infrastructure on the river is nearly 70 years old. Unplanned lock closures are increasing by 10 percent each year and the waiting time at critical locks continues to increase.

The proposal we have before us today is what is needed to ensure that the Mississippi River continues to be a vital economic link for American commerce and exports. Waiting three more years will only marginalize this waterway system. The proposal we have before us today is over 12 years and $75 million dollars in the making. It is a sound proposal and has the strong support of states in the basin as well as 85% of participants at recent public meetings.

Frankly, I think this issue really boils down to this: if you think shutting down access to our export markets is good for America's farmers, you should vote for this amendment. If you think Congress should abandon its commitment to rural communities, then you should vote for this amendment. If you oppose efficient, reliable, environmentally-friendly, low-cost transportation, then you should vote for this amendment.

Modernization of the Upper Mississippi River System is good for our economy and good for our environment. If you support agriculture; if you support rural communities; if you support efficient infrastructure, then you should oppose the Flake amendment and support the bill we have before us today.

Mr. OBERSTAR. Mr. Chairman, I oppose the amendment.

An efficient, modern, intermodal transportation system is vital to the economic well being of the Nation. Our inland waterways are a critical component of that system. This amendment sacrifices any hope of regaining a leadership role in world grain markets for Midwest producers.

I can appreciate the concerns of the gentlemen that offer this amendment. The Upper Mississippi River-Illinois Waterway Navigation Study has been the costliest and most controversial study ever undertaken by the Corps of Engineers. It has had whistleblower complaints, an investigation by the Office of Special Counsel, an investigation by the Army Inspector General, three National Academy of Sciences reviews, Congressional hearings, and more newspaper articles and editorials

than one could imagine. Throughout all this, the Corps remained thorough, professional, and exemplary in its review of alternatives and its willingness to adapt to new information presented to it.

The Transportation and Infrastructure Committee, and its predecessors, has consistently supported a diverse and efficient national transportation system. This includes ports, highways, rail, aviation, and the inland waterway system. Each of these modes contributes to the overall transportation system that fuels the world's leading economy.

In pursuing the national transportation system, we cannot stand still. We did not build the Interstate Highway System and then walk away. We continue to expand and modernize the system to meet evolving needs—the House/Senate conference intends to conclude its work on a reauthorization bill this month. The same is true for ports, rail and aviation. The inland waterway system is no different.

The Corps recommends the construction of five new locks on the Upper Mississippi River, and two new locks on the Illinois Waterway. At 1,200 feet, these locks will accommodate today's common 15-barge tows. Instead of having to break the tows into two sections to pass through the locks, a 1,200-foot lock allows passage as a single unit. This can save an hour or more of transit time, resulting in lower transportation costs, and grain exports that are more competitive on world markets.

There are the small-scale structural and non-structural measures that should be pursued immediately. Initially, the Corps plans to implement mooring facilities and switchboats over the next 15 years. The Corps should also continue to explore options to improve the utilization of existing facilities through improved scheduling techniques and river traffic management. The Nation constantly explores improvements in managing air traffic congestion; the inland transportation sector could benefit from lessons learned in aviation traffic management. After all, the Corps will have to aggressively pursue nonstructural traffic management techniques during any construction period. It is never too early to explore what works.

While the Corps is implementing the small-scale structural and nonstructural changes, the Corps should continue its efforts in planning the construction of the new locks. These are the large-scale improvements calling for the construction of 7 new 1,200-foot locks. These components should stay on track. The Nation's grain producers, the transportation industry, and our export customers need to have a stable, reliable economic environment in which to grow and develop. In the meantime, the Corps and the Congress will have the opportunity to evaluate the effectiveness of the small-scale measures, monitor grain trade patterns, and proceed with the most current and accurate information available.

The amendment before the Committee would simply add delay for no benefit. A contributing cause of stagnant traffic patterns is the very congestion that these locks would alleviate. By requiring traffic to grow before the locks can proceed will forever doom the locks. The proponents of the amendment fail to acknowledge that these new locks are desperately needed to allow traffic to grow.

Grain sales occur in world markets based on extremely small variations in price. I recall instances when as little as one-eighth of a cent per bushel was enough to be the deciding factor. By reducing congestion and lowering transportation costs, we can do our part to ensure that U.S. grain products can successfully compete on world markets. Requiring more traffic, more congestion, and higher prices before the locks can proceed will only further harm the Midwest agricultural economy.

The small-scale and large-scale construction components will require significant mitigation components. Let me be clear to the Corps and the other Federal agencies involved that the Corps must adhere to the requirements of the Water Resources Development Act of 1986 and ensure that all required mitigation is undertaken either in advance, or concurrent with the construction. Too often, mitigation becomes the orphan of the project and the environment suffers. That cannot be the case here, or elsewhere in the Corps program.

The remaining critical element of the proposal is the recommendation for a large-scale ecosystem restoration program for the area. While the total $5.3 billion cost is large, the value to the United States of the Mississippi River and Illinois Waterway navigation system justifies the costs.

Since 1940, the Nation has benefited from the efficient and safe transportation of goods by barge. Waterborne transportation remains the most fuel-efficient way to transfer bulk commodities. Yet, this highly efficient system has exacted a price on the ecosystem of the Upper Mississippi River and Illinois Waterway.

This ecosystem comprises 2.6 million acres in parts of five States. It includes hundreds of thousands of acres of bottomland forest, islands, backwaters, side channels, and wetlands. The region supports 270 species of birds, 57 species of mammals, 45 species of reptiles and amphibians, 113 species of fish, and nearly 50 species of mussels. More than 40 percent of North America's migratory waterfowl and shorebirds depend on the resources, shelter, and habitat that the region provides. We must do our part to restore this precious resource.

Mr. Chairman, I support the recommendations of the Chief of Engineers to enhance the Nation's inland waterway transportation system, and to restore the ecosystem of the Upper Mississippi River and Illinois Waterway.

I strongly oppose the amendment offered by Mr. FLAKE and Mr. BLUMENAUER, and urge a ''no'' vote.

Mr. LEACH. Mr. Chairman, with great respect for the two members who have offered this amendment, I rise in opposition to its content.

What is at issue is whether we want a first or second class transportation infrastructure. The locks are designed to last at least fifty years. It is impossible to predict what goods will be transported up or down the river fifty years from now. Will it be corn or some new fiber that is either calorie or energy intensive? Will it be steel, aluminum, iron ore, fertilizer, or a refined corn or plastic product?

Accordingly, I am extremely doubtful of capacity testing approaches that fit a couple year time frame which would put the future economic viability of the Midwest in jeopardy. Unlike the coasts with their spacious oceans—we are landlocked. The Mississippi River and its locks are our doors to the world. The question with the Blumenauer and Flake Amendment is whether these doors will be small or constraining or somewhat larger and more hospitable to commerce.

There are environmental as well as humanitarian questions that must be pondered. To the surprise of some, the environmental and humanitarian case for somewhat larger locks is compelling. After all, all forms of transportation cause environmental disruption. But barges use less energy than other forms of transportation. Indeed, logically, upgrading our locks and dams should be part of the Energy bill. Barges are fuel efficient moving goods upstream; and when they travel downstream they are partly gravity driven. Gravity is analogous to cost free, solar energy. Barges, with their waves and physical interactions with the river cause interruptions with nature. But so do trucks, trains and airplanes, and it is quite possible that barges are the least nature-intrusive technique to move commercial goods. They are also the cheapest in many circumstances. At great risk, this Congress turns a cold shoulder to infrastructure investments that improve American competitiveness.

As for the humanitarian issue, the great American breadbasket has provided food at minimal cost to the American people. It has also provided foodstuffs to a starving world. To trim the doors of commerce in food is to trim our humanitarian obligations to impoverished peoples throughout the world.

Finally, Mr. Chairman, let me say that the lock system of the Mississippi River is a vibrant part of the American transportation infrastructure. This is the first amendment that I have encountered in this body that suggests our infrastructure should be second rate. The history of this country has been one of opening, not closing, the heartland. That is why we built the Erie Canal. That is why we built the St. Lawrence Seaway. That is why we should not constrain the future and narrow the valves of our heartland's greatest artery.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. FLAKE) will be postponed.

It is now in order to consider amendment No. 7 printed in House report 109–160.

AMENDMENT NO. 7 OFFERED BY MR. KIND

Mr. KIND. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. KIND:

Page 354, line 23, strike ''and'';

Page 355, line 3, strike ''rates.'' and insert ''rates; and''.

Page 355, after line (3), insert the following:

''(3) make an annual report to Congress, beginning in fiscal year 2008, regarding whether the projects are being carried out at a comparable rate.''.

Page 355 line 4, after ''Secretary'' insert ''or Congress''.

The Acting CHAIRMAN. Pursuant to House Resolution 346, the gentleman from Wisconsin (Mr. KIND) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of this legislation. I think it is a very positive step forward and a very balanced approach.

The amendment I am offering is a friendly amendment. It is not an amendment that is calling for a retraction or cutback of any programs. It is not an amendment asking for more money or less money for any project. It is not an amendment that changes the definition of anything in the bill. It is an amendment that appreciates the approach in regards to the management of the Upper Mississippi River basin, especially under title VIII.

Title VIII contains two major features: One, as the previous amendment spoke to, is the modernization of the lock and dam system for a certain number of locks in the middle part of the Mississippi and along the Illinois River. But the other component of all that, that really has not received that much attention, is the ecosystem restoration plan that was also a part of the navigation study and one that has been put forward with us today.

In the underlying bill, I think the authors of the legislation, those in support of it, understand the use of the Mississippi River. Yes, there is commercial navigation on it, and there will be tomorrow. It is an important feature of economic development and for our regional economy in the Midwest area. But it is also a river that is used for recreational purposes and tourism purposes. And what is being proposed in the ecosystem restoration portion of the bill is one of the most major investments in the ecosystem of the Mississippi River Basin. And the language actually asks for a comparable rate of progress being made in both the modernization of the lock and dam system along with the investment in the ecosystem restoration, an adaptive management approach that the Corps of Engineers along with other outside experts have recommended in regards to the management of the river system.

My amendment does two very simple things. One is, the Secretary of Army, under the current bill, is required every 4 years to submit a report to Congress showing the progress being made in both the ecosystem restoration and lock and dam modernization. My amendment asks for an annual report by the Secretary to do that so that the taxpayers can determine whether or not the investment is being well spent, so we can determine here in Congress whether the comparable rate of progress is being met, and so that there is that continuing underlying justification that the authors of the previous amendment were alluding to previously.

But my amendment also just clarifies that Congress also has a role in regards to making sure that we do have a comparable rate of progress being made in both the ecosystem portion of the underlying bill and the lock and dam modernization.

Those who grew up on the Mississippi, as I did, and I would probably call myself a river rat, having grown up in western Wisconsin and spent my youth on the river and now enjoy it immensely with my own family and two little boys, understand the importance of maintaining the balance of this vitally important national treasure that we have called the Mississippi River Basin. That area has been the key to the fertile lands that we now call the bread basket of America. It is now a multi-billion dollar industry, the agricultural production that occurs in the upper Midwest. But it is also a multi-billion dollar industry in regards to the recreational and tourism use of the upper Mississippi area. In fact, the Upper Mississippi Wildlife Refuge, the largest refuge in the Nation, has more visitors to it than Yellowstone National Park every year. This river basin is the primary drinking source of over 33 million Americans. It is North America's largest migratory route. Forty percent of water foul species, and any person who loves to duck hunt, as I do, will tell Members how vitally important that Mississippi River corridor is to the duck populations in the North American continent. And it is a tremendous economic value to our regional economies, not just the commercial navigation that is vital but also the recreational and the tourism value that it brings to the region.

So all we are asking in this amendment is having an annual report by the Secretary of the Army so we can track the progress being made on both fronts and also this clarification that Congress is going to play a role in making sure that we do maintain balance in regards to lock and dam modernization but also the important investment that has to go into ecosystem restoration.

Both components are expensive, and that is why we need to come back, I think, on a much more frequent basis to review the progress that is being made and be able to justify this to the American taxpayer.

My friend from Arizona is exactly right. We are running budget deficits. These are expensive projects. We should be held accountable. And I think having an annual report to do that is a step forward in that direction.

I just want to conclude by commending and thanking the work that the committee has done in putting together, I think, a very fair and balanced bill; the work that the staff has put in to try to reach consensus. Obviously, it is not without controversy. The NAFF study is something that has been around for over 10 years. It has cost us close to $100 million to conclude before the Corps of Engineers submitted their final report to Congress for our consideration. And my guess is, we are probably going to have to continue working on lock and modernization and the ecosystem portion of the river in years to come.

But I think it is an important first step. I think my amendment does add some value to the underlying bill, and I encourage my colleagues to support it.

Mr. DUNCAN. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Acting CHAIRMAN. The gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Chairman, I yield myself such time as I may consume.

I will not oppose the amendment. I will simply say, the gentleman's amendment relates to the project for navigation improvements and ecosystem restoration on the Upper Mississippi River and Illinois Waterway System. This framework for what will be multiple projects is authorized in title VIII of the reported bill.

Section 8005 of H.R. 2864, as reported, requires that the Secretary make a determination whether or not the projects are being carried out at comparable rates. This amendment directs the Secretary to submit an annual report to Congress on this determination that is already required by the reported bill. I have no objection to the Secretary's reporting to Congress on this issue, and therefore, I have no objection to this amendment.

Mr. YOUNG of Alaska. Mr. Chairman, the gentleman's amendment relates to the many projects that make up Title 8 of the bill, the Upper Mississippi River and Illinois Waterway System. The amendment has two parts.

The first part requires that the Secretary report to Congress on his determination of whether the projects are being carried out at comparable rates. I have no objection to the Secretary reporting to Congress on his findings.

The second part of the amendment has no meaning since it suggests that the Congress shall be making adjustments to annual funding requests for the various projects under this Title. Congress does not make funding requests.

Therefore, the only operative part of this amendment is the report to Congress, and on that point, I have no objection.

Mr. OBERSTAR. Mr. Chairman, I support the amendment of the gentleman from Wisconsin, Mr. KIND.

This amendment seeks to ensure that the navigation project for the Upper Mississippi River and Illinois Waterway proceeds in tandem with the environmental restoration program that this bill simultaneously authorizes. It also calls for the budgetary process to be adjusted to accomplish this goal.

I believe that this amendment reflects the original intent of the interested parties and the Corps of Engineers. When the environmental component was added to the navigation study, it was in recognition that the two programs needed to complement each other.

The Mississippi River and Illinois Waterway are a multi-purpose system. They serve important navigation needs yet are a vital part of the Nation's environmental ecosystem. The Mississippi River, its sidechannels, and tributaries constitute the central flyway for millions of migrating waterfowl. It also serves as the home for a variety of fish and shellfish.

I support the twin goals of improving navigation on the Upper Mississippi River and Illinois Waterway and conducting environmental restoration. This amendment is consistent with these goals. I support the amendment.

Mr. DUNCAN. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. KIND).

The amendment was agreed to.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I ask unanimous consent to strike the last word.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I take this opportunity to acknowledge the strong bipartisanship that is the hallmark of this bill, and I especially acknowledge the bipartisanship of the gentleman from Tennessee (Mr. DUNCAN), subcommittee chairman; and the cooperation of the gentleman from Alaska (Mr. YOUNG), committee chairman; and the gentleman from Minnesota (Mr. OBERSTAR), ranking member.

This bill demonstrates the kind of cooperation that too often is lacking in this House. We on the Democratic side do not agree with everything that is in this bill. We might have written it differently had we written it alone. I am sure that any colleagues on the Republican side feel the same way. But working together, listening to each other, we developed a bill that I am sure will have broad bipartisan support in this House when the vote is taken in just a few minutes.

I also take this time to acknowledge the highly professional and skilled work of Susan Bodine, the Republican staff director and counsel for the subcommittee. This will be her last water resources bill. She has been nominated to become the assistant administrator for Solid Waste and Emergency Response at the Environmental Protection Agency, and I am sure that she will soon be confirmed and will do a wonderful job. She has served the Committee on Transportation and Infrastructure in this House with the knowledge, professionalism, advocacy and pragmatism that exemplifies the best of the legislative process.

On behalf of the Democrats on the Committee on Transportation and Infrastructure, we congratulate Ms. Bodine and wish her every success in her new position.

Mr. DUNCAN. Mr. Chairman, I ask unanimous consent to strike the last word.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. DUNCAN. Mr. Chairman, I just want to thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for those very kind remarks, and I could say everything back to her that she just said. And we appreciate the cooperation and the hard work of the staff on both sides.

I had the privilege to introduce Susan Bodine to the Senate committee this morning, and I said so many good things about her at that time that I would not want to repeat those again or her head would get so big, she would not be able to get out of this room here today.

But we do appreciate so much the work that she has done over the years for our subcommittee, and she has been one of the finest staffers that this Congress has ever had, and we want to congratulate her. We hate to lose her to the EPA, but certainly she is moving onward and upward and we wish her the very best.

With that, I urge passage of this bill.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 4 by the gentleman from California (Mr. ROHRABACHER), amendment No. 6 by the gentleman from Arizona (Mr. FLAKE).

The Chair will reduce to 5 minutes the time for the second electronic vote in this series.

AMENDMENT NO. 4 OFFERED BY MR. ROHRABACHER

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROHRABACHER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 111, noes 310, not voting 12, as follows:

[Roll No. 376]

AYES—111

Abercrombie
Akin
Bachus
Baldwin
Barrow
Bartlett (MD)
Bono
Brown (OH)
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Case
Coble
Costa
Costello
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doolittle
Doyle
Duncan
Emerson
Engel
Evans
Farr
Flake
Fortenberry
Frank (MA)
Franks (AZ)
Gohmert
Goode
Goodlatte
Green (WI)
Gutknecht
Harman
Hayworth
Hefley
Herger
Herseth
Hinchey
Hooley
Hostettler
Hunter
Issa
Istook
Johnson, Sam
Jones (NC)
Kaptur
Kennedy (RI)
Kildee
King (IA)
Kucinich
Langevin
Larson (CT)
Lungren, Daniel E.
Maloney
Marshall
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McKinney
McNulty
Meehan
Mica
Moore (WI)
Murtha
Myrick
Nadler
Napolitano
Olver
Otter
Paul
Pence
Peterson (MN)
Petri
Pitts
Pombo
Renzi
Rogers (MI)
Rohrabacher
Royce
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Loretta
Sanders
Schwarz (MI)
Scott (GA)
Sensenbrenner
Shadegg
Sherman
Sherwood
Shuster
Slaughter
Sodrel
Stearns
Strickland
Tancredo
Taylor (MS)
Taylor (NC)
Udall (CO)
Udall (NM)
Walsh
Watt
Wilson (SC)

NOES—310

Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Barrett (SC)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Camp
Cannon
Cantor
Capito
Capuano
Cardoza
Carnahan
Carter
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Cox
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Drake
Dreier
Edwards
Ehlers
Emanuel
English (PA)
Eshoo
Etheridge
Everett
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fossella
Foxx
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hensarling
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy
McCaul (TX)
McCrery
McHugh
McKeon
McMorris
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (PA)
Pickering
Poe
Pomeroy

Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryun (KS)
Salazar
Sánchez, Linda T.
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Shimkus
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—12

Capps
Cardin
Carson
Cubin
Cunningham
Gallegly
Kilpatrick (MI)
McIntyre
Miller (FL)
Oberstar
Platts
Young (FL)

□ 1411

Messrs. ISRAEL, LoBIONDO, KOLBE, CASTLE, MOORE of Kansas, BARRETT of South Carolina, MEEK of Florida, CONAWAY, KUHL of New York, MELANCON, Mrs. TAUSCHER and Ms. WASSERMAN SCHULTZ changed their vote from ''aye'' to ''no.''

Messrs. McDERMOTT, PETRI, BROWN of Ohio, WATT, GUTKNECHT, SHUSTER, BURTON of Indiana, ISSA, ISTOOK, LARSON of Connecticut, MURTHA, EVANS, DELAHUNT, MEEHAN, SHADEGG, HERGER, KENNEDY of Rhode Island, LANGEVIN, DOYLE, RENZI, FARR, Ms. DeLAURO, Ms. BALDWIN, Ms. MOORE of Wisconsin, Ms. DeGETTE, and Ms. McCOLLUM changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. FLAKE

The Acting CHAIRMAN (Mr. SIMPSON). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 105, noes 315, not voting 13, as follows:

[Roll No. 377]

AYES—105

Andrews
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Berkley
Blackburn
Blumenauer
Boehlert
Bono
Bradley (NH)
Brown (OH)
Castle
Chabot
Chocola
Cooper
Crowley
Davis (CA)
Davis, Tom
DeFazio
DeGette
DeLauro
Dingell
Doggett
Eshoo
Farr
Feeney
Fitzpatrick (PA)
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Harman
Hayworth
Hensarling
Hoekstra
Holt
Honda
Hooley
Inglis (SC)
Inslee
Johnson (CT)
Kennedy (RI)
Kind
Kolbe
Kucinich
Kuhl (NY)
Langevin
Levin
Lewis (GA)
Linder
Lofgren, Zoe
Maloney
Markey
Marshall
McCollum (MN)
McCotter
McGovern
McHenry
McHugh
McKinney
McNulty
Menendez
Michaud
Millender-McDonald
Miller, George
Moore (WI)
Moran (VA)
Myrick
Obey
Olver
Otter
Pallone
Paul
Payne
Pence
Ramstad
Rohrabacher
Rothman
Royce
Sanchez, Loretta
Saxton
Sensenbrenner
Shadegg
Shays
Sherman
Smith (WA)
Stark
Stearns
Tancredo
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Walden (OR)
Walsh
Watson
Waxman
Wexler
Woolsey
Wu

NOES—315

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Barton (TX)
Bean
Beauprez
Becerra
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardoza
Carnahan
Carter
Case
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cox
Cramer
Crenshaw
Cuellar
Culberson
Cummings
Davis (AL)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
Delahunt
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Etheridge
Evans
Everett
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
LaHood
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Matheson
Matsui
McCarthy
McCaul (TX)
McCrery
McDermott
McKeon
McMorris
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Owens
Oxley
Pascrell
Pastor
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Solis
Souder
Spratt
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Velázquez
Visclosky
Wamp
Wasserman Schultz
Waters
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)

NOT VOTING—13

Capps
Cardin
Carson
Cubin
Cunningham
Gallegly
Kilpatrick (MI)
McIntyre
Miller (FL)
Oberstar
Pelosi
Sanders
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. SIMPSON)(during the vote). Members are advised that 2 minutes remain in this vote.

□ 1418

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. There being no other amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BASS) having assumed the chair, Mr. SIMPSON, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2864) 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, pursuant to House Resolution 346, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DUNCAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of H.R. 2864 will be followed by a 5-minute vote on the motion to suspend the rules on H. Con. Res. 191.

The vote was taken by electronic device, and there were—yeas 406, nays 14, not voting 13, as follows:

[Roll No. 378]

YEAS—406

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—14

Boehner
Cooper
Davis, Jo Ann
Davis, Tom
Flake
Franks (AZ)
Hensarling
Inglis (SC)
Paul
Royce
Sensenbrenner
Shadegg
Stearns
Tancredo

NOT VOTING—13

Capps
Cardin
Carson
Cubin
Cunningham
Gallegly
Hall
Kilpatrick (MI)
McIntyre
Miller (FL)
Oberstar
Pelosi
Young (FL)

□ 1437

Mr. ROYCE and Mr. INGLIS of South Carolina changed their vote from ''yea'' to ''nay.''

Mrs. JONES of Ohio changed her vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMEMORATING 60TH ANNIVERSARY OF CONCLUSION OF WAR IN THE PACIFIC AND HONORING VETERANS OF BOTH PACIFIC AND ATLANTIC THEATERS OF SECOND WORLD WAR

The SPEAKER pro tempore (Mr. BASS). The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 191, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 191, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 399, nays 0, not voting 34, as follows:

[Roll No. 379]

YEAS—399

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Al
Green, Gene

Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McKeon
McKinney
McMorris
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—34

Bilirakis
Boyd
Brown (SC)
Capps
Cardin
Carson
Cubin
Cunningham
Davis (FL)
Delahunt
Everett
Frelinghuysen
Gallegly
Gordon
Hinchey
Hobson
Kilpatrick (MI)
Marshall
McIntyre
Meehan
Menendez
Miller (FL)
Musgrave
Oberstar
Olver
Osborne
Pelosi
Sanders
Saxton
Terry
Tiberi
Turner
Walden (OR)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1446

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read: ''Concurrent resolution commemorating the 60th anniversary of the conclusion of the War in the Pacific and honoring veterans of both the Pacific and Atlantic theaters of the Second World War.''.

A motion to reconsider was laid on the table.

Stated for:

Mr. MENENDEZ. Mr. Speaker, earlier today, the House voted on H. Con. Res. 191, a resolution commemorating the 60th anniversary of the conclusion of the war in the Pacific and honoring veterans of both the Pacific and Atlantic theaters of the Second World War. On rollcall vote 379, I was unavoidably detained and missed the vote. As a cosponsor of this resolution, I would have voted "yea."

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Mr. Speaker, personal business prevents me from being present for legislative business scheduled for today, Thursday, July 14, 2005. Had I been present, I would have voted "yea" on the motion to instruct conferees on H.R. 6 offered by Mrs. CAPPS (rollcall No. 373); "yea" on H.R. 3100, the East Asia Security Act of 2005 (rollcall No. 374); "yea" on H. Res. 356, a resolution condemning the terrorist attacks in London (rollcall No. 375); "aye" on the Rohrabacher Amendment to H.R. 2864 (rollcall No. 376); "aye" on the amendment offered by Messrs. BLUMENAUER and FLAKE to H.R. 2864 (rollcall No. 377); "yea" on approving H.R. 2864 (rollcall No. 378); and "yea" on H. Con. Res. 191, a resolution commemorating the 60th anniversary of the conclusion of the war in the Pacific and honoring veterans of both the Pacific and Atlantic theaters of the Second World War (rollcall No. 379).

PERSONAL EXPLANATION

Mrs. CAPPS. Mr. Speaker, I was not able to be present for the following rollcall votes and would like the RECORD to reflect that I would have voted as follows: rollcall No. 373—"yea"; rollcall No. 374—"yea"; rollcall No. 375—"yea"; rollcall No. 376—"nay"; rollcall No. 377—"yea"; rollcall No. 378—"yea"; and rollcall No. 379—"yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2317

Ms. MOORE of Wisconsin. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2317.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wisconsin?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I rise to address the House and for the purpose of inquiring of the Majority Leader the schedule for next week.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Maryland.

Mr. DELAY. Mr. Speaker, the House will convene on Monday at 12:30 p.m. for morning hour debates and 2 p.m. for legislative business. We will consider several matters under suspension of the rules. A final list of those bills will be sent to the Members' offices by the end of the day. Any votes called on these measures will be rolled until 6:30 p.m.

On Tuesday and the balance of the week, the House may consider additional legislation under suspension of the rules, as well as several measures under a rule: H.R. 2601, the Foreign Relations Authorization Act for Fiscal Years 2006 and 2007; H.R. 3070, the National Aeronautics and Space Administration Authorization Act of 2005; and H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005.

Mr. HOYER. Mr. Speaker, I thank the Majority Leader. You announced next week you expect to have legislative business on Monday through Friday. For purposes of planning, how confident are you that we will be here on Friday? Do you think we might be able to get through our work by Thursday evening?

Mr. DELAY. Mr. Speaker, our current plan is to consider the State Department authorization during the early part of the week, followed by NASA authorization and concluding the week with the PATRIOT Act. I would expect debate on both the PATRIOT Act and the State Department authorization bill to take a considerable amount of time. I would imagine that both of those bills will have a number of amendments. Because of that, Members need to be prepared to be here voting next Friday.

Mr. HOYER. Mr. Speaker, I thank the leader and presume that Members will act accordingly to let their staffs know that Friday is more likely than not, would that be pretty accurate?

Mr. DELAY. If the gentleman would continue to yield, that is correct, more likely than not.

Mr. HOYER. Mr. Leader, you just indicated the sequence of bills. Would it be correct, therefore, to assume that the Foreign Relations Reauthorization Act would be on Tuesday? The leadership expects to take that up first?

Mr. DELAY. We would expect to take up that bill on Tuesday or at least start it on Tuesday.

Mr. HOYER. And NASA next, either late Tuesday or Wednesday or even Thursday depending on how long the Foreign Relations Reauthorization Act takes?

Mr. DELAY. That is correct, Wednesday or Thursday.

Mr. HOYER. And the PATRIOT Act would be on Thursday and/or Friday?

Mr. DELAY. That is correct.

Mr. HOYER. Mr. Leader, the highway bill, we have discussed trying to reauthorize the highway bill, and both sides feel it is important to get it through. We have had the 8th extension, and that expires this coming Tuesday. Can the leader shed some light on the status of the conference?

Mr. DELAY. Mr. Speaker, the gentleman from Maryland (Mr. HOYER) is correct. The highway bill is, as we all know, an incredibly important bill. It is an important jobs bill. It is important for the infrastructure of this country. Maybe that is why it is taking so long to do this. But the conference on the highway bill is slowly rolling along. Compromises are being made in some key areas. I am optimistic that a conference report can be ready maybe even next week, but certainly be ready in the next 2 weeks.

Mr. HOYER. Mr. Speaker, I thank the leader for that information. The information I have is the eighth extension ends Tuesday. It is not on the list, but would it be the gentleman's expectation that we would have another short-term extension?

Mr. DELAY. Mr. Speaker, I would refer to the chairman on that. I do not want to preclude what position the chairman of the Committee on Transportation and Infrastructure would be in to make that decision. If we had to do an extension, certainly we would fit it in in between debates on the major bills we will be doing next week.

Mr. HOYER. Obviously, the problem is, as the leader well knows, if there is a gap of authorization existing in law, it has adverse consequences obviously on existing projects or the possibility of pursuing existing projects. I would hope if we cannot get to conference, which would be probably impossible by next Tuesday, we would have an extension so that would not cause anybody any problem in the contracting field.

Mr. Leader, it is my understanding that the CAFTA legislation, a very important piece of legislation, is not on the calendar for next week. Would it be the expectation of the leader that the CAFTA legislation would be on the last week we are in session?

Mr. DELAY. As the gentleman knows, the Senate has passed CAFTA. The Committee on Ways and Means has marked it up. I expect that the House will vote on it before we adjourn for the August recess. I just do not know when that will be.

Mr. HOYER. But the gentleman is confident at least it will not be next week?

Mr. DELAY. I am pretty confident it will not be next week; that is correct.

Mr. HOYER. The last two pieces of legislation, there has been a lot of talk and a lot of newspaper coverage about both campaign finance reform and possible Social Security and/or pension or Social Security pension legislation. Can the leader tell us whether there is anticipation on your side of the aisle that we will be considering either one of those or both? Campaign finance, I know there are two separate pieces of legislation, Pence-Wynn and Shays-Meehan, pending. Will either one of those subjects, do you think, be on the calendar prior to the July 28 recess date?

Mr. DELAY. Mr. Speaker, I appreciate the gentleman continuing to yield, and I assume the gentleman will ask another question about Social Security, so I will take campaign finance first.

There is a lot of negotiations that need to be held on both the Shays-Meehan bill and the Pence-Wynn bill. In my opinion, they are not ripe yet. I do not see that they will get any riper between now and the August break.

Mr. HOYER. That is a good way to put it. I will then ask about the Social Security and/or pension or combination thereof. There was some talk it might be before recess. Now we have read some comments it might not be until September. Can the leader shed some light on the majority's view when that will come forward?

Mr. DELAY. As the gentleman knows, the Committee on Ways and Means has had a number of hearings on Social Security and retirement security in general. In addition, the Committee on Education and the Workforce passed a bill relating to a number of issues related to defined benefit pension plans before the July 4th district work period. There are additional ideas related to retirement savings building support within this House. I expect that the House will focus on these issues in the fall.

Mr. HOYER. Mr. Speaker, I thank the Majority Leader for that information.

ADJOURNMENT TO MONDAY, JULY 18, 2005 AND HOUR OF MEETING ON TUESDAY, JULY 19, 2005

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates; and, further, when the House adjourns on that day, it adjourn to meet at 9 a.m. on Tuesday, July 19, 2005.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 3199, USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005

Mr. DREIER. Mr. Speaker, following up on the colloquy of our colleagues, the gentleman from Maryland (Mr. HOYER) and the gentleman from Texas (Mr. DELAY), I would like to announce that the Committee on Rules may meet next week to grant a rule which could limit the amendment process for floor consideration of H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005. The Committee on the Judiciary and the Permanent Select Committee on Intelligence ordered the bill reported on July 13. Both committees are expected to file their reports with the House by Monday, July 18.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in H–312 of the Capitol by 6 p.m. on Tuesday, July 19. Members should be advised that a combined text from the committees of jurisdiction should be available for their review on the committees' websites and on the Committee on Rules website by tomorrow, Friday, July 15.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the appropriate format. Members are also advised to check with the Office of the Parliamentarian to ensure that their amendments comply with the rules of the House.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 3070, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2005

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet the week of July 18 to grant a rule which could limit the amendment process for floor consideration of H.R. 3070, the National Aeronautics and Space Administration Authorization Act of 2005. The Committee on Science ordered the bill reported today and is expected to file its report with the House on Monday, July 18.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in H–312 of the Capitol by 12 noon on Tuesday, July 19.

Members should draft their amendments to the text of the bill as reported by the Committee on Science which should be available for their review on the websites of both the Committee on Science and the Committee on Rules tomorrow.

□ 1500

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

CELEBRATING WALT DISNEY'S CONTRIBUTIONS TO OUR NATION

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the resolution (H. Res. 355) celebrating Walt Disney's contributions to our Nation, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Virginia?

Ms. LORETTA SANCHEZ of California. Mr. Speaker, reserving the right to object, I would first like to thank my friend from Virginia for bringing up this legislation today as well as the distinguished Republican leader for allowing it to be considered under unanimous consent. I would also like to extend my thanks to the ranking member of the Government Reform Committee and my fellow Californian for his support, and, of course, our leader, the gentlewoman from California.

Mr. Speaker, Disneyland is the treasure of the 47th Congressional District of California, and it is also a national treasure. Its doors first opened 50 years ago, on July 17, 1955. This bill commemorates the anniversary, which will be celebrated this weekend in my hometown of Anaheim, California. The bill also celebrates the extraordinary life of its creator and visionary, Mr. Walt Disney.

Since Disney introduced his lovable Mickey Mouse to the world in 1928, his creations and his legacy have been a joy and an inspiration to this country and to every corner of the globe. Disneyland and the world of Disney, of course, have gone far beyond its humble beginnings. Disneyland, itself, has grown from a single theme park with one hotel into a full-scale resort with two world-class theme parks; 2,200 hotel rooms; and 40 restaurant and retail locations. And it is Orange County's leading employer, directly employing 2,000 individuals and supporting an additional 45,700 jobs.

It is, therefore, my pleasure and honor to recognize the 50th anniversary of Disneyland, for as we say in Anaheim, it is the happiest place on Earth. I thank, again, my colleagues for allowing me to offer this legislation today.

Mr. TOM DAVIS of Virginia. Mr. Speaker, will the gentlewoman yield?

Ms. LORETTA SANCHEZ of California. Further reserving the right to object, I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would also like to support H. Res. 355, which celebrates Walt Disney's contributions to our Nation. I want to thank my distinguished colleague, the gentlewoman from California, for sponsoring and spearheading this resolution.

As 2005 marks the 50th anniversary of Disneyland, now is an appropriate time to recognize the outstanding contributions of its founder, Walt Disney, to our Nation. Like so many American success stories, Walt Disney was a self-made man. In the 1920s he began by independently producing a series of animated comedies, starting with Alice's Wonderland in 1923. In 1928 Walt Disney figuratively struck gold when he created Mickey Mouse. Since then, he went on to create countless other memorable characters, too numerous to list here.

In the process, he won 32 Academy Awards for his work. Nevertheless, the highest praise for Disney may lie in the sustained delight his creations have inspired in millions of Americans, young and old, for more than 70 years.

Not content with just his screen creations, Walt Disney was inspired by his daughters to create a special place where adults and children could have fun together. In 1955, he realized this dream with the opening of Disneyland in Anaheim, California. In the park's formal dedication, he expressed his hope that Disneyland would be "a source of joy and inspiration to the world." It is no exaggeration to say that his dream has become a reality. Now, millions of people around the world benefit from his inspiration at Disneyland and the many other family-oriented Disney theme parks, cruise lines, and resorts. Much like his movies, a visit to Disneyland is a cherished memory of countless childhoods.

Walt Disney was an unrivaled imaginative visionary. Through his gifted imagination, he has touched nearly all of us and left our culture far richer than he found it.

Mr. Speaker, I thank the gentlewoman for yielding.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MCHENRY). Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 355

Whereas in the summer of 1923, Walt Disney independently produced a cartoon called Alice's Wonderland, and he decided that he could use it as his "pilot" film to sell a series of Alice comedies to a distributor;

Whereas a New York distributor, M.J. Winkler, contracted to distribute the Alice comedies on October 16, 1923, and this date is credited as the birth of the Disney company;

Whereas the company was originally known as the Disney Brothers Cartoon Studio, with Walt Disney and his brother, Roy, as equal partners, the company soon changed its name, at Roy's suggestion, to the Walt Disney Studio;

Whereas today, the list of Disney classic animated films reads like an all-time favorites list of children everywhere: Cinderella, Pinocchio, Bambi, Alice in Wonderland, Beauty and the Beast, Dumbo, 101 Dalmations, The Jungle Book, Aladdin, The Lion King, Toy Story, Pocahontas, The Hunchback of Notre Dame, Mulan, Monsters Inc., The Emperor's New Groove, A Bug's Life, and many others;

Whereas Disney has also produced timeless live action family films including 20,000 Leagues Under the Sea, Swiss Family Robinson, Treasure Island, Honey, I Shrunk the Kids, and The Santa Clause;

Whereas the Walt Disney Foundation strives to promote discourse, writing, and scholarship about the life, work, and philosophy of Walt Disney;

Whereas 2005 is the 50th anniversary of Disneyland;

Whereas Walt Disney's dream of "a place where parents and children could have fun together", became a reality with the opening of Disneyland in Anaheim, California, and subsequently in the opening of additional theme parks, cruise lines, and resorts worldwide;

Whereas when Walt Disney formally dedicated Disneyland on July 17, 1955, he stated that he hoped the park would be ". . . a source of joy and inspiration to all the world";

Whereas Walt Disney's original venture in Anaheim has expanded from a single theme park with one hotel into a full-scale Resort with two world-class theme parks, 2,200 hotel rooms and 40 restaurant and retail locations;

Whereas the success of Walt Disney's dream has launched an industry and sparked an empire of fun that now spans the globe, attracting millions of visitors on three continents every year;

Whereas Walt Disney opened Disneyland with 1,280 cast members in 1955 and today Walt Disney Parks and Resorts employs more than 100,000 cast members worldwide;

Whereas in the spirit of Walt Disney millions of dollars in cash, in-kind gifts, and volunteer services are provided to hundreds of non-profit groups, touching the lives of thousands of people; and

Whereas Walt Disney's creation of Disneyland was, perhaps, the single greatest family entertainment achievement of the 20th century—introducing an entirely new concept in outdoor entertainment and establishing an icon of fun and magic known around the world: Now, therefore, be it

Resolved, That the House of Representatives—

(1) celebrates Walt Disney's contributions to our Nation; and

(2) congratulates Disneyland, "the Happiest Place on Earth", on the occasion of its 50th Anniversary.

The resolution was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. TOM DAVIS OF VIRGINIA

Mr. TOM DAVIS of Virginia. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. TOM DAVIS of Virginia:

H. RES. 355

Whereas Walter Elias Disney, an imaginative visionary who changed the face of American culture, was born in 1901;

Whereas in the summer of 1923, Walt Disney independently produced a cartoon called Alice's Wonderland, and he decided that he could use it as his ''pilot'' film to sell a series of Alice comedies to a distributor;

Whereas Walt Disney's primary cartoon character, Mickey Mouse, has delighted millions of children and adults around the world since his debut in 1928;

Whereas Walt Disney personally won 32 Academy Awards for his work, including a special award for the creation of Mickey Mouse, a special award for Snow White and the Seven Dwarfs, and the prestigious Irving Thalberg Memorial Award given by the Academy of Motion Picture Arts and Sciences;

Whereas Walt Disney introduced the world to his special brand of entertainment at the 1964–1965 New York World's Fair, which incorporated four Disney shows, including Great Moments with Mr. Lincoln, a tribute to the 16th President of the United States;

Whereas Walt Disney's original vision of a place for children and adults to have fun together was inspired by his two daughters;

Whereas Walt Disney's ''dream of a place where parents and children could have fun together'', became a reality with the opening of Disneyland in Anaheim, California, and subsequently in the opening of additional theme parks, cruise lines, and resorts worldwide;

Whereas when Walt Disney formally dedicated Disneyland on July 17, 1955, he stated that he hoped the park would be ''. . . a source of joy and inspiration to all the world'';

Whereas Walt Disney hosted dignitaries at Disneyland, including Presidents Harry Truman, Dwight Eisenhower, John F. Kennedy, and Richard Nixon, and his legacy of hospitality has extended to Presidents Jimmy Carter, Gerald Ford, Ronald Reagan, and George H. W. Bush;

Whereas 2005 is the 50th anniversary of Disneyland;

Whereas Walt Disney's dream has launched an industry and sparked an empire of fun that now spans the globe, attracting millions of visitors on three continents every year; and

Whereas the Walt Disney Foundation strives to promote discourse, writing, and scholarship about the life, work, and philosophy of Walt Disney: Now, therefore, be it

Mr. TOM DAVIS of Virginia (during the reading). Mr. Speaker, I ask unanimous consent that the amendment to the preamble be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from Virginia (Mr. TOM DAVIS).

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

VETERANS HEALTH CARE

(Mr. EDWARDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS. Mr. Speaker, it has now been 14 days since this House could have sent to the President a $1.5 billion emergency spending bill to solve the health care crisis facing America's veterans. Unfortunately, the House leadership chose not to support the bill that passed unanimously on a bipartisan basis by the Senate 2 weeks ago. Unfortunately, to compound that error, the leadership, I guess, decided a vacation for House Members tomorrow was more important than resolving this serious health care crisis, where today as we speak there are veterans not getting the care they deserve because of the shortfall of funding.

To add insult to injury, the White House budget director just said a few minutes ago to the Budget Committee that VA funding over the last 3 years has actually been too much. So the White House budget director is saying we funded too much for veterans health care over the last 3 years. I think veterans across America are going to be outraged that that is the position of this administration.

We are facing a crisis today because we have underfunded VA health care. We should correct it before Congress takes one more day of recess or vacation.

NEW YORK TIMES REPORTER REMAINS JAILED

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Five days and counting, Mr. Speaker, and the only one in jail today on the issue of a cover-up is Judith Miller, a reporter with integrity at the New York Times. I am well aware of the fact that there is an ongoing investigation. But truth has an uncanny ability of opening the doors and clarifying and, as well, providing justice.

Judith Miller believes in the first amendment. She also believes in the right to protect sources. I want the truth on who exposed the undercover CIA agent, a woman. But I believe it is patently unfair because of the lack of a shield law that Judith Miller still stands in jail. In essence, I consider her a political prisoner, and I think it is appropriate for the United States Congress to stand up and defend Judith Miller, as she should be released.

The investigation should proceed. The truth should be known. But those who know the truth need to come up and own to the truth so that Judith Miller, a reporter who tries to tell the truth, can be free.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. PAUL. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SUICIDE TERRORISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, more than half of the American people now believe that the Iraqi war has made the U.S. less safe. This is a dramatic shift in sentiment from 2 years ago. Early support for the war reflected a hope for a safer America, and it was thought to be an appropriate response to the 9/11 attacks. This argument was that the enemy attacked us for our defense of freedom, our prosperity, and our way of life. It was further argued that it was important to engage the potential terrorists over there rather than here. Many bought this argument and supported the war. That is now changing.

It is virtually impossible to stop determined suicide bombers. Understanding why they sacrifice themselves is crucial to ending what appears to be senseless and irrational. But there is an explanation.

I, like many, have assumed that the driving force behind the suicide attacks was Islamic fundamentalism. Promise of instant entry into paradise as a reward for killing infidels seemed to explain the suicides, a concept that is foreign to our way of thinking. The world's expert on suicide terrorism has convinced me to rethink this simplistic explanation that it is merely an expression of religious extremism and resentment of a foreign culture.

Robert Pape, author of ''Dying to Win,'' explains the strategic logic of suicide terrorism. Pape has collected a database of every suicide terrorist attack between 1980 and 2004, all 462 of them. His conclusions are enlightening and crucial to our understanding the true motivation behind the attacks against Western nations by Islamic terrorists. After his exhaustive study, Pape comes to some very important conclusions.

Religious beliefs are less important than supposed. For instance, the Tamil Tigers in Sri Lanka, a Marxist secular group, are the world's leader in suicide terrorism. The largest Islamic fundamentalist countries have not been responsible for any suicide terrorist attack. None have come from Iran or the

Sudan. Until the U.S. invasion of Iraq, Iraq never had a suicide terrorist attack in all of its history. Between 1995 and 2004, the al Qaeda years, two-thirds of all attacks came from countries where the U.S. had troops stationed. Iraq's suicide missions today are carried out by Iraqi Sunnis and Saudis. Recall, 15 of the 19 participants of the 9/11 attacks were Saudis.

The clincher is this: the strongest motivation, according to Pape, is not religious but rather a desire ''to compel modern democracies to withdraw military forces from the territory the terrorists view as their homeland.''

The best news is that if stopping suicide terrorism is a goal we seek, a solution is available to us. Cease the occupation of foreign lands and the suicide missions will cease. Between 1982 and 1986, there were 41 suicide terrorist attacks in Lebanon. Once the U.S., the French, and Israel withdrew their forces from Lebanon, there were no more attacks. The reason the attacks stop, according to Pape, is that the Osama bin Ladens of the world no longer can inspire potential suicide terrorists despite their continued fanatical religious beliefs.

Pape is convinced after his extensive research that the longer and more extensive the occupation of Muslim territories, the greater the chance of more 9/11-type attacks on the U.S. He is convinced that the terrorists strategically are holding off hitting the U.S. at the present time in an effort to break up the coalition by hitting our European allies. He claims it is just a matter of time if our policies do not change.

It is time for us to consider a strategic reassessment of our policy of foreign interventionism, occupation, and nation-building. It is in our national interest to do so and in the interest of world peace.

□ 1515

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. SCHIFF. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore (Mr. MCHENRY). Is there objection to the request of the gentleman from California?

There was no objection.

WITHDRAWAL FROM GAZA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, in the summer of 2000, President Clinton convened a summit at Camp David with then Israeli Prime Minister Ehud Barak and Yasser Arafat to seek a breakthrough in the peace process that had been moving forward in fits and starts since the signing of the Oslo Accords 7 years earlier.

As we all know, those talks ultimately broke down, despite the parties' being tantalizingly close to resolving many of the thorniest issues precluding a final status agreement between Israel and the Palestinians. Rather than build on the considerable progress that had been made at Camp David, Arafat unleashed a second intifada against Israel, a wave of terror that has lasted for nearly 5 years and cost thousands of lives.

Now, in just over a month, the Israeli government will begin the dismantlement and withdrawal of all 21 of its settlements in Gaza and four other settlements in the northern West Bank in a bold move designed to increase the prospects for bringing peace to both Israelis and Palestinians.

The decision to evacuate Gaza and part of the West Bank is the result of many months of agonizing debate within Israel. On the one hand, there are those who see any pullback by Israel without security guarantees or other tangible steps by the Palestinian Authority as a sign of weakness. The upcoming withdrawal, these Israelis say, will be cast by Hamas and other hardline Palestinian factions as a victory in much the same way that Israel's decision to withdraw its forces from Lebanon in May of 2000 allowed Hezbollah to proclaim itself the champion of the Arab fight against Israel. Other Israelis, led by Prime Minister Ariel Sharon, who was the architect of Israel's settlement policy after the 1967 Six Day War, have successfully argued that the disengagement will bolster Israel's security, that it represents Israel's seizing the initiative to alter the status quo with the Palestinians, and that it allows Israel to get its own lines of defense and that it will preempt toxic diplomatic initiatives by Arab and European states.

Ehud Olmert, the Likud mayor of Jerusalem, has also repeatedly discussed the importance of Israel's demographic security. The Palestinian population in the West Bank and Gaza is a fast-growing population that will soon be larger than that of Israel proper. For Israel to maintain a permanent presence in the territories would require the sacrifice of either Israel's status as a Jewish state or as a democracy.

For those of us who care deeply about Israel, Sharon and Olmert have laid out convincing reasons to support the disengagement plan while the opponents' arguments compel us to work with both Israel and the Palestinians to ensure that the evacuation is peaceful and that Hamas and other rejectionist elements are not in a position to take advantage of Israel's courage in seeking to change the dynamics on the ground.

I believe that the United States must be prepared to take a number of steps to make sure that this withdrawal enhances the chances for a lasting peace and puts the parties squarely back on the path towards realizing the President's roadmap for peace.

As a threshold matter, we must be prepared to help Israel absorb the economic costs associated with the dismantlement of the settlements and the resettlement of the approximately 8,000 Jewish settlers within Israel proper. Earlier this week, the Israeli government made an initial request for $2.2 billion in assistance from the administration. I understand that the administration is studying the request, but we must be prepared to consider any eventual request quickly at the appropriate time.

We also have to work with other nations, members of the Quartet as well as others, to assist the Palestinian people and the government of Mahmoud Abbas to improve the lives of ordinary Palestinians in the wake of the withdrawal. Offering an alternative to destitution and death is one of the most effective tools we have to break the cycle of violence.

The U.S. has already pledged $350 million in aid to the Palestinians, including $200 million that was passed earlier this spring. I was pleased to see that our G–8 partners have pledged additional funds, totaling $3 billion, at last week's Gleneagles summit. We must insist upon accountability to ensure these are properly spent alleviating poverty, providing employment, and developing institutions that respect the rule of law.

The U.S. must also redouble its efforts to choke off the flow of assistance to Hamas, the popular front for the Liberation of Palestine-General Command, Palestinian Islamic jihad, and other factions that oppose peace with Israel. Syria is a major focus of support for these groups and for Hezbollah, which is in Lebanon. Damascus must be made to understand that there is a price for its support of terrorism and that that price will only increase if it refuses to end that support.

Finally, we must also work to build peace between Israel and the Arab states of the Middle East. While Israel has peace treaties with both Egypt and Jordan, relations are not especially warm, and most of the rest of the Arab world remains in a technical state of war with Israel. We need to press our Arab friends to work towards a comprehensive peace with the Jewish state.

Mr. Speaker, we are at a remarkable moment in the search for peace in the Middle East, but the chance to build on Israel's decision to leave Gaza and the stirrings of democracy in the Arab world must not be allowed to slip away.

The SPEAKER pro tempore (Miss MCMORRIS). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. MACK. Madam Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

A NEW EMERGING THREAT TO FREEDOM IN LATIN AMERICA: HUGO CHAVEZ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MACK) is recognized for 5 minutes.

Mr. MACK. Madam Speaker, I ran for Congress on the ideals of freedom security and prosperity because these are the ideals that define America, and they are the necessary ingredients for a better quality of life for people around the world.

And though freedom is on the march in many places around world, in Latin America, a resurgence of socialists, communists and anti-freedom movements and alliances represent a new emerging threat that must be stopped.

At the root of Latin America's renewed anti-Americanism is Venezuela's Hugo Chavez. In the years since Hugo Chavez first took office as a democratically elected leader, he has retreated from the ideals of freedom, security, and prosperity and began his own march toward oppression and socialism modeled after his mentor, Fidel Castro.

And let me give a few examples: In Hugo Chavez's Venezuela, there is no free press. Just state-controlled, anti-American, anti-freedom propaganda. There is no freedom of speech, no freedom of dissent, and no freedom to stand in opposition to the Chavez regime. Just days ago, for example, several leaders of the opposition group Sumate were charged with treason and conspiracy simply for accepting money from the National Endowment for Democracy to help educate their fellow citizens about Venezuela's constitutional referendum process. In Hugo Chavez's Venezuela, the government owns the country's key industries and controls the economy, the flow of capital, jobs and opportunity. Hugo Chavez holds the hopes, dreams and opportunities for an entire nation firmly in his fists.

In the years since he came to power, Hugo Chavez has hijacked the courts and installed his cronies and allies to manipulate the country's constitution and legal system. He has forged a dangerous alliance with Fidel Castro and is now receiving military and intelligence assistance and training from Castro's government. He has acquired 100,000 machine guns from Russia and admitted to trying to acquire nuclear technology from Iran. And he has threatened to end diplomatic relations with the United States.

Madam Speaker, Hugo Chavez is an enemy of freedom who threatens the balance of power in our hemisphere. Today I call on the United States to pursue a three point plan that will promote freedom, security and prosperity for the people of Venezuela.

First, the United States should promote the creation of institutions that will foster a free press, free markets, and the freedom of speech and religion and free and fair elections for Venezuela, including the establishment of a Venezuelan counterpart of Radio and TV Marti.

Second, the United States should establish a Venezuelan Security Zone that will isolate Chavez and limit his ability to destabilize Latin America. This new zone would restrict Hugo Chavez's ability to purchase arms, nuclear information and technologies, and weapons of mass destruction. It would also make it more difficult for Hugo Chavez to enter into commerce, trade or alliances with other nations led by dictators and anti-American fanatics. And it would require the restoration of an independent judiciary committed to representing and protecting the rights of all Venezuelans.

Third, the United States should promote economic development in Venezuela through free markets, privatization and other means that will create lasting prosperity and opportunity for all Venezuelans.

Madam Speaker, President Reagan tore down a wall and liberated a generation. President Reagan once said, ''Freedom is a fragile thing and is never more than one generation away from extinction. It is not ours by inheritance; it must be fought for and defended constantly by each generation.''

President Reagan's steadfast commitment to freedom should have left a lasting lesson on all of us, but it did not. And the foreign policy debate in this body could not be more dramatic. Those on the left have demonstrated they believe in peace at any price even if that price is the loss of freedom.

Those of us on the right believe that freedom is worth fighting for and that together freedom, security, and prosperity will yield lasting peace.

Madam Speaker, make no mistake about it, Hugo Chavez is a threat. We must take him seriously, and we must act now.

THE WAR IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, when the doctrine of preemptive war was first introduced, I suggested that it was unconscionable. Then the original case for war, weapons of mass destruction and a link between al Qaeda and Saddam Hussein, turned out to be erroneous at best and a pack of lies at the very worst.

So the war was immorally conceived. That is strike one. And deceptively marketed, that is strike two.

Strike three is the incompetence, the bungling, the repeated misjudgments in the execution of the war plan. From the dismantling of the Iraqi army to the lack of protective armor, to the failure to safeguard munitions and on and on.

The most recent proof of mismanagement appeared in a story in this weekend's Washington Post. Americans shooting at Americans in Iraq in the President's war that has become so mismanaged that I believe we are fighting ourselves. Have we become our own prisoners of war?

Now, finally, someone has begun to own up to the mistakes. Outgoing Pentagon official Douglas Feith in an interview with the Washington Post conceded that, among other things, we may have gone to Iraq with too light a force. The amazing part of that insiders' information and others like Mr. Feith's is that they have been cooking up the Iraq invasion since the early 1990s, more than a decade in the making. And they still could not get it right. It is inconceivable to me that we would send our troops into battle not only under-equipped but also undermanned.

One way the military has tried to keep troop levels down is by outsourcing many functions to private contractors. By some estimates, there are as many as 100,000 contractors roaming around Iraq. Many of them armed, apparently accountable to no one, acting independently of the military chain of command without any oversight, unbound by an official code of conduct.

Let us leave aside the issue of how contractors are paid much more than our troops or whose pockets are getting lined here. It has been documented that companies with close ties to the administration have been rewarded with these lucrative contracts, and the government has been, shall we say, very forgiving when their buddies overcharge and bilk American taxpayers.

But think about what it means to our troops on the ground to have well-healed contractors co-existing with underpaid active duty soldiers who are cogs in a rigid hierarchy, who are doing the unglamorous work, who are lucky if full health care benefits are awaiting them when they get home. The result is resentment, low morale, and a weakened military.

The only real solution is to bring our troops home from Iraq as soon as possible. I have been calling for an end to the occupation for many months now, and nothing has happened in Iraq that would force me to reconsider. Ending the war would be the beginning of a complete reassessment of U.S. national security policy. I have offered what I call SMART Security. That stands for Sensible, Multilateral, American Response to Terrorism.

□ 1530

At the heart of SMART is the belief that military action should be an absolute last resort, to be reluctantly pursued only after every channel has been exhausted.

SMART Security means fighting terrorism with strong diplomacy, robust multilateral alliances, and improved intelligence capabilities. It means being vigilant about nuclear proliferation and the spread of other weapons of mass destruction. It means more investment in homeland security and energy independence, and less in obsolete, Cold War weapons systems. And SMART Security is about attacking terrorism at its very roots with an ambitious, international development agenda that brings education, debt relief, democracy-building, and economic development to the impoverished nations of the world.

SMART is tough, pragmatic, and patriotic. It protects America by relying on the very best of American values: our commitment to freedom, our compassion for the people of the world, and our capacity for global leadership.

Mr. Speaker, there was nothing smart about a war plan that tried to cut corners by sending in too few soldiers. In fact, there is nothing smart at all about this war. Nearly 2,000 Americans dead, a recharged insurgency, political and economic chaos in Iraq, and no end in sight; an immoral war, a dishonest war and, now, even a senior Pentagon official, Douglas Feith, admits, a mismanaged war. That is strike three, they are out.

DEFENDING THE HONOR OF OUR TROOPS

The SPEAKER pro tempore (Mr. MCHENRY). Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, the protection we have enjoyed here at home since we took the fight to the enemy has been purchased with the sacrifices of our men and women in uniform. The very least we can do in return is to show them honor and respect when they come home.

According to the Greensboro Herald-Journal, middle school teacher Michael Lund of Anita White Carson Middle School in Greensboro, Georgia had that intention when he invited his old college roommate, Marine Sgt Zach Richardson to speak to his middle school students about his experiences in Iraq.

The children in Mr. Lund's class had been pen pals with Sergeant Richardson and several of his fellow Marines in Iraq, so everyone was excited about finally getting to meet in person.

Imagine the surprise when he and Mr. Lund were intercepted outside the classroom by School Principal Ulrica Corbett. She demanded Mr. Lund escort Sergeant Richardson off school grounds immediately.

Principal Corbett later told the media that Mr. Lund did not have approval for a guest speaker to come on campus.

Mr. Lund produced documentation to prove that he had indeed filed the necessary paperwork well in advance, and that Principal Corbett refused to act on it.

Regardless of the reason, this treatment of one of our heroes returning from Iraq is unacceptable and inexcusable.

Under no circumstances should Sergeant Richardson have been denied the opportunity to speak to the students with whom he had been corresponding.

But just as damaging as the disrespect shown to Sergeant Richardson was the impact of this disrespect on the 6th grade students who were waiting to welcome this veteran.

They witnessed their Principal kick a Marine just back from the front off school property, giving our children a real-life lesson in disrespecting our military.

We have a lesson to teach at Anna White Carson Middle School—and across this country. That lesson should be that disrespect for America's service men and women by public officials will simply not be tolerated by the people of this country.

But before we scream too loudly about the speck in the eye of Greene County public schools, we need to take a look at the log in the eye of this Congress.

Senator DICK DURBIN of Illinois stood on the floor of our Senate and compared our military prisons to those of Nazi Germany.

Members of this Congress have whined about whether a book was mistreated at Guantanamo, while the comrades of those Guantanamo prisoners cut the heads off innocent, unarmed, civilian prisoners in their custody.

Any reasonable person can see that comments such as these plant seeds of disdain against America, here and abroad.

Are these comments and actions against our military forces now actually encouraging new attacks by our enemies in London and Baghdad?

Madam Speaker, we cannot win this war if we continue to allow a handful of public officials to undermine our efforts with irresponsible comments and actions without paying a price—here and all across our country.

EXCHANGE OF SPECIAL ORDER TIME

Mr. GUTKNECHT. Madam Speaker, I ask unanimous consent to take the time of the gentleman from Georgia (Mr. NORWOOD).

The SPEAKER pro tempore (Miss MCMORRIS). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

HONORING THE MEMORY OF FIRST LIEUTENANT MICHAEL FASNACHT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Madam Speaker, I rise today to honor the memory of First Lieutenant Michael Fasnacht, who served in the Third Infantry Division from Fort Benning, Georgia.

Lieutenant Fasnacht died when a roadside bomb exploded near his Bradley Fighting Vehicle while he was on patrol near Adwar, Iraq on June 8. Lieutenant Fasnacht was a native of Janesville, Minnesota who served his country honorably. He lived in Mankato, Minnesota with his wife, Tresa.

An Army Ranger, Michael had followed in the footsteps of his father, Raymond, who served in the Army during the Vietnam War. He graduated from Minnesota State University in Mankato, Minnesota. He developed his leadership skills as an outstanding member of the ROTC program. Lieutenant Fasnacht's mother, Marny, said, ''He believed strongly in what he was doing. He definitely believed the Iraqi people deserved freedom from tyranny.''

Madam Speaker, it is with great sadness that I honor the memory and service of this brave American. Michael Fasnacht made the ultimate sacrifice in the selfless defense of freedom and democracy. Today, the lamp of liberty burns brightly across the globe, thanks to young men like Lieutenant Fasnacht who are serving on the front lines. Indeed, these Americans in uniform are the new ''Boys of Pointe du Hoc.''

Like countless Americans before them, these men and women know firsthand what President Bush meant when he said that ''freedom isn't America's gift to the world; freedom is God's gift to mankind.'' Everywhere the embers of freedom burn hot, people like Michael Fasnacht are there to give the embers flame.

I thank Lieutenant Fasnacht for his service, and I thank the Fasnacht family for giving their loved one to this service. I hope it brings them some comfort to know that the thoughts and prayers of thousands of Minnesotans are with them.

ORDER OF BUSINESS

Ms. NORTON. Madam Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

FUNDING FOR MASS TRANSIT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Madam Speaker, Homeland Security Secretary Chertoff came before our Committee on Homeland Security with his second review of the agency. It was an impressive review. Of course, the promise lies in the implementation, but he has done a competent job there.

Astonishingly, though, Madam Speaker, he mentioned not one word about London or about the vulnerability of rail and public transportation in the United States, even

though we are barely 10 days out of London. There was, as we stood here this morning, a moment in solidarity with those who died in London.

Madam Speaker, WMATA, our own Metro system here, is considerably ahead of most of the country. In fact, WMATA is designated as the lead agency for emergency coordination for the entire region's transit and commuter rail. We are ahead of most of the country, after Oklahoma City began to take real action that most still have not begun to take. In June, 19 million people rode WMATA. That breaks all of its records. Many of those were constituents of the Members of this House and the Senate, because 20 million visitors come annually to the District of Columbia.

WMATA indicates that its most pressing needs are current WMD detection equipment, decontamination equipment and testing, surveillance systems, antiterror equipment for transit police, video cameras for buses. Remember, this is one of the best prepared systems in the country.

Yet, Madam Speaker, yesterday, Democratic Leader PELOSI, Ranking Member THOMPSON of the Committee on Homeland Security, and other Democratic leaders stood with me as I reintroduced the Secure Trains Act, an act I first introduced more than a year ago, simply to bring the country somewhere approaching where we have now, for some time, been in aviation, having gotten there for aviation after the fact.

We are breaking the post-9/11 promise that we would never be caught flatfooted again. In fact, the President's 2006 budget eliminated dedicated mass transportation funding all together. I trust that we will put it back, or something back, before we go on August recess. Ninety percent of the funds that we have allocated have been for aviation security. Yet 9 billion passenger trips are made annually on rail and on public transportation. What are we thinking?

This bill, a modest $3.8 billion for the basics: cameras, communications systems, explosive detection, security upgrades on tracks and tunnels. Is this too much to ask? More than 4 years after 9/11, is this too much to ask, following more than 50 dead in London, almost 200 dead in Madrid, hundreds injured when you tally them both together?

Mr. Chertoff allowed as how $8.6 billion was ''available for transit operators'' under one of the homeland security programs. What he was talking about, Madam Speaker, is that a local jurisdiction can use transit for transit security money, money that we have allocated for first responders. I do not believe we mean transit security to be the stepchild of homeland security when that is where the people are. Far more people than ever consider getting on an airplane, and we are borrowing from first responders who are screaming that they do not have enough funds in order to skim off money for rail transportation, after Madrid, after London, and after a terrible accident involving HAZMAT in South Carolina, which could just as easily have been a terrorist event.

I beg the House, before we go on August recess, to do our duty, keep our post-9/11 promise to do what is necessary for passenger rail, light rail, ferries, buses, the vehicles, the public transportation that our people get on every day to go to and from work. There is still time to do it. I do not think we would want to go home when every single Member will have a question like this: What have you done for our subways? What have you done for our buses? We do not need to go home and say ''nothing,'' Madam Speaker.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FITZPATRICK) is recognized for 5 minutes.

(Mr. FITZPATRICK of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. GINGREY. Madam Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

STEM CELL RESEARCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Madam Speaker, I rise to address the matter of stem cell research, in light of the emergence of viable alternatives that would continue scientific discovery while respecting human life in all forms and in all stages.

I also rise today as a proud cosponsor of H.R. 3144, the Respect For Life Pluripotent Stem Cell Act of 2005. I further would like to thank the gentleman from Maryland (Mr. BARTLETT) for not only his steadfast commitment to scientific advancement, but also his steadfast commitment to defending the sanctity of human life.

In a debate that has been dominated by an it-is-the-only-way approach, the gentleman from Maryland (Mr. BARTLETT) has introduced a solution that could achieve the same objective as the Castle-DeGette bill, while preserving human life at its most vulnerable stage.

Madam Speaker, I recognize that people of goodwill can disagree on the matter of when human life begins. However, no one can dispute that an embryo is at least potential life; and many people, my physician self included, believe an embryo to be a living human being, fully vested with the rights that we all enjoy. Therefore, even if someone only believes an embryo to be a potential life, they should support the Bartlett bill because it accomplishes, Madam Speaker, the same ends as the Castle-DeGette bill, while giving the benefit of doubt and erring on the side of human life.

Having practiced for nearly 30 years as a pro-life OB–GYN, I cosponsored the Bartlett bill, because it represents the most moral and judicious solution to the stem cell research debate.

Madam Speaker, the Bartlett bill would provide funding to the NIH, the National Institutes of Health, $15 million for the creation of a research program focused on perfecting the necessary techniques to extract stem cells from an embryo without, let me repeat, without harming the embryo in any way, shape, or form. This bill further acts in a responsible manner by mandating that no human embryos be harmed or destroyed, even in the initial perfection of the technique, for the research will be done on nonhuman primates.

The Bartlett bill represents an acceptable compromise to most Americans, because they would like to see scientific advancement to cure diseases such as Type 1 diabetes, Alzheimer's, Parkinson's, spinal cord injury, while making sure human life is never exploited or harmed in the process.

Madam Speaker, I am also very pleased to see that Majority Leader FRIST has decided to shepherd a similar bill in the Senate. This marks an important step in advancing morally sound and acceptable stem cell research. This Congress truly has an incredible opportunity to send to the President's desk a stem cell research bill that respects human life and supports scientific advancement.

I would again like to thank the gentleman from Maryland (Mr. BARTLETT) for taking the lead on this issue and for finding an acceptable and moral solution. I also extend my gratitude to Senator FRIST for his efforts to advance this bill in the Senate. I encourage all of my colleagues, both Democrat and Republican, both pro-life and pro-choice, to take a good hard look at the Bartlett bill. I think they will see that it is the best option to fight disease and find cures in a responsible manner.

This marks an opportunity for this Congress to put partisanship aside and just do the right thing. Madam Speaker, the American people expect no less of us.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Ms. JACKSON-LEE of Texas. Madam Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

THE RAVAGES OF WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, today I speak about the ravages of war. I also say to my colleagues that there is no claim of being unpatriotic when you desire to speak of peace. The ravages of war can generate much devastation, not only in our domestic society, but also internationally.

I rise today, first of all, to pay tribute to a young man who lived in my community who was buried today, a young officer in the United States military, enlisted personnel, young and bright and committed to serving his country. In actuality, he died serving his country.

□ 1545

Mr. Speaker, it was not by the ordinary manner in which you might have thought he may have lost his life, he did not suffer a wound, but he was a casualty of war.

For he was sent into Iraq already ailing, but because of the need for the recruiting numbers and the necessity of meeting quotas, he was sent to Iraq. And he served ably.

But he was carried out on a stretcher, because, unfortunately, he suffered liver failure. No matter how our young men and women, enlisted personnel, Reservists and National Guard lose their life in the line of battle, we owe them a great debt of gratitude. And so to his mother today as she buried her son, I offered to her my deepest sympathy.

Unfortunately, things do not work a lot of times when we think of the way our government should, and that is why I account or say that this is part of the ravages of war. The hospital system failed Nathaniel Parker, from the hospital system, the military system, the veterans system failed him, maybe because they had a billion dollar shortfall.

But when he went to the hospital to receive treatment, he was turned away. I will not allow that to stand, because I will be taking his case and calling for an investigation, because I do not want one single soldier to come home and face the doors of the hospitals being shut in their face.

The ravages of war also find that children are being killed. How sad it is to find that soldiers who simply wanted to engage children in Iraq were the cause or the genesis of children, because of a horrible suicide bomber, an evil person, yes, but because of the existence of our military there and the children coming to them to receive candy, much of what I have seen when I visited the soldiers, because they care and they love, the soldiers were endangered, the children were endangered, and we saw the killing of children in Iraq, the ravages of war.

And then of course in the last 24 hours, the Green Zone that is supposed to be safe, the very place that I slept while I was in Iraq, had two explosions. So that means that our command and our soldiers that come there for comfort, our contractors are not safe. The ravages of war. The explosions in the Green Zone.

There is no safety in Iraq. And then when you talk to the Iraqi people, they say, We have no running water, we have no electricity, we cannot send our children to school. Meeting with women there, they said that they are in fear of their lives, and their children cannot go to school.

There is no solution that seems to be to bring about peace. And then, of course, there is discussion of whether or not our military should be inside Iraq or really at the borders to stop the insurgents or those who come to do terrorists acts from coming inside into the country.

Most importantly, as we give the deepest sympathy to our friends in London, England, we offer to our prayers to their families. We realize that the terrorism was not one that came inside, it existed inside the country, and we realize that that terrorism is what we should be focused on, and the fact that Iraq continues to churn in the minds of those who think that we are not the great Nation that we are, it continues to foster in the minds of those that they should do evil things.

And so it is important for the President and this administration to set a timeline, not a date certain, but a timeline to bring our troops home. For the families who are now distraught, the Reservists and the National Guard families who cannot make ends meet, and, of course, for a war that is churning in the minds of those who believe that that is all that America represents, it churns, it permeates, it sours, and it turns into evil acts.

It is important for this Nation to stand up and acknowledge that Iraq must take the leadership of its own country. We might be able to stay on the border, but the constant jeopardy of our young men and women on the front lines, not because they are not brave, not because they are not courageous, because we have no plan, we have no solution, and they become targets of evilness, the children become targets of evilness because we represent a certain force in Iraq.

The war was based upon misdirection and untruth, and so it is hard to be able to be liberators when there are no weapons of mass destruction. I would simply argue that we must come together, and I am delighted to be on the bipartisan legislation that speaks about an orderly timeline.

And I hope if we ever take this country to war again, whatever president it may be, Democratic or Republican, that we will do so with a constitutional vote under the Constitution, because we recognize when America is at war, we come together as one, we support our troops.

But the way that we go to war is the key. And victory will come to those who understand process and understand plan and understand solution and understand exit strategies, success strategies.

And so, Madam Speaker, I think it is important, as I pay tribute to Nathaniel Parker who was buried today, a young soldier who served his country in Iraq, that we say to the Nathaniel Parkers whose medical system here in the United States failed him, not on our clock, not on our watch will this ever happen again, not at Abu Ghraib, or not the tragedies of loss of life, not anything that spoils the Democratic thrust of America. It will not be on our clock. And I ask my colleagues to work with us to bring our troops home.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Miss MCMORRIS). The Chair would just remind persons in the gallery that they are here as guests of the House, and it is not appropriate to show any signs of approval or disapproval of the proceedings.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

(Ms. FOXX addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. EDWARDS) is recognized for 5 minutes.

(Mr. EDWARDS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

GOOD NEWS ABOUT AMERICA'S ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Kansas (Mr. TIAHRT) is recognized for 60 minutes as the designee of the Majority Leader.

Mr. TIAHRT. Madam Speaker, I plan on spending most of the next hour

talking about how we are going to create an environment in America to create and keep jobs here not only tomorrow and in the future, but for long, long term purposes.

First of all, though, I wanted to talk a little bit about the good news in our economy that we have seen lately. On July 8, the White House released some economic information that was very good for America. In the month of June, 146,000 new jobs were created. The payroll rose by that much. That makes 3.7 million jobs that have been created since May 2003.

We have seen steady gains over the last 25 months. And today, more Americans are working than ever before. It is also important to note that the average wage of working Americans is now higher than it has ever been before in the history of our Nation. The unemployment rate also fell to 5.0 percent in June. That is the lowest rate that it has been since September of 2001.

So our economy is strong, and it continues to grow. Our economic indicators show strong sustained growth, both in the real gross domestic product and in real income. Our durable goods orders are on the rise. They have increased 5.5 percent in May. That is the largest increase in 14 months. It is well above our early estimates.

U.S. manufacturing continues to expand for the 25th consecutive month. U.S. manufacturing expanded in June. The purchasing manager's index increased 2.4 index points to 53.8, indicating growth above market expectations. The nonmanufacturing sector has also showed strong growth. And consumer confidence is up by all indices.

The President's second-term agenda of creating jobs and growing the economy has been successful. We can attribute this economic growth to the tax cuts which we hope to make permanent, also to retraining Federal Government growth. That helps reduce the deficit. But we also want to go on to make a strong economic environment in the future.

One of the ways that we are going to do that here in the House of Representatives was started this morning. This morning, we kicked off the Economic Competitiveness Caucus. We started with a press event this morning that included the leader of the House, the Majority Leader of the House, the gentleman from Texas (Mr. DELAY), the Majority Whip of the House, and the gentleman from Missouri (Mr. BLUNT).

We also had the Secretary of Commerce, Secretary Gutierrez, and we had a representative from the Small Business Association, Tom Sullivan. We also had former Governor John Engler, the President of the National Association of Manufacturers, along with about 20 Members of Congress.

For almost two centuries, America has been the envy of the world with our economy. It has been dynamic. It has been supported by a hardworking motivated workforce. We have truly been the land of opportunity where innovation has thrived. But our status is changing, and we must do something about it to address it. I have established the House Economic Competitive Caucus to take a long-term vision approach to addressing competitiveness issues.

Because the best ideas usually come from Main Street and not from Washington, D.C., we have joined efforts with business leaders to focus on removing barriers on the American economy, and that way, we can develop new economic goals for the future and find paths to get there.

The United States has the number one economy in the world. We have been the envy of the world. It is a dynamic economy. But we want to make sure that we can continue that status instead of dropping into a third-rate economy.

Last year, we ran a $670 billion annual trade deficit. It has contributed to our Federal budget deficit, and it has slowed our economy the past few years. We have seen other nations move forward, though, and do things that I think we ought to take into consideration when we build our future economy.

Ireland, for example, has shifted from a third world nation in Western Europe to the envy of the European Union, largely due to its tax policies. The Celtic Tiger, as it is known, has lowered its corporate tax to 12.5 percent, and that stimulated their economy and created many jobs.

India was languishing under the burdens of a heavy socialist government, and now, through a concerted effort, has reduced regulations, and they have stimulated their economy.

China is currently graduating more English speaking electrical engineers than graduate in the United States. They have focused on education, especially in math and science and technology. China is setting up an environment to create their own Silicon Valley, and they are trying to attract the world's technological business.

Brazil has achieved what some believe to be a pipe dream. They are projected to be completely energy self-sufficient within a couple of years. It took them years to develop the type of renewable energy that they needed, but now they are leaders in ethanol production, and their economy is not suffering from the current high crude oil prices.

Chile has become an economic leader in Latin America by breaking down the barriers and doing business within their nation. Their emphasis has been on signing free trade agreements. It has been very fruitful for them. Last year, they signed free trade agreements with the United States, with South Korea. Chile is currently working on negotiations with China, India, New Zealand, Singapore, Japan and Australia. And they will continue to thrive.

For these reasons, these nations and other world economies are poised to move ahead of the United States in the next decade. In fact, the 2005 Index of Economic Freedom by the Heritage foundation ranked the United States 13th in the world. For the first time, we have dropped out of the top 10. This is due both to other Nation's progress and economic competitiveness as well as our own barriers that have been rising up and stopping the growth in our thriving economy.

This development is not a temporary blip on the radar screen; it is the culmination of a generation of increased regulation, unsound tax policies, languishing emphasis on math and science education, unchecked health care costs, rampant lawsuit abuse, unfocused research and development funds, a lack of comprehensive energy policy, and weak trade policy enforcement.

In short, our government has made it difficult and undesirable to do business in the United States. We have put up road blocks to keeping and creating jobs in America. And we have done this to ourselves. If these current trends continue, our economy will continue to lag, and we will no longer remain the most dynamic economy in the world.

Without attention to these matters, the United States is headed toward a third-rate economy; 5, 10, 20 years down the road, we will no longer be the world's leader or even in second place. That is why we need to take these issues seriously today.

Last year, we began with the competitiveness legislative agenda on the House floor. And over a period of 8 weeks, we discussed and voted on issues relating to keeping and creating jobs in America. Starting this week, the jobs action team is again bringing legislation to the floor to combat this problem. We need to take a longer-term vision. For these reasons, we have established the House Economic Competitive Caucus, and this caucus is going to carefully examine issues facing our ability to compete economically for the coming years.

We will work to focus congressional efforts on removing barriers to the economy to make America more competitive. We are going to develop economic goals and find paths to get to those goals.

Now, the areas that we are going to focus on are in eight different issues. They start here on this placard that I have. We have health insurance. We have had the highest rising health insurance costs in recent history. And it has made it very difficult for small businesses to provide health care to their employees. It has been difficult for large corporations to meet their health care needs. And so health care costs has to be an issue that we address in making America more competitive.

We also have bureaucratic red tape termination as one of the issues that we need to work on. We have already focused on that earlier this week. I will talk about it a little more.

Lifelong learning is one of the issues, because we are seeing now other economies and other nations focusing on technologies, focusing on engineering, focusing on math and science.

□ 1600

And here in America we are having more and more problems.

I recently spoke with a college professor in the physics department of the University of Southern Alabama. He said they were looking for an associate professor, and they looked all over the United States to find an associate professor for physics. They were unable to find one to hire for that slot so they had to go outside the United States and look at applicants from other nations.

The reasons we are going outside the United States to look for associate professors of physics at the University of Southern Alabama is that we have not focused our education system on math and science and on engineering and on technology like other countries have. We need to change that in the future and focus our resources to prepare for tomorrow's economy.

Another issue is energy self-sufficiency and security. We know today every time we fill up with gas at the pump that our lack of energy policy has been a detriment to the cost of energy here in the United States. Five times the House of Representatives has passed an energy bill. And finally after passing it five times in the House, we have a piece of legislation in the Senate that is significantly different, but it is a basis for us to meet now in conference committees.

We hope to have a conference report available before the end of this year so that we can put into place energy policy that will help us become more self-sufficient and help us reduce the cost of energy in America. Because it is not only the fuel pump; it is also with natural gas prices. We pay more for natural gas than anywhere in the world. We use natural gas to generate power, to manufacture goods and to make fertilizer, a whole broad area, including plastics. But because of the high cost of natural gas, because of the high cost of petroleum products, we are seeing many of our industries go off shore.

We cannot have a competitive policy without dealing with energy. So energy is one of the issues that we are going to deal with, and hopefully we will have less of a need for foreign imports in petroleum products. Then we can lower our natural gas prices as well as our gas prices at the pump and continue to manufacture things such as plastics and fertilizer.

Another issue we will be dealing with is research and development so we can spur innovation. Our research and development is different than how they approach research and development in the European Union, for example.

What we see in America is a very open research and development policy. For example, in Wichita State University in Wichita, Kansas at the National Institute of Aviation Research, we do research on composite manufacturing, on stress loads for composites, on composite repairs; and that research is available to anybody inside the United States, anybody in the world. They can get online and find out the data, find out information that can be applied in Europe or in China or in Australia or anywhere.

If you look at Airbus and how they are focusing the research and development that they get from their member nations, such as Germany, France, Spain and the United Kingdom, they get research and development that helps them develop new products that is not readily available across the borders. It is not available to Boeing, for example. So we have a research and development policy that we need to focus to make ourselves more competitive in the future.

We also have trade fairness as one of the issues. We have seen time and time again where other economies are focusing their resources to try to drive certain American manufacturers out of the business, that way they can have a corner on the market and they can then raise the prices and make a higher profit level than they would necessarily get. So we have to have a trade policy that continues a fair, level playing field that does not allow our industry to be targeted.

One of the resources that we have in America, and we have plenty of it here, we have more of it in America than we have anywhere else in the world that we do not export, is lawsuits. Some people say, how do you export a lawsuit? Well, we have a lot of legal activity here in America, and it is driving up our costs; but the way you export lawsuits is through trade packages. When you see an unfair trade policy, then you go to the World Trade Organization or you go through an international court and you file a lawsuit in order to get a level playing field.

The other two issues we have are tax relief and simplification, and the other one is ending lawsuit abuse. Those are part of the eight issues that we will be dealing with in the Economic Competitive Caucus.

I am joined here today on the floor with the majority leader of the U.S. House of Representatives, the gentleman from Texas (Mr. DELAY), and I yield to him for his remarks about competitiveness in the United States.

Mr. DELAY. Madam Speaker, I appreciate the gentleman for taking this Special Order and particularly for his incredible hard work in pulling together the 21st Century Careers Initiative that he has been working on for a couple of years and certainly has brought it now to where we are actually making things happen starting this week and the following weeks to deal with these kinds of issues. It is incredibly important.

Last Friday, news came from the Bureau of Labor Statistics that American businesses, mostly small businesses, produced 146,000 new jobs; and that unemployment for June 2005 fell to just 5 percent, the lowest since 9/11, and many economists call that full employment.

Tuesday, the Office of Management and Budget reported that a surge in tax revenue due almost entirely to the economic growth created by recent Republican tax relief had cut the Republican deficit by almost $100 billion. The Congressional Budget Office for the same reasons believes that the 2005 deficit will now be even lower. And now just this morning we have received news that the consumer price index, the lead indicator of inflation, has unchanged in June, meaning that the robust economic growth that we are experiencing is occurring without any sign of inflation.

All of this good news is on the heels of the Bureau of Economic Analysis report late last month that first quarter economic growth was at a 3.8 percent annual rate, revised up from a 3.5 percent. Manufacturing industrial production is up 3.4 percent this year and 9.5 percent since 2003.

Business equipment investment has increased 13.5 percent over the last 2 years. New home sales are at record highs. And the homeownership rate, now 69 percent, is at an all-time high. Retail sales are better than expected in June and new jobless claims for the week indicate yet again an expanding job market. Put simply, Madam Speaker, the economy is growing, the deficit is shrinking, jobs and opportunities are being created, and unemployment and inflation are under control.

Rather than resting on the laurels of these successes, the House Republican Conference this week under the leadership of the gentleman from Kansas (Mr. TIAHRT) announced the 21st Century Careers Initiative, which is a far-reaching, far-sighted agenda for the economic reform that will remove eight barriers between the American people and the American Dream; and he has gone over them already. Removing this friction from our economy while holding the line on Federal spending is not only how we can reduce the deficit; it is how we can transform the role of government in our national economy and the role of the United States in the global economy.

This is a noble and necessary goal of the 109th Congress. So this week, as the gentleman has mentioned, we took up a resolution declaring the House's acknowledgement ''that improving the competitiveness of the United States economy depends on congressional action to remove barriers'' to prosperity, and all but 17 Democrats voted against it.

One hundred, seventy-seven Democrats voted against a resolution announcing this initiative promoting economic growth, security and prosperity, against opening new markets to our small business owners, against easing

$850 billion in regulatory burdens annually foisted on American small businesses, against ''innovation and investment,'' against ''health care security,'' against ''lifelong learning,'' against simplifying a Tax Code that takes the American people 6½ billion hours every year to comply with, against liberating our legal system from abusive predatory lawsuits, and against energy self-sufficiency.

Now, how can anyone anywhere be against these things?

This is what has become of the once-great Democratic Party. The idea-driven policy colossus of FDR and JFK that gave us Social Security, the New Deal, the Marshall Plan, the space program, and civil rights is now led by a peanut gallery that has surrendered the field of public discourse and taken up residence as the backseat drivers of American politics.

On every issue now facing our Nation, from the war on terror to Social Security to economic reform, the Republicans have forged into that arena with bold and innovative proposals while Democrat leaders have sat back and heckled, offering nothing constructive to the debate, more pundit than party. No idea. No agenda. No cooperation. Nothing.

Well, faced with this partisan obstruction, House Republicans have no choice but to move forward with our positive agenda for reform, an agenda that has been affirmed by the American people in six straight elections. They can gripe. We will govern. Democrats can keep making noise, and with the new 21st Century Careers Initiative and the rest of our agenda, Republicans will keep making history.

I appreciate the gentleman for all the work that he has done and particularly for this Special Order so that we can talk about this in very real terms.

Mr. DREIER. Madam Speaker, will the gentleman yield?

Mr. TIAHRT. I yield to the gentleman from California.

Mr. DREIER. Madam Speaker, I would like to engage in a colloquy with my dear friend from Texas and with the gentleman from Kansas (Mr. TIAHRT).

First of all, let me join in extending congratulation to my friend from Kansas for his focus on Careers for a 21st-Century America. As we look at the litany of items, health care security, bureaucratic red tape termination, lifelong learning, energy self-sufficiency and security, spurring innovation, trade fairness and opportunity, tax relief and simplification, and ending lawsuit abuse, I think those are very, very important goals.

The majority leader and I yesterday had the opportunity, the gentleman mentioned the space program and the vision, of course, that Democratic President John F. Kennedy had for the space program, we yesterday were traveling to Florida; and, unfortunately, we did not get to see the space shuttle Discovery launched, but we know that we will. We hope very soon. But when we sat down on the plane, the majority leader had a copy of the New York Times. And it is not often that we spend time focusing on the great headlines in the New York Times, but in the upper left-hand column of yesterday's New York Times it said: ''Tax Revenues Surge and Will Cut the Deficit.'' That was the headline in the New York Times. And, frankly, both of us were shocked for about 15 minutes having seen such an accurate headline in the New York Times, but it is very true.

And the thing that immediately came to mind was the fact that since Ronald Reagan was President of the United States, Democrat after Democrat would take to the well of this House, Madam Speaker, and proceed to say, if we put into place a tax cut, what is going to happen? Two things. We will see our economy head into the tank, and we will see the deficit surge.

Now, during the decade of the 1980s, we all know that because of the Economic Recovery Tax Act that President Reagan put into place with a bipartisan majority here in the House of Representatives, because we were then in the minority, we were able to see a tax cut which doubled the flow of revenues to the Federal Treasury through the decade of the 1980s.

People are regularly rewriting history around here. I constantly here that Ronald Reagan presided over all this deficit spending. Well, what happened was we were able to put together this fragile working majority to pass the tax cuts; but, unfortunately, because of the Democrat majority, we saw spending continue to increase in a wide range of areas. One very important area that we all supported, that was of course the defense build-up which brought an end to the Cold War, it brought the Soviet Union to its knees. We saw the Berlin Wall crumble because of what took place in the 1980s, but we had those revenues because of those tax cuts.

My friend from Texas knows very well, and we were discussing this yesterday, one of the things that is important, and that is why I am so proud of the work that this effort, the work being done by this group put together by the gentleman from Kansas (Mr. TIAHRT), is focused on rather than simply pointing our finger elsewhere, and I see the chart that the gentleman has there, juxtaposing Mexico's and Canada's regulatory burden as a percentage of gross domestic product versus ours. We have unfortunately in this country failed to spend time looking at ourselves. We are constantly pointing the finger outward saying, they have caused our problems here. This country has caused our problems.

We need to look ourselves at the tax and regulatory burden that jeopardizes the kind of growth that we need to have. In spite of these restrictions that exist, we have done phenomenally well.

□ 1615

And I will tell you, I am glad to see trade is one of those items on the agenda for our competitiveness, because we know that the world has access to the U.S. consumer market today.

One of the great things we have done is we have made sure that the American consumer can have access to the best quality products at the lowest possible price. One of the things that needs to be done is we need to recognize prying open new markets, when 94 percent of the world's consumers are outside of our border, is the right thing to do. That is why inclusion in the Central American Free Trade Agreement is absolutely crucial to this economic growth agenda.

The other day I had a former college classmate of mine come in, and I did not know this, but he has been living and working in Cambodia for the last 15 years. I said, well, what brings you to Washington? He said, I am here to make sure that you all pass the Central American Free Trade Agreement. The guy is in Cambodia and he is coming here to ask Members of Congress to support the Central American Free Trade Agreement. Why? Because he said the people of Cambodia are concerned that if you do not pass that market-opening opportunity for U.S. goods, then we will see this overall agenda for global leadership by the United States and free trade jeopardized. So we know this is a benefit to the U.S.

Again, that is a policy that we can pursue, and we have been very fortunate in being able to work with those five democratically elected presidents in Central America and the president of the Dominican Republic and their parliaments in making sure that we implement this. They understand that market-opening opportunities are very, very key.

Another thing that struck me was, I was reading a study the other day by a guy who actually had been associated with President Bush No. One, President Bush 41 we like to call him, one of his economic advisers. His name is Todd Buchholz, and he did this study in which he showed that 20 percent of the jobs in the United States of America require some kind of licensing to get that job. For example, in the City of New York, if you want to repair a video cassette recorder, you have to have a license to do that. In the State of Louisiana, anyone in the State of Louisiana who wants to arrange flowers has to be licensed by the State of Louisiana to be able to arrange flowers.

If you look at those kinds of constraints that are government imposed, that is the kind of thing that we as a Congress need to look at and focus on. And that is why focusing on the 21st-century economy, as the gentleman from Kansas is doing so well, is the right thing to do.

I would just like to see if my friend from Texas or friend from Kansas agree or disagree with the arguments I am trying to propound here.

Mr. DELAY. Well, Madam Speaker, if the gentleman would yield, I appreciate the comments of the gentleman from California because he is right on.

The thing that I was thinking about as he was speaking is, number one, the headline that he referred to in The New York Times on the front page yesterday is the same sort of headline on the front page of The Washington Post today. I know both papers hated to write those articles. And if you read the articles, they always qualify things and say, yes, things are good, the deficit is going down, revenues are going up, they are holding down spending, but there are some things out there that are going to throw cold water on this burgeoning economy. We have gotten that over and over again in this Chamber.

I can remember when we first started out with this majority in 1995, when we were committed to a balanced budget and this majority in this House led us to a balanced budget through the Balanced Budget Act of 1997, oh, the fear-mongering was absolutely outrageous. Hardly any Democrat voted for that bill, including President Clinton, who vetoed it one or two times, if I recall, and finally he signed it for political reasons.

But the point is, they fought us every step of the way. They fought the philosophy of letting people hang on to more of their money and invest it and spend it and try to hold down Federal spending, the key to bringing a balanced budget. We thought the budget would be balanced in 5 to 7 years, but it was balanced in 2 years because the philosophy worked. We started gaining surpluses and started paying down on the debt because we had surpluses.

We did run into economic problems because of the war and the bubble burst and recession and other things, and 9/11; but we are coming back. And the reason we are coming back is we are sticking to that philosophy that the gentleman is laying out here. We understand that the American business is overtaxed, overlitigated, overregulated. We understand that the government is too big and doing things it should not be doing, forcing monies out of the pocket of the private sector and families in this country and into the pockets of bureaucrats to do things that are unproductive; and we are attempting to get at that.

We just passed the toughest budget that we have passed in a very, very long time that gives us the opportunity to look at entitlement programs, which are the biggest spenders in this Federal Government. So we are doing that. We are attempting to bring not only fiscal responsibility to this government but understanding how we can get government out of the way of entrepreneurs and families to let them do what they do best, which is to create jobs and create wealth.

But the kinds of comments that are reported time and time again and never checked to see if they actually work, that come from the other side of the aisle, from the Democrat leadership, is just incredible. And now is the time to compare those kinds of comments, talking about the fact that our approach to the economy is going to drive up the deficit, when the deficit is going down; that cutting taxes takes money away from very important programs in the government, when revenues are going up and we are still able to fund those programs that make sense.

Mr. DREIER. If the gentleman from Kansas will yield.

Mr. TIAHRT. Madam Speaker, I will be glad to yield to the gentleman from California.

Mr. DREIER. Madam Speaker, I think an important point that was actually included in that New York Times article about which we have been referring from yesterday is who is it, which taxpayer is in fact providing this dramatic increase in the flow of revenues to the Federal Treasury?

I would ask my colleagues if they could guess which taxpayer is in fact providing that flow of revenue. Does the gentleman know?

Mr. DELAY. Let me guess, Madam Speaker. It must not be the rich. Could it be the rich?

Mr. DREIER. In fact, if the gentleman will yield further, the New York Times made it very clear, it is wealthy Americans. Wealthy Americans, those in the upper income brackets, who have provided that great surge of revenues to the Federal Treasury.

Why? Because of the economic growth that President Bush and this Republican Congress predicted would in fact happen. And it was not simply a prediction. We are clearly the party of ideas. We have made that clear with all the proposals that are out here. But the bankrupt ideology, the ideological baggage of the past, more spending and higher taxes as a panacea of the future, is obviously a failed policy.

Time and time again the very distinguished ranking minority member of the Committee on Appropriations comes before the Committee on Rules and requests, on virtually every appropriations bill, to increase spending. And how does he propose to pay for that? By imposing a surtax on those upper-income wage earners. Well, the fact of the matter is, those upper-income wage earners are, by virtue of having made more and more investments with their income, are increasing their tax responsibility to the Federal Treasury.

So if you couple the economic growth policies along with, as my friend from Texas has just said, our passing appropriations bills that have real spending cuts for the first time in a long period of time, we are going a long way towards getting our fiscal house in order.

But being the party of ideas, we are not satisfied to stop right here and sit on our laurels. And that is why this Careers for a 21st-Century America agenda is such an important one, because we want to expand on the great success that we are enjoying today.

I thank my friend for yielding to me and for taking out this Special Order.

Mr. DELAY. As I do, Madam Speaker, and I greatly appreciate the gentleman's efforts, as I said before; and we are looking forward to implementing his agenda and the agenda of the Economic Competitiveness Caucus that he has put together and kicked off today. We are looking forward to working with them to bring this very important agenda to the floor of the House.

It is only because we are in the majority that the gentleman is able to bring this agenda to the floor of the House, and we need to constantly remind the American people of that fact.

Mr. TIAHRT. Madam Speaker, I would like to thank the majority leader for joining me here this afternoon, and also I would like to thank the chairman of the Committee on Rules chairman, the gentleman from California (Mr. DREIER), for spending time with us on the floor talking about the importance of the future economy and how the ideas that we have in keeping and creating jobs in America are going to get an opportunity to be openly debated on the floor of the House.

One of the things I deeply appreciate about the chairman of the Committee on Rules (Chairman DREIER) is that he has been fairhanded. He has guaranteed open debate on the floor, and he has ensured that each and every American has had a chance for their Representative to have time on the floor to speak freely about issues they believe are important to them.

We have talked about how good our current economy is. We have talked about the issues that are very important for the future economy and how these eight issues will bring legislation and ideas to the floor that we can implement to ensure we have a strong economy in the future.

But, Madam speaker, let me talk a little this afternoon about the problems we are facing with regulatory costs. That is one of the issues that we are dealing with this week, the bureaucratic red tape termination. Why do we need to deal with that? One reason is the tremendous cost that the regulatory burdens have put on our economy.

If you look at what we have in this chart that is provided to us by the Competitive Enterprise Institute, it says that in 2004, the regulatory cost in the United States is $860 billion. That is $860 billion, with a ''B.'' Now, that is the cost of implementing the regulations.

If we look at where that is evidenced in our economy, we do not have to look far. It is part of the cost of calculating taxes, part of the cost of implementing environmental procedures, and some of it is keeping up with health care regulations. Let us just talk a minute about health care.

If you look at health care regulations in America, you will find out that, according to the Kansas Hospital Association, for every hour of health care that they provide to a patient, it takes 1.1 hours to comply with the regulatory paperwork. More time to comply with paperwork than they provide in giving health care. There is something wrong with a system that demands more time to provide paperwork than it does to provide health care in our health care industry.

Last year it was $860 billion, as I said. Now, let us just compare that to the gross national product of Mexico. They only had $574 billion as their gross national product. Canada had $701 billion in their gross national product. We spent more complying with regulations than they saw in their total economies in both Mexico and Canada.

The message we should gain from this is that we need to put some commonsense applications to our regulatory burden. A good example occurred just a couple of years ago in Wichita, Kansas. I received a call from the Wichita Builders Association. They said that OSHA had targeted Sedgwick County, Kansas, Sedgwick County being the county Wichita is located in. They had been targeted by OSHA. The homebuilding industry had been targeted by OSHA. OSHA had sent their representatives down and made unscheduled visits to work sites; they set off a block or two from work sites and took pictures. They ended up sending citations and levying fines against some of the subcontractors and contractors that were responsible for building homes in Kansas.

The net impact is that many employers just shut down their homebuilding. If you think about it, if you are a subcontractor and doing framing for a house, the most profit you may possibly see on that job would be $1,000, maybe $2,000. So when you compare that to the $7,000 fine they were getting, which could have gone up to $50,000, it was cheaper for them to stay home than to go to work. And when it becomes cheaper to stay home because of regulatory burdens, we are not going to have a strong economy.

So I spent time with the Wichita Building Association and I spent time with OSHA, and I found out they both had the same goal. They wanted a safe work environment.

Think about a lot of the small employers and subcontractors in the homebuilding industry. They employ their friends, their relatives, sons, uncles, and cousins; and they certainly do not want them getting injured on the job. I do not think any of them want to go to the next Thanksgiving reunion they would have with their family and try to explain why their brother-in-law got injured on the job. Instead, they want to have a work environment that is safe.

We know that when there is an on-the-job injury, workmen's compensation kicks in, their insurance costs go up. Economically it is not good for small employers to have an injury on the job. So we knew they wanted to have a safe work environment. OSHA is tasked with trying to create a safe work environment here in America.

□ 1630

But the problem is we have this adversarial relationship where they work against each other for the same common goal. So by getting OSHA together with the Wichita Building Association, they figured out a way to work cooperatively to create a safe working environment. To do that, they had the OSHA representatives come on an announced visit, walk together with the subcontractor or the small business owner, walk through the workplace and list potential safety violations. After the visit, they would list the potential violations, and then the OSHA representative would give them some period of time, between 6 weeks and 6 months, to go out and fix that inequity in safety. Then OSHA came back and went through the checklist to see how they were doing to make sure that there was a safe work environment.

That was a cooperative effort, and people went back to work and had a safer work environment. A common goal was achieved by cooperation rather than an adversarial role.

Too much of our regulatory burden in America is created by an adversarial goal. Our Environmental Protection Agency, the way the law is structured, one company when involved in a potential violation of environmental law, is forced to sue all of their surrounding neighbors to get them involved in the lawsuit which comes from the Environmental Protection Agency to correct the problem. That drives up the cost of getting any potential environmental violation rectified.

Over half of the money spent by the Environmental Protection Agency goes to lawyers. That does not clean one drop of pollution. If we could work together in a cooperative fashion, we would have a cleaner environment, do so with less money, and it would make us more economically competitive, and it would bring jobs back to America.

Looking at other areas of our economy, for small firms that have less than 20 employees, the annual regulatory burden in 2000 was estimated at $6,975 per employee. That is 60 percent higher than it is for the $4,463 estimated for firms with more than 500 employees. What that means is small employers have a greater burden in trying to comply with regulation than larger companies. Larger companies have more resources. They can dedicate people to regulatory compliance. That means smaller employers have a harder time competing in a world market or in a local market.

In Kansas, four out of five jobs are small employers. If it is more difficult for them to be in business, there are less jobs not only in Kansas but across the United States. Over the past decade, 60 to 80 percent of new jobs in the United States economy came from small businesses. During the last two recessions, 1990 through 1992 and 2000 through 2001, small businesses created almost all of the net job increases. So it is important that we focus on how to have a competitive advantage for small businesses as well as large businesses so we can create jobs in the future.

According to the Mercatus Center, the budgetary cost to taxpayers for funding regulatory agencies topped $25 billion in 2002. So by applying some common sense reforms, we could save money in the Federal budget and reduce the amount of money going toward regulatory burdens.

The Code of Federal Regulations extends 19 running feet. From 1991 to 2002, the number of pages in the Code of Federal Regulations increased by 28 percent. Not long ago, FDIC Vice Chairman John M. Reich, said that there are 65 words in the Lord's Prayer, 286 words in the Gettysburg Address, 1,322 words in the Declaration of Independence, and 26,911 words in the Federal regulation governing the sale of cabbage.

When you think about those documents that are very succinct and very clear, they do not take a lot of time or space. But when you look at regulations, it is cumbersome and burdensome, and it is keeping us from being competitive in the future. It is a tremendous burden on our economy. Of the $860 billion, part of that could be going to research and development, part of it could be going to creating new jobs and job training. It could be doing a lot of things that would help make America more competitive in the future.

To give some idea of how we can focus some of our efforts in the Economic Competitive Caucus toward reducing this regulatory burden, we can look at our tax laws. According to the Competitive Enterprise Institute in 2002, the Federal regulatory cost of $860 billion, $132 billion was complying with tax regulations. It takes a lot of money for people to comply with how they withhold taxes, pay their own taxes, State taxes, local taxes, Federal taxes. It is a big burden.

Environmental regulations, $201 billion. The workplace regulatory burden was $84 billion. The economic burden for regulatory cost, $444 billion. This is an area that is very important for us to focus on. It is just one of the eight areas that we are going to be dealing with to make America more competitive.

To review, the eight areas are health care security; bureaucratic red tape termination; lifelong learning; energy self-sufficiency and security; research and development so we can spur innovation and investment; trade fairness; tax relief and simplification; and ending lawsuit abuse.

The last thing I want to talk about today is the agreement that is coming

up before the August break to deal with the Central America Free Trade Agreement, commonly called CAFTA. It deals with five Central American countries plus the Dominican Republic.

There has been a lot of opposition to CAFTA in Washington, DC. Much of it is by labor unions and by people who want to become more isolationist in their view of America. I think we need to look at some things, that not only are economic but also geopolitical, related to CAFTA.

On the economic side, America has been open to trade. We have a 2 percent tariff on anything that is imported into America. In the Central American areas, they have a tariff that would be reduced by CAFTA, but that tariff can be as high as 15 percent. Textron owns Cessna Aircraft in Wichita, Kansas. Cessna makes single-engine aircraft. Cessna told me they have lost $43 million worth of sales just last year because of the trade barriers in Central American countries. That $43 million would have been jets and single-engine airplanes that could have been built in Kansas, built in America, and exported to these Central American countries.

The reason they had to face a 15 percent tariff, that increased the price of those airplanes by 15 percent, they were competing with a Brazilian company which does not have that 15 percent tacked on because they have a free trade agreement with these Central American countries. So it is 15 percent less costly to buy from a South American company than buying from a North American company. That is unfair. The way to change that is to get CAFTA in place so that economically it makes sense.

According to the Chamber of Commerce, we could increase our sales next year by $3 billion by passing CAFTA. The Farm Bureau estimates we would increase agricultural sales by $1.5 billion by opening up trade through CAFTA. Economically it makes sense, but we also need to look at the geopolitical implication of CAFTA. We want to have strong economies in these free countries in Central America and in the Dominican Republic. We see now a lot of effort on the part of Mr. Chavez in Venezuela, who is a socialist who is working cooperatively with Fidel Castro from Cuba. With Mr. Chavez funding efforts and Mr. Castro putting people behind it, there are at least 35,000 Cubans in Central America trying to impact the effort to overcome CAFTA. Why would Mr. Chavez or Mr. Castro want to overcome this trade agreement with America? Because he wants to weaken the economies in these five Central American countries so he can take over and put a friendly socialist government in place. It is important to think about what kind of impact a trade agreement with America would have on these economies. Their economies will become weakened and vulnerable.

Right now, we see money being spent by a socialist in Venezuela through his oil money, and people coming from Cuba to activate that. They are putting up health care clinics in rural Central American countries, giving money to political candidates and funding efforts to try to defeat any relationship these countries would have with America.

We are either going to deal with this issue through trade or through troops. If we do it through trade, we are going to have a strong economy down there. The people in Central America will tend to stay in their home countries rather than try to migrate to America.

If not, we are going to have people in the Central American countries that are pro-Castro, pro-Chavez, and they will be running these economies. And they will be socialists, communists, and they will be unfriendly to America. It could create a further problem down in that area. So we can deal with this issue with trade or troops. My view is to do it with trade. The way to do that, we pass CAFTA on the floor of the House.

Who opposes in Central America besides the Castro troops? It is the labor unions. The labor unions in Central America are opposed to a free trade agreement. I do not know why they are joining with American labor unions. I guess they have the same isolationist view. Maybe there is some common thread between the socialists in the labor unions in Central America and the labor unions in America.

I think by having free trade agreements, we are going to see very strong economies in the Central American countries, and that will keep people involved in jobs that can make their dreams come true in their home country. And they will be less likely to migrate to America.

One of the things that we grow in Kansas is cotton. A lot of people do not know cotton is grown in Kansas. We have always been known as the Wheat State, but when former Congressman PAT ROBERTS, now Senator ROBERTS, when he was chairman of the Committee on Agriculture in the House, he was essential in passing the Freedom to Farm Act. The Freedom to Farm Act allowed Kansas farmers to not have to maintain a wheat base, and they could experiment with new products.

They decided they could make money by raising cotton. Kansas State University came up with a way to have a shorter growing period for cotton. Combining those two things, we started growing cotton in southern Kansas. We now have over 50,000 acres. They are building their fifth gin mill to separate the cotton fiber from the cotton seed. That cotton is then put into a bale that is shipped to the Carolinas where it is manufactured into cloth stock or thread, and then it is sent to Central America where it is made into clothing and imported back to America. And we buy shirts and clothing made out of Kansas cotton that was put together by people in Central America.

That relationship is jeopardized if we do not pass CAFTA. The reason is because we will see these economies falter. We will not be able to keep the same supply chains, and that work will then migrate to southeast Asia. We will not be using Kansas cotton stock, it will be something that is grown in a different part of the world.

So CAFTA is very important to even remote areas of our economy, such as the cotton growing area; but also for south central Kansas. It is also important for the aerospace industry.

So one of the things that we are dealing with here is trade fairness and opportunity. The way we can see that as a reality is through the free trade agreement we have with Central America.

Just to summarize, this morning, we launched the Economic Competitiveness Caucus. We did it with the support of Republican leadership, with the support of the administration, with the support of strong groups like the National Association of Manufacturers that is represented by former Governor John Engler. We had the Secretary of Commerce there. The Majority Leader, the gentleman from Texas (Mr. DELAY) and the Majority Whip, the gentleman from Missouri (Mr. BLUNT) were there.

We kicked off this effort to deal with these eight issues: Health care security; bureaucratic red tape termination; lifelong learning; energy self-sufficiency and security; spurring innovation and investment; trade fairness; tax relief and simplification; and ending lawsuit abuse so we can create an environment that will be conducive to keeping and creating jobs in America.

When we look around the world, we see there are other economies that have done some things right. We want to make sure that we take those things and do them right here in America. These eight issues are going to be part of the agenda that we are going to deal with this year so the future economy will be strong.

□ 1645

30–SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mrs. DRAKE). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Madam Speaker, once again, it is an honor to not only address the House but the American people also at the same time. Madam Speaker, we would like to thank the Democratic leader for allowing us to have the 30-something Working Group once again here before the House. The 30-something Working Group is comprised of Members that are in the 30-somethings and 20-somethings on the Democratic side here in the House, and we come together on a weekly basis to talk about issues here on the floor that are facing Americans

and also issues that will be facing Americans in the future.

We think our purpose here in this Congress is to, A, talk about those things that are working, put forth proposals that will make life easier for future generations and those generations that are rearing children now as we speak, such as myself, and that are trying to provide for their families, such as myself. But the average American, we give voice to them. We make sure that even if they have retired, issues like Social Security, issues like national security, issues like health care, the Federal debt, that are going to bring challenges to their homefront, that we give them voice here in this Congress.

Being in the minority, every week, Madam Speaker, I always share not only with the Members but everyone within the sound of my voice that in the minority, by the House rules, the majority side runs the agenda: what comes to the floor, what goes to committees, who comes before the committees, what will be the agenda in those committees. And I think it is important for people to understand that and also for Members to be reminded. So many of the issues that are facing our veterans, many of the issues that are facing everyday families as it relates to health care, education, the environment, general things, homeland security, what our men and women get in Iraq and what they do not get in Afghanistan, what have you, goes through the process here, and it is a majority/minority process. Some pieces of legislation we are able to work on in a bipartisan level.

The main issues that are facing Americans are, unfortunately, partisan in many ways, not by what I will call the everyday Republican and Democrat, but as it relates to individuals in leadership.

We have been talking for several weeks, Madam Speaker, on the issue of Social Security. We are going to talk about that some more tonight. I think it is also important to talk about issues that have taken place. We had our birthday recently just out here on the Washington Mall, July 4th, which was an outstanding celebration not only giving honor to those that have served in past conflicts but the fathers of our country for standing up on behalf of the very freedom that they provided us and we live under today. Also, we had an opportunity to look at the issues of the minimum wage increase proposal that came before this House that was presented by Democrats here, making sure that Americans will have more to take home in their pockets to provide for their families, but, unfortunately, that did not turn out the way we wanted it to. And also, Madam Speaker, we would be remiss if we did not address the issue of a possible breach of national security as it relates to the outing of a CIA agent by an adviser in the White House, and there is a lot of discussion not only going on throughout the country but also here in the Congress.

So kind of setting out some of the issues that we will talk about tonight, those are the main issues. But I want to just open up and talk a little bit about the Social Security issue.

As the Members know, for several weeks, there has been a lot of discussion. The President flew around, spent a lot of Federal jet fuel at taxpayers' expense trying to make us belief that there was a crisis, an outright crisis, that the roof was going to cave in on Social Security if we did not move towards privatization. And I think that, not only in recent weeks but in recent days, the American people have told the White House that they are not in love—neither do they want Social Security to be privatized. Claude Pepper, from the very State that I am from, fought on this floor and stood where I am standing now and in the well, fighting for Social Security not only for the retirees but for those Americans that receive disability benefits, for those young children that are receiving survivor benefits, and privatization was nowhere in the discussion.

So being from Florida and understanding the significance of Social Security, understanding that it is social and security at the same time for those Americans that have put in the hours of work and commitment of paying into a system that will be there for them when they need it, not to pay into the system, to invest and gamble with their retirement or with their security if they were to get hurt on the job.

So the proposals that are there now, the President came out with a privatization proposal, and then we had some Members on the majority side, the Republican side, that came out with a proposal that was also privatization. Let us just put it this way: He said, My plan is privatization, and without privatization, Social Security will not work. Their plan is saying, We are going to take from the trust fund and we are going to move some things around and make a right and a left. But at the end of the game, it is still privatization.

I think that, as we continue this debate here in Congress, I want to commend some of my friends on the Republican side that do not see it the way some of their colleagues see it as it relates to the privatization of Social Security. I commend them for standing up to those individuals, but I also especially commend my Democratic leadership from day one, not, well, we decided to get on the side of right after the American people said that they rejected the thought or they continue to reject the thought of privatization. We were there all along. We have some of our Republican colleagues that are saying, I am not with my leadership on this.

So for the leadership on the said committee that handles Social Security, I think it is important that we identify that. Why do we come to the floor? We come to the floor to shed light and let Members on the floor in this Congress know that we know exactly what some Members are up to as it relates to watching out more for privatization versus shoring up and making sure that Social Security is there for future generations. I think they're well intended, but I believe that they are married to privatization more than they are married to making sure that Social Security is there.

So the gentleman from the great State of Ohio (Mr. RYAN), my very good friend and our co-chair of the 30-something Working Group, it is good to be on the floor with him again.

Madam Speaker, I yield to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Madam Speaker, it is good to be back. And I cannot help but thank the gentleman from Florida for all his leadership on this issue and a variety of other issues not only in the State of Florida but around the country.

We had our friends here on the other side of the aisle, good people, good Members of Congress, but a little flawed in their data. They were talking about how the President's tax cuts accounted for a 22 percent drop in the budget deficit, 22 percent from the prediction that they had had. And what I would like to say is, all of a sudden, the tax cuts are working now. All of a sudden, they are working. What they forget to tell people is that the decrease in the deficit, and I have news reports here from five or six different news organizations, is the President said that this 22 percent drop vindicates his tax-cutting policies, and I just want to read several accounts here. This is from NBC News: ''An independent budget analyst said that the improvements are almost all the result of one-time events, including the expiration of a 1-year corporate tax holiday. There was also an increase in taxes paid on investment gains from last year's stock market run-up.''

The Wall Street Journal said: ''private- and public-sector analysts remained unimpressed given the fiscal pressures just ahead . . . Private-sector analysts reiterated that the promise was calculated from the administration's 2004 deficit projection, a number widely considered inflated.''

The Washington Times, not exactly a liberal newspaper, reports, the new forecast would ''leave a deficit that is still the third largest in history.''

Goldman Sachs ''in a research note on Wednesday, said it agreed with the administration forecast for this year but not for the longer term.'' The main reasons? ''The jump in tax revenues stemmed largely from one-time gains in the stock market and the elimination of a temporary tax break last year for business to invest in new equipment.''

So we had the stock market, the expiration of a bonus depreciation rule that reduced business tax collections

until the end of 2004, and a 1-year tax holiday for corporations. This is a one-time bonus for the government, and it was based on a number that was inflated from last year.

And the fact of the matter is this: There are people all over the country who do not benefit from that. They do not benefit from the corporate tax bonus that this Congress passed. And the money that is getting invested is not getting invested in Ohio. It is getting invested in Beijing and Shanghai and all over the world while people are struggling, going out to get a second job and a third job. This is not having the kind of impact we wanted to have here in the United States of America. And that is why the tax cut has not worked. The deficit is going to go back up next year. We do not even factor in the cost of the war, which is at $300 billion. And I am not arguing that a lot of our systems do not need reform because I believe that they do. But to say that we do not need to make investments in education, that we do not need to invest; like today in the Committee on Education and the Workforce, we wanted to increase funding for Pell grant. We could not get it done. We wanted to get it up to, I think, $8,200 by 2013. We could not get it passed through committee. And how are we going to compete with the Chinese? How are we going to compete with the Indians if we are not willing to make the proper investments in the education system in this country? Barriers are being put up, and kids will not go to college because they cannot afford it. Those that do go, the next thing, they owe more money when they get out, $15,000, $20,000 just for a bachelor's degree. So to say that we do not need to make the proper investments, that there is enough money in the system, and to say that those people who pay the lowest corporate tax rates in the history of our country somehow are making the kind of contribution and meeting their obligation to society, I think is wrong.

I did not mean to divert from the Social Security debate, but one of the issues that we always talk about during the 30-something hour, Madam Speaker, is that we are running these annual deficits, and the long-term debt, as shown here on this chart, is $7.8 trillion we owe. That is our national debt. Each person who is alive and breathing in the United States of America owes $26,436.

Mr. MEEK of Florida. Madam Speaker, reclaiming my time, how about the baby that was just born an hour ago? What do they owe?

Mr. RYAN of Ohio. Madam Speaker, $26,436.78, and counting.

Mr. MEEK of Florida. How about the individual that is retired, veterans who have served our country?

Mr. RYAN of Ohio. Madam Speaker, $26,436.78. So to every citizen that can hear me, this is what they owe, and to every citizen that cannot hear me, this is what they owe. And to run the country, the Republicans, a few months ago, had to lift the cap on the debt. They had to lift the debt ceiling because they are running high deficits. And to come down here in 2005 and tout supply-side economics, which the first President George Bush called ''voodoo economics,'' is hilarious, absolutely hilarious, when we have kids going to school all over the country that live in poverty; 50 to 60 percent of the kids in Youngstown City School District live in poverty; 85 percent qualify for free and reduced lunch. And we are talking about how great the economy is going? I would like to live in some of these places.

And I think it is offensive, quite frankly, in many ways to somehow suggest that, by a slight decrease in the budget deficits because a loophole was closed and the stock market had a halfway decent run for a few months, that that somehow suggests that everyone is doing well is just out of touch really, out of touch with reality.

□ 1700

This is the reality: $7.8 trillion this country owes. I love how the President says, well, if Congress would just rein in spending. The Congress is Republican. A Republican House, Republican Senate, Republican President; and they are blaming each other about who has got to rein in spending; $26,000 you owe to the Federal Government. And they play this game, well, the President says Congress has got to restrain spending; the Congress says, well, the President has got to do his thing. They are all Republicans. This whole Chamber is controlled by the Republican Party. The Senate is controlled by the Republican Party. The White House is occupied by a Republican. And one of the issues we talk about all the time here is at the same time they are passing all of these corporate tax breaks and they tell everybody how great everything is going, veterans are underfunded by almost $3 billion. We have enough money to give tax cuts, but we do not have enough money to fund our veterans.

Mr. MEEK of Florida. Mr. Speaker, if the gentleman will yield, the real issue here is the fact that even when the veterans receive more money, does my colleague know why they receive more money?

Mr. RYAN of Ohio. Why?

Mr. MEEK of Florida. Not because the leadership on the opposite side thought it was the right thing to do. It is because we came to the floor and members of the committee ran amendments, and newspaper articles were printed, the fact that we have veterans clinics that are only open once or twice a month to assist veterans. That is the reason why.

Mr. RYAN of Ohio. Wait a minute. You are contradicting a statement here. The majority leader said, veterans need to know that no veteran will be without their health care in 2005 and no veteran will be without their health care in 2006. Is the gentleman saying that that is not the case?

Mr. MEEK of Florida. What I am saying is that the reality of the situation is the fact that veterans are waiting a long time. Some veterans are not receiving the care that they deserve. Veterans that are returning back from theater, and the gentleman is on the Committee on Armed Services and so am I, they cannot even get an appointment at the VA. These are true statements.

Just before the July 4 break, 2 weeks ago, we reported that one of the highest priorities of the Under Secretary of Veterans Affairs was to make sure that the Veterans Affairs Secretary's picture was posted at every VA hospital and clinic throughout the country. That was the topic of a conference call. Thank God some of the people that were the administrators of the Veterans Affairs were appalled by it and said, our real issue is trying to pay for meds and to make sure that we are able to provide for the veterans who are walking through our doors, that we have what they need to be able to make themselves whole and to be able to make themselves healthy. We are selling furniture; we are thinking about things in our budget that we can move to provide some level of care to these veterans.

Now, I say to the gentleman from Ohio (Mr. RYAN), I cannot wait to really dive into the issue of the whole veterans issue, because I can tell my colleague right now, I do not care what one's party affiliation is. If there is an American out there that is not registered and there are Americans out there who are not registered to vote, if you participate in the democratic process and elections, good. If you do not, this issue is still your issue. If you believe that you do not want anything to do with government, or you think there is too much government in your life or too less government, not enough government in your life, this is your issue.

The bottom line is, we have individuals that have stood in harm's way recently, not just several, 4 or 5 years ago, 300 yards from the enemy that was trained to kill them, who are not even able to receive primary care from the VA hospital. Not because the VA hospital employees and administrators are not willing to provide that care; it is the fact that here in this Congress decisions were made on the majority side not to provide the funding that is needed to make sure that veterans are able to receive what we told them we were going to give them.

Now, I do not care what anyone says about the whole issue of Democrat versus Republican. We are under one flag, okay? And the bottom line is, we talked about the gentleman from New Jersey (Mr. SMITH) and what happened to him, the former chairman of the Committee on Veterans' Affairs, what happened to him. He was removed.

Mr. RYAN of Ohio. Mr. Speaker, he was not only removed from the chairmanship, he was removed from the Committee on Veterans Affairs altogether.

Mr. MEEK of Florida. For doing what? For doing the right thing.

Mr. RYAN of Ohio. Trying to stand up.

Mr. MEEK of Florida. All the veterans organizations stand firmly with him, but guess what? They stand firmly with him off the committee right now, because that is where he is.

Mr. Speaker, the gentleman from Ohio (Mr. RYAN) is right. I am glad he corrected me. Not only was he removed as chairman, his stationery does not even have the name of the Committee on Veterans' Affairs on it any more because they moved him off the committee.

So I am saying that I do not, and the gentleman from Ohio (Mr. RYAN) does not, and the 30-something Working Group does not apologize for bringing light to the issue of the fact that we are going to talk about veterans and talk about mom and apple pie and drape ourselves in the flag and get all choked up down here and raise our voice talking about how we love the veterans. Well, the real deal comes down to who is running the House, what the veterans are getting and what they are not getting. And I will tell my colleagues right now, they are not getting that.

Now, I am going to yield back to the gentleman, but I have a few points that we must make on Social Security before we leave that, because the veterans issue, we can go on for 12 hours on that. We also have to talk about Mr. Rove and what he is sharing with members of the media, putting CIA agents in jeopardy. But that is a whole other issue. It is a serious issue that we have to deal with, especially in the middle of this effort against terrorism, global terrorism.

Now, let me just say, I am just going to take this moment since we are pausing here for a minute, so we do not have to come back to it, the issue on Social Security.

Now, there has been some news report, the gentleman mentioned the Washington Times, which I think that they are not necessarily, like the gentleman said, a liberal newspaper, as a matter of fact, the most conservative one, one of the most conservative newspapers here in Washington, D.C., and they are talking about what is going on as it relates to the leadership between the White House, the House, and the other body across the hall about the whole debate of Social Security. I think it is important that they point out here in this article that was published on July 10 by Ms. Fagan, Amy, the President continues to campaign for comprehensive reform of a system, but Democrats oppose what they call ''privatization,'' and what is privatization, I must add parenthetically. Congressional Republican leaders realize the public expects action after hearing about the issue for months, that from one of my colleagues from Florida that will go unnamed at this time; but if my colleagues want to get the article, they can. ''We've told everyone the House is on fire. It is time to offer them a fire hose or a bucket, or maybe a glass of water, depending on what the Senate can pass.'' Fighting amongst themselves on privatization.

Another headline, Congressional Daily. This is the publication that comes out here under the Capitol dome for not only staffers, but those individuals who are working on issues within the Federal Government, Federal Government issues, especially legislative, let you know what is going on. ''White House Still Pressing For Robust Private Accounts.''

Now, I am going to tell my colleagues that it is important, and that is also an article from 7/6/05 if anyone wants to look it up, any of the Members want to take a look at it. It is important that we read not only these articles, but we take part in what goes into these articles.

I will tell my colleague one thing. This whole issue of saying we are going to continue to say privatization until we have privatization will not work. The article goes on to say, we believe the majority of Republicans are for privatization, private accounts. I do not believe that is true at this moment.

I will tell my colleague another reason why it is something that I think that Republicans will make a career decision. I think the people of America, once they learn more about privatization of Social Security, will know that, A, they will lose benefits; B, it will increase the deficit; C, it will not bring a better situation to their overall need of Social Security in the long run.

So once that happens, I say to the gentleman, I think it is important that people understand, even some of our Republican friends understand that if they want to make a career decision just to get along with some members of the leadership on their side, they may very well be handing their seat over to someone else, either in their own party or maybe a Democrat replacing them. Because Americans overall, they watch out for family and making sure that they are able to provide for future generations and that they are secure.

So one other little piece here as it relates to another article I think is important. It came out of an Ohio paper, about a truck carrying Social Security debate to the steps of Congress. They sent a flatbed with a million signatures saying, no privatization of Social Security. Make sure Social Security is in surplus; yes, do that, but no privatization of Social Security. People are seeing this, Democrats and Republicans alike. So these are just a few articles that I was able to pull up. I wanted to take some of the articles that were considered ''mainstream media'' and also ''conservative media'' to show that there is a nexus there of shedding light on the issue that this issue of privatization is not a great idea.

What we stand for on this side of the aisle is making sure that, A, we keep the integrity of Social Security and we do not drive the deficit all the way into the ground in trying to go to private accounts. That is what we are asking for. We are asking for also, Madam Speaker, a bipartisan debate, not only debate, but action of Democrats and Republicans working together, like we did when Tip O'Neill was sitting in that seat, Speaker Tip O'Neill, and Ronald Reagan was in the White House. I do not think that is too much to ask for in this debate.

Mr. RYAN of Ohio. People want us to solve problems. They do not want us to sit here and be partisan. The fact of the matter is this. These are facts. The Democrats are not in power. It hurts me to say it. I do not like saying it, but when you are analyzing the direction of the country and both Chambers and the executive branch are all run by one party, and they come out with privatization schemes, tax cuts, primarily for people who make over $400,000 a year, corporate tax rates are the lowest they have been in the history of the country, all of these things, and then we are here trying to say, well, wait a minute. You are not funding veterans. Wait a minute. The American people do not want to privatize Social Security.

In fact, we have the poll here of the rural voters: Are President Bush's proposed changes to Social Security mainly consistent with the values of the people in your community or out of step? Mr. Speaker, 61 percent of rural voters say that the privatization scheme is out of step with their values, because we have guaranteed benefits. We have a system that works, has worked, will continue to work with minor adjustments, not a privatization scheme. That is not the right way to go.

If you look at the decisions that have been made over the past few years, they have not been good for the country: losing hundreds of thousands of jobs in Ohio alone, millions of jobs throughout the country, and the jobs replacing the jobs that are leaving are $10,000 less, $11,000 less a year, without health care benefits. Wal-Mart is basically getting corporate welfare because so many of their employees are on Medicaid. So they think, why should we give our people health care, they could go on Medicaid. Who pays for Medicaid? We pay for Medicaid. The country. The public pays for Medicaid. Why is the public subsidizing the wealthiest company in the country? It just does not make any sense.

And the decisions that are being made, the lack of attention to the issue of China and what is going on with the manipulation of their currency and the lack of trying to implement democratic reforms in China, all of these things add up to say, we are going in the wrong direction.

Now, I would like to bring up one point, I say to the gentleman from Florida, if I can, because we started talking a little bit about the veterans. I just want to kind of lay out, and the gentleman knows I like my charts.

Mr. MEEK of Florida. You love your charts.

Mr. RYAN of Ohio. I love my charts, because I think they lay it out for us.

Now, I want to just talk about for a couple of minutes exactly what the scenario was. We have been talking about, and I was on the Committee on Veterans' Affairs last Congress, how underfunded the VA was and is.

□ 1715

On the VA committee, the gentleman from Ohio (Mr. STRICKLAND) was always down here talking about these issues, the gentleman from California (Mr. FILNER), we had a great committee.

The gentleman from Illinois (Mr. EVANS) has done a great job as the ranking member, talking about how the veterans are not getting the proper funding for health care. They are raising user fees. They are raising their copay. It went from $2 to $7 to $15. More veterans are moving into the VA system, especially in places like northeast Ohio where people are losing their health care benefits, so veterans go into the VA system.

So we were complaining about this and arguing that we need more funding. So was the gentleman from New Jersey (Mr. SMITH), the chairman of the committee. He tried and tried and tried to get more founding in there. Bang, leadership knocked him out, stripped him of his chairmanship and of his committee assignment on Veterans.

So, on June 23, the Bush Administration acknowledged a 2005 shortfall for the VA of a billion dollars. Now, they knew in April, but they announced it in June. So what did the Democrats do? Why are we different? We are different because 1 day later, the gentleman from Texas (Mr. EDWARDS) offered an amendment to eliminate the billion dollar shortfall in the VA health care for 2005 and put another billion dollars in through the Labor, Health and Human Services Bill and in the Education Appropriations Bill.

The Republican majority refused to allow that amendment. Let me repeat that. The Republican majority refused to allow us to offer an amendment that would put $1 billion more back into the veterans system. On June 28, the President and the Bush administration acknowledged, in fiscal year 2006, the shortfall would be $2.7 billion.

The Secretary also acknowledged that there will be a shortfall of $1.5 billion in 2006, which would reach $2.7 in the fiscal year of 2006, way too many details.

The bottom line is, there is going to be a shortage of money in the out years as well. So on that same day, the Democrats tried again, the gentleman from Texas (Mr. EDWARDS), tried again to add a billion dollars in. The Republicans refused to allow us to do it.

So there, on a couple of different occasions, we had tried to fix the billion dollar shortfall in veterans health care, and we were not allowed to bring it up for a vote here in the House of Representatives.

It is not brain surgery. And the way this body works, you do not have to be a Philadelphia lawyer to figure it out. But that is how things transpired. The Democrats wanted to offer a billion dollars to close the gap in veterans spending, and we were not allowed to do it.

So my point is that if we were in charge, these are the things that we would be doing. These are the kinds of initiatives that we would try to implement in the country. And, you know, we come here, and we come to the floor, and we try to do as much as we can to try to talk about veterans and a lot of other issues. But quite frankly, we continue to run into stone walls.

As I said, the Majority Leader said there would not be a shortfall. That is just simply not what the numbers tell us. So I appreciate it. This is great. But I think this veterans component fits into the kinds of decisions that are being made, the kind of leadership that we are getting here out of this body, out of this chamber.

Mr. MEEK of Florida. It is important. Our job is to be able to speak the truth, share, not only with the Members, but with the leadership what is happening, what is not happening. But I just want to back up here. You mentioned a June 24th date that the gentleman from Texas (Mr. EDWARDS) offered the amendment.

Because I like third party validators to make sure that folks do not think that we are coming to the floor, we are having a little pregame, we talk about, well, you say it like this, I say it like that, and who cares if we are telling the truth or not.

House Resolution 3010, the vote was number 320, on June 24, 2005, failed on a partisan vote 185 to 216. Republicans voted against that opportunity to add in a billion dollars to the Veterans Affairs legislation to shore up the shortfall.

On June 28, a couple of days later, Republicans rejected a Democratic attempt to make up the shortfall in the House. Once again, the gentleman from Texas (Mr. EDWARDS) leading Democrats down the area of making sure in the Foreign Operations Appropriations Bill to be able to provide for our veterans throughout this country. H.R. 3057, vote number 325, June 28, 2005, failed 217 to 189; once again, the majority stopping the Democrats from assisting our veterans in the way that we want to assist them.

I would even go further on to say, on June 29th, a day later, where the Senate approved, and this is important, because you talked about this, but I just want to go further into it; the Senate understood what Democrats were trying to do here, or the other body understood what Democrats tried to do here on the floor. And there was a Member that said we need to be able, when we get into conference, match up on the $1.5 billion effort to make sure that we give Veteran Affairs some of what they need, not all, a $1.5 billion effort.

We then came to the floor, Democrats, once again. The other body passed it 96 to zero, 96 to zero Senate vote on June 29th of this year. On June 30th, we had a vote here on the floor right before the break, to go on the break for Independence Day Break. Republicans blocked procedurally that effort from happening, and did not want to put in the amount of money that the Democrats were looking to put in.

And I think that it is important that we understand that they wanted to add $300 million, saying, when we get to conference, we will kind of figure it out, when we could have matched up with the Senate, or with the other body I must add, in making sure that there would be no question, and that veterans will not be in a holding pattern, and Veterans Affairs administrators will not say, maybe if, I do not know, if we get the 1.5 this is what we will be able to do to provide care for our men and women that are coming out of the theatre, and those men and woman that have served in World War II and other conflicts, Korea, Vietnam, what have you, first Gulf and so on.

Making sure that they receive the benefits, Grenada, making sure that they receive what they deserve. Bosnia, making sure that they receive what they deserve. So like you said, what is the difference?

Well, the difference is that we are here fighting on behalf of not only veterans, this is not the only issue, we are fighting on making sure that Social Security is there for every American for the future and that they have as many benefits as they need to be able to survive.

We are also here to make sure that working Americans can make a livable wage and also to promote not only health care, but education. So when folks start talking about what is the difference, there is a big difference. And it is right here in the record.

And so if we have to take the journal and pull it out and start talking about where there has been Democratic leadership and where there has been Republicans standing in the schoolhouse door, then we will do that. And, hopefully, one of two things will happen: Either the American people will say enough is enough, just because someone says I need to vote a certain way, and I am going to vote that way because I am who I am and my father and mother and what have you have been a Republican; it is not about Republican. It is not about Democratic. It is not about independent. It is about leadership. It is about making sure that we do what we are supposed to when we are supposed to on behalf of the country.

What I want to do, I know that you have your chart there, but I want to talk a little bit about homeland security when we come to the floor next week. Because I am very, very concerned about some of the issues that I am hearing, especially after the London transit bombing attacks. We are fine. We have moved mass transit security to a higher level. We are in good shape.

I think it is important that we share with the American people, and also with the Members of the House that may not be aware, that we are not fine, and that there are things that we should be doing on behalf of every American to make sure that they are secure.

Because if we are walking around saying we are fine, that means that we really have no work to do, and we have a lot of work to do. So I am glad that you took the record out, and you have your chart and I have my piece of paper, about what is actually happening as it relates to Veterans Affairs, what has happened, what is happening to veterans. And we are here, even though we are in the minority, doing what we can to make sure that they have a voice on this floor, amongst many other Members that are also doing good work and making sure that they have voice in this Congress and the battle continues, and we want them to be with us in that battle.

Mr. RYAN of Ohio. There is no doubt about it. You have been down to Guantanamo. I was down to Guantanamo last week. You know, we have soldiers in Iraq and Afghanistan. These are the people who are going to come back and use the VA system.

And just to wrap up the VA portion of our program, some people may be sitting at home and may be saying, well, maybe we just do not have enough money, maybe we just do not have the resources to provide for the veterans. And I want to show this graph, which the last graph was just too jammed up; there were a lot of words on there.

But I think this is just where we are at. Permanent tax cuts way on the left. What is the cost in trillions of dollars over the next 10 years? We are going to spend $1.8 trillion over the next 10 years to make the tax cuts permanent.

We are going to spend $800 billion to make the tax cuts permanent for the top 1 percent; $800 billion for people who make $400,000; $500,000; $600,000; $700,000; $800,000; $900,000 a year, over a million dollars a year, not begrudging people who make a lot of money, God bless you, but we are going to spend $800 billion giving them their tax break, and we are only going to spend $300 billion on veterans.

And all we are asking for here is a billion dollars for the next year, or $2.7 billion for 2006, and $3 billion or $4 billion maybe for 2007. We are giving $800 billion away to the top 1 percent of the people who live in the country. We cannot come up with $3 billion for our veterans? Almost 2,000 already over in Iraq and Afghanistan who have been killed.

I mean, this is just a priority. It should be a priority for the country. So it is not that we do not have the money, it is an issue of choice. It is an issue of priority. And right now, it is obvious that we are not making the veterans a priority.

You know, quite frankly, I know the gentleman from Florida (Mr. MEEK) has and I have, many Members in this chamber have been to the funerals of our soldiers who have been killed. And I think the least we can do is make sure those who get injured or those who serve this country can come back and know that their veterans health care is going to be there for them.

So the money is there; it is just not a priority. Again, the Democrats tried on several different occasions to put amendments on to spending bills. The gentleman from Texas (Mr. EDWARDS) has taken the lead on this. The gentleman from Wisconsin (Mr. OBEY) has taken the lead on this, to try to put that billion dollars in there to make sure that everybody is covered.

And it was clearly rejected. So it is an issue of priority. The money is there. We have chosen not to do it.

Mr. MEEK of Florida. I am glad that you broke it down even further as it relates to the whole Veterans Affairs issue and where our priorities are and where they are not right now. I think it is also important for us to shed light on this question of national security.

□ 1730

As you know, the gentleman from California (Mr. WAXMAN), ranking member of the Committee on Government Reform, put forth a letter today asking Mr. Rove and the White House to send the Presidential advisor Karl Rove to the Hill to explain under oath what he said and what he did not say as it relates to this issue of outing a CIA agent.

I would go further to say, this is a very serious issue. When this was first broken, when this story first broke that a CIA agent was out, the White House denied any involvement in that practice. And when the question was brought up by Mr. Rove, we were told by a White House spokesman, the press was and the American people, that he would be shocked if he had anything to do with this.

Later, after the special prosecutor which had to be appointed, and the President did appoint a special prosecutor or the call for a special prosecutor or the administration did, we find out that his attorney admits that he did have a conversation with a reporter about the fact that the ambassador's wife was a secret agent, or CIA agent.

Now, the gentleman and I both, and Members of Congress and some members of the staff and definitely of our intelligence agencies, receive a level of security clearance of top secret. So did Mr. Rove. By virtue of the fact that he works in the White House, he advised the President of the free world on decisions that he should make and that he should not make. He has been in very high secret, top secret conversations. The White House receives more intelligence than the average Member of Congress, be it House or Senate and their staff. And Mr. Rove is a part of that very small group. To have any discussion to head off bad press of a reporter or a weekly magazine does not reach the bar of breaking national security.

Now, I think it is important that you also know and we share with the Members who may not know that in this particular case this is connected with the whole issue of going into Iraq. Now, I will tell you Iraq is Iraq and it has happened. We are dealing with it. We are supporting our men and women there, making sure that they have the supplies, making sure that they have the equipment that they need to be able to fight daily against insurgents and to try to help the Iraqi people make themselves whole or stand up or stand firmly on their own two feet governmental-wise.

But I will tell you this, that the Republican Congress has pulled individuals to the Hill to testify for far less than outing a secret agent of the CIA, far less. And I will not demoralize the time here on the House floor for how much less than they have pulled people for lesser issues, for statements, for what we may believe has something to do not with national security but with their personal affairs that they have pulled issues to this floor for far less.

This is very serious. And I do not agree with the White House on, well, you know, we do not believe we had anything to say. Now the tune is changing, and they are now saying to make sure that there is no problem and to make sure that we can assure the American people that those individuals that have received top secret clearance in the White House, that the integrity of every employee that has received that clearance, we are willing to hold ourselves to the highest standards, and they are not doing that right now.

Now, this is not just political spin. This is outing of a secret agent of the CIA. And so to say that, how do we know that he knew that she was a secret agent? Well, I am sorry. Any agent that works for the Central Intelligence Agency should not be identified as far as I am concerned unless they work in the public information or they are on the recruitment trail going to universities and out to military facilities to recruit CIA agents. We should not even be talking about it.

This is the Central Intelligence Agency, not Boy Scouts of America, not we want everybody to know who we are. These are the individuals that go out and head off terrorism. These are the individuals that go out and give us the intelligence so that we can stop a 9/11 from happening. And so anyone, including Mr. Rove, that thinks that they

have the prerogative to share with the reporter about someone else's wife to try to head off a story, and especially if they work with the CIA and they are a secret agent, I am sorry, but I have to be proven wrong because I happen to think the latter here.

I think the chairman of the Committee on Government Reform should have Mr. Rove come to the Hill and share with the committee under oath what he said and what he did, not say because I believe national security is at stake here. And once again, this has nothing to do with who is a Democrat and who is a Republican. It has everything to do as it relates to the integrity of national security. Period. Dot. There is nothing more than you can say about it.

So for the White House to drag their feet on this and for the leadership over here not to demand it, the majority side not to demand it, I think we are derelict of duty. I am sorry. But I will tell you this: I think by the fact that the gentlewoman from California (Ms. PELOSI) has asked for this, the gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Government Reform, asked for such a hearing, I think there is no question to the Members of this House if the tables were turned and we were in the majority, there would be a hearing right here right now. Mr. Rove and company would be coming to the Hill to share with Members under oath about what he said and what he did not say. Period. Dot.

That has nothing to do with politics. It has everything to do with national security. So when I read accounts in the paper about, well, that is just the Democrats taking a shot at the GOP, I am sorry. That does not rise to the level of a response for what has happened. So I think that the American people definitely should stand up and let their Congressman or Congresswoman know that they want to get to the bottom of this. This is not about they are donkeys and we are elephants. It has nothing to do with party pride. It has everything to do with national security.

I commend our leadership for standing up and saying that we want to know more. We need to know more. The American people need to know more, and we also need to know why, even today I am sure Mr. Rove is still sitting in national security briefings, still getting top secret information and has admitted saying that, yes, this man's wife is a CIA agent.

Just today I was in a top secret briefing. Do you think that is something I want to share with anyone? Of course not, because it could have national security implications. And even if I do not believe that it has national security implications to it, it is not my obligation or my right to share it with anyone. Period. Dot. That is just the way it is. It may very well jeopardize the life of someone or lives of individuals that are in harm's way because he wanted to head off a bad story. It is just that simple.

I am sorry for getting a little emotional about it. But when you sit for 3-plus years and some Members have sat for 30 years, double-digit years, and have received top secret information and have said nothing to individuals who do not have the same level of clearance behind closed doors of our national secrets, for someone to feel that they can go, and I must add unelected, to share with a reporter, trying to head off a story, they print stories every day, some good or bad. They call it democracy, okay, it happens. You do not have the right to be able to do that.

So I say not only for Mr. Rove but also for the White House, somebody better go see the Wizard and get some courage and say we are going to come to the Hill; even if we are not asked, we will come to the Hill to clean up this situation. Because if it is what I think it is, I guarantee you this, the American people are going to demand leadership on this, be it in the other body or in this House; but they are going to demand leadership, and they are not going to allow individuals just because they feel like they want to head off a story and they are going to share with a reporter anytime they feel like it.

If we do not check Mr. Rove right now and people that are like him leaking national secrets and outing CIA agents, who is next? Who is next? It is like my kids. If I allow my kids to come up and kick me in the shin and do nothing about it, I might as well get a shin guard because they will kick me every night. So it is important that we understand we do not allow those that are walking around with badges, that we allow them to go into top secret discussions to share with the media when they feel like it

Mr. RYAN of Ohio. Madam Speaker, I think it is important, the gentleman makes a tremendous point. We have to ask ourselves, not only in this body but around the country, why? Why would Karl Rove do that? Why would he out a CIA agent? We know why. Because her husband was the ambassador that went to Niger that basically blew up the whole idea that the Iraqis had a nuclear weapons program. He eliminated that from the argument of why we should go to war with Iraq.

So he had information that was going to blow it out of the war. They stuck it back into the State of the Union address that the President gave from right up here, and so the response was to try to destroy these people. Is that what we want? Is that how this operation is supposed to run, who can destroy who? And now this woman cannot work in the same capacity that she used to work in.

But the reason goes back to the war and the build-up and the drum beats that were going for us to go to war in Iraq. And here we were trying to say, wait a minute, all of the sudden Iraq is North Korea. All of the sudden Iraq is Iran. All of the sudden Iraq has all of these nuclear capabilities. No, they did not. And the administration manipulated the data and then tried to destroy any person or couple that tried to prove otherwise. That is the bottom line and that is not a Democrat or Republican issue. That is the fact of the matter.

Mr. MEEK of Florida. Madam Speaker, we have a couple of more minutes left. I want to make sure we do what we always do and give the information out, not only to the Members but to make sure everyone understands how to get in contact with us. What we are talking to as it relates to the letter and the Committee on Government Reform, people can go to our Web site, www.housedemocrats.gov/pinkslip. That is housedemocrats.gov/pinkslip.

Mr. RYAN of Ohio. Send us an e-mail if you would like to—www.30something dems@mail.house.gov. That is 30somethingdems@mail.house.gov or you can get us at democraticleader@mail.house.dot/ 30Something.

Send us your e-mails. Let us know what you think. One of the things you need to send us is what you think the priorities in your family are or your friends or the people that you hang out with. What are your priorities? What should we be doing here? Let us know. We would love to hear it.

Mr. MEEK of Florida. Madam Speaker, I appreciate the opportunity to address the House. I would like to thank the Democratic leader once again for the time.

A FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that having made the technical corrections to the engrossment of the Senate amendment to H.R. 2985 the Senate returns to the House the papers to accompany (H.R. 2985) ''An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes.''.

Resolved, That the Senate insist upon its amendments and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ALLARD, Mr. DEWINE, Mr. COCHRAN, Mr. STEVENS, Mr. DURBIN, Mr. JOHNSON, and Mr. BYRD, to be the conferees on the part of the Senate.

PROTECT OUR CHILDREN

The SPEAKER pro tempore (Mrs. DRAKE). Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. POE) is recognized for 60 minutes.

Mr. POE. Madam Speaker, Cary Ann Medlin, 8, Tennessee; Nicole Parker, 8, California; Chris Byers, 8, Arkansas; Sherrice Iverson, 7, Nevada; Amanda Brown, 7, Florida; Christina Long, 13,

Connecticut; Michelle Vick, 14, Washington; Samantha Runnion, 5, California; Maryann Measles, 13, Connecticut; Polly Klaas, 12, California; Amber Hagerman, 9, Texas; Adam Walsh, 6, Florida; Megan Kanka, 7, New Jersey; JonBenet Ramsey, 6, Colorado; Sarah Lundy, 13, Florida; Danielle Van Dam, 7, California.

□ 1745

Carlie Brucia, 11, Florida; Jessica Lunsford, 9, Florida; Dylan Groene, 9, Idaho.

Madam Speaker, unfortunately, this list of abducted and ultimately murdered children goes on and on and on. And if the sadness of their stolen lives is not enough, many of these precious young people were also brutally raped and sexually assaulted before they were murdered. Madam Speaker, these are some of their stories.

Dru Sjoden: Dru was a happy, happy child. Her cheerful personality was evident from the day she entered this world. As a child, she was dedicated to being a good student. She was active in gymnastics, swimming, track and skiing. She was artistic from a very young age, and art was her number one love. Through her creativity, her passion for art, she was always creating handmade cards and crafts for her friends and sent them to members of her family. She enjoyed the outdoors and fishing. She constantly thought of other people. She was nominated and won Homecoming Queen during her senior year at high school. She attended college at the University of North Dakota and was just as popular among her college friends as she was among her high school friends.

Madam Speaker, this is a photograph of Dru shortly before this 22-year-old University of North Dakota student was murdered. She left her job at the Columbia Mall in Grand Forks, North Dakota, at 4 p.m. on November 22, 2003, and she was never seen alive again. Her body was found in April of 2004, thrown in a ravine in Minnesota.

She was talking with her boyfriend on her cell phone when he heard her say, ''Oh, my God.'' Then her phone went dead. Chris Lang, her boyfriend, received another call from Drew's phone a few hours later, but there was only static on the other end of the line.

On December 1, 2003, although her body had yet to be found, Alfonzo Rodriguez, Jr., a registered sex offender from Minnesota who had recently completed a 23-year prison term, was charged with abducting Dru Sjoden. After Drew's body was discovered on April 17, 2004, near where Rodriguez lived, a Federal Grand Jury charged Rodriguez with kidnapping and murder.

Because the victim was transported from North Dakota to Minnesota, it was a Federal crime under the old Lindburgh baby kidnapping case. The defendant will be tried in Fargo, North Dakota, next March. Madam Speaker, the indictment alleges that the murder was done ''in an especially cruel and harmful and depraved manner, including torture and constant abuse.'' The defendant, two previous convictions in Minnesota for sexual assault and rape, once at knife point, has also another conviction after he left the penitentiary for kidnapping.

Dru was 22 when she was murdered. Dru is the same age as my youngest daughter, Kellee Lyn. You know, daughters are special to fathers, and to lose a child by any means, especially violence, is a tragedy to any family. The government in this case is seeking the death penalty against the offender, and rightfully so.

Dru Sojun, 22.

Carlie Brucia is remembered best by some of the things her grandmother said about her. ''She has been described as blond and bubbly. Carlie was affectionate, a great hugger, and when she was in New York, she loved to go to the movies with her dad, go shopping and go out for ice cream, things little kids like to do. Her favorite ice cream was mint chocolate chip. Her grandmother says, I always had that in the House for her when she visited me.

''When she came to our house, we would shoot baskets in the driveway. She would shoot those with Aunt Jeannie; play softball in the back yard with her other Aunt Katelyn, and the rest of the family. We would have barbecues, and she loved to roast marshmallows. It's a beautiful memory thinking about Carlie with her sticky fingers and marshmallows all around her mouth. What a cutey.

''She liked music. She especially liked Jennifer Lopez; knew all the words to every song, and would sing on the radio when Jennifer Lopez would come on.

''Carlie liked to help her dad out at home, especially when her dad had the family over for dinner. She pitched right in, helped him with all the chores, serving, and cleaning up after supper. I can picture her loading up the dishwasher,'' says her grandmother. She was a good student. Voted most popular, best math whiz at McIntosh Middle School.

Carlie Brucia, 11: She was a real person, Madam Speaker, like all of the people I will be talking about tonight. This is who she was, before life was stolen from her by an offender, a sexual predator.

Carlie Brucia, 11, disappeared on February 1, 2004. She was walking home from a friend's house in Sarasota, Florida. A surveillance camera behind a car wash taped Carlie's abduction by a man. This sixth grader may have walked through the car wash parking lot as a shortcut to go home.

Friends described her as a beautiful girl who loved watching Jennifer Lopez. She liked to go the mall, greet friends with a warm hug, and she was headed home from a slumber party when she was abducted. Carlie's remains were discovered 5 days later, a few miles from the car wash where a surveillance camera captured the image of her abduction.

The defendant, Joseph Smith: The Sarasota police questioned Joseph Smith who had been in their custody since the day after Carlie was abducted on an unrelated parole violation. A woman who said that she lived with Smith was one of the tipsters who contacted the police. Of course, the defendant refused to admit anything and refused to admit his involvement with Carlie Brucia's disappearance until February 5, when he finally told investigators where he had dumped her body.

On February 6, it was announced that Carlie Brucia's body had been found. She had been murdered and left in a church parking lot just miles from her home. Joseph Smith, 37-year-old car mechanic, father of three, had been arrested 13 times in Florida since 1993, had been charged with kidnapping, false imprisonment, and he is the main suspect, of course, in this brutal murder.

On February 20, Smith was indicted on first degree murder and separate charges of kidnapping, capital sexual battery and other charges. He has been to the courthouse before, Madam Speaker. Aggravated battery, carrying a knife, possession of heroin with intent to sell, possession of blank prescriptions, possession of drugs without a prescription, intent to obtain controlled substances by fraud, possession of cocaine. All of those resulted in convictions of this sexual predator.

November 7th of this year the defendant will see his day in court, where the State of Florida has charged him with capital murder.

Carlie Brucia, 11.

Madam Speaker, Jessica Lunsford was born in Gastonia, North Carolina. She came to Florida a year ago. She was her grandma's girl. Grandma called her ''my daughter'' from the time she was one. Jessica's mother and dad split up about that time. She and Grandma Ruth loved to go shopping together. They would go to JCPenney's. They would go to the mall, and Jessica Lunsford especially liked Wal-Mart.

Jessica wanted to be an Olympic swimmer; a fashion designer. She would cut up old dress-up clothes and make clothes for her dolls. She and her grandma collected dolls together and would make clothes for them. She loved the Disney Channel, and she had a collection of Disney videos. She especially loved, The Princess Diaries.

Church was a big part of Jessica's short life, and she was a big part of the Faith Baptist Church in Homosassa, Florida. She attended what is called the King's Kids Wednesday night program. There were 35 kids in this bible school class, and she was one of six who recently memorized the names of all the books of the New Testament. She even had a favorite verse memorized, Philippians 4:13: I can do all things through Christ who strengthens me.

She was daddy's girl, and she would call her father, Mark Lunsford, as soon

as she got home from school each day. She would visit him at work and she liked to play in a sand pile.

Just before she disappeared, she had been to the State fair, where Mark had gone with her and bought that now famous pink hat that she has on in a photograph. Jessica did not like hearing about people being harmed and hurt, and she never liked to see anybody cry.

Madam Speaker, Jessica Lunsford was a real person. She was a little girl. She was daddy's girl. She is shown in this photograph with that hat she had on that Mark had given her. Nine years old, life stolen from her because of a sexual predator.

That person, John Couey, was a convicted sex offender. He was staying down the street in a mobile home, even though he did not use this as his registered address, as he was required by law to do. Where he was staying was near the Lunsford home. And unbeknownst to the Lunsfords, he was on watch of their activities. Here is what he said he did.

He said he snuck into Jessica Lunsford's house through an unlocked door at about 3 o'clock in the morning, February 24. He kidnapped Jessica and took her to his place, his bedroom. With Jessica in his custody, Couey said that he watched the sheriff's command center pull up in front of the Lunsford home. He put Jessica in his closet, where he kept her till he was ready to abuse her.

He said, after he was through with her, he decided he would bury her after he learned that the Citrus County Sheriff's Department was looking for him. So the weekend after Jessica's disappearance, in rainy weather and fog, he decided to do his dastardly deed of murdering this little girl.

After having his way with this 9-year-old for as many times as he wished, keeping her locked up in the closet, he decided it was time to get rid of her. So he took this 9-year-old girl, he tied her hands and feet with stereo wire. He wrapped her inside two large plastic garbage bags. He dug a hole, and he buried her alive.

She suffocated to death. Jessica Lunsford, when she was found, was still clutching the tiny blue stuffed dolphin she had taken from her bedroom when she was stolen in the middle of the night by John Couey. The police found where she had poked her fingers through the plastic bag seeking air to breathe. That is the way that Jessica Lunsford died.

John Couey. Well, who is he? He is a convicted sex offender with a criminal history a mile long. It includes 24 arrests and goes back over 30 years. Two of the arrests were allegations of home invasions, where he had molested little girls.

Madam Speaker, I have talked to Mark Lunsford at length. He is a good guy. He loved his daughter, as all fathers do. Girls are special to those of us who are fathers, and he says he will never get over the fact that he lost his daughter and the way that she was murdered. Of course, he will not get over it. And hopefully, none of us in this United States will get over it.

Jessica Lunsford, 9, State of Florida.

Madam Speaker, Dylan and Shasta Groene were declared missing May 16 this year after police found the beaten and bound bodies of their mother, their older brother, and their mother's boyfriend. Shasta was discovered on July 2, just a couple of weeks ago, in a local restaurant with Joseph Edward Duncan, III, of course, a registered sex offender who had fled Fargo, North Dakota.

Human remains were discovered at a remote western Montana campsite later, and they were identified on July 10, a few days ago, of those of Dylan Groene, 9 years of age.

Investigators have not revealed what they believe happened to Dylan or how long they believe the boy was alive after the children's mother, 13-year-old brother, and their mother's boyfriend were beaten to death. Sheriff Rocky Watson has said he believes the motive for the killings was to acquire these two children for sex. Watson also said authorities believe the family was chosen at random, but the attack was carefully planned and executed by the criminal.

□ 1800

The police have interviewed Shasta, the daughter, a couple of times, and the details are agonizing and slow in being revealed, but she has provided helpful information. Sheriff Watson does not go into all the facts and say what he believes happened to the girl and to Dylan, but those actions are not good.

Dylan, he was 9. Like the others that I have mentioned, he was a real person. He wanted to live like all kids, but he never made it to his 10th birthday because of the criminal, this individual by the name of Duncan.

Duncan: By the time he was 16, he had committed 13 rapes. In 1980, Duncan was arrested for breaking into a neighbor's house, stealing guns and then accosting a 14-year-old boy and raping him at gun point. He was convicted of rape and sentenced to the maximum of 20 years in the penitentiary. However, in lieu of prison, somebody sent Duncan to the Sex Offender Treatment Center at Western State Hospital.

In 1980, an evaluation at Western State Mental Hospital found that Duncan, who was only 17, met the definition of a sexual psychopath. Western State Hospital had given up on Duncan. He was 19, and he announced that he wanted to leave treatment and serve the rest of the time in prison. So he served 14 years for the rape and three more for parole violations. When he got out of the penitentiary, he moved to Fargo, North Dakota.

Duncan, after leaving the penitentiary, he decided to create a blog on the Internet, and many of the entries appear to focus on his own sexual abuse crimes; he seems to be proud of it; and his rage over how sex offenders are treated in our community.

Brenda Groene and her boyfriend, Mark McKenzie, and 13-year-old Slade Groene were killed in their home some time on May 15 by Joseph Edward Duncan, III. They were beaten to death. Duncan, after kidnapping Shasta, he told her what he did to these other three before he murdered them. He said he had watched the house and specifically had watched her for 2 or 3 days. At night, he would peer inside the home, and he said it was simple. He said he used a night vision goggle set to learn about the family's layout before breaking into the home.

Duncan was charged with first-degree murder and first-degree kidnapping in the bludgeoning deaths of this family. He bragged to Shasta about killing her family with a hammer and even taunted her with the hammer after he had kidnapped her.

McKenzie, Brenda Groene's boyfriend, took the kids fishing to Wolf Lodge Creek to catch crawdads. The last time Dylan's father, Steve, saw Dylan and Slade alive was about 3 weeks before the murders. They spent the weekend with him. Dylan and Slade liked to play games on PlayStation. Dylan, 4 feet, 60 pounds, blond crewcut, blue eyes, and 9 years of age when he was murdered.

Madam Speaker, Sarah Lunde was 13. She led a troubled life because she was abused as a child, so she sought peace with her church group. She was last seen on April 9, 2005, shortly after she returned home from a church trip and about the time a registered sex offender unexpectedly paid a visit to her home.

The teen was reported missing Monday when her mother learned she was not at a friend's home and reported that to the police. Investigators found Sarah Lunde's body abandoned in a fish pond on April 16, 2005.

Madam Speaker, Sarah Lunde, she was a real person as well, a child in our community of children.

David Onstott, he was a convicted sex offender, 35, and he has been arrested for the murder of Sarah Lunde. Onstott has been indicted for first-degree murder, sexual battery. He confessed to choking Sarah to death, dumping her partly clad body in a pond near her home in rural Hillsborough County, Florida. He has a lengthy history of violence against women, sexual deviance and failure to even pay child support. He once beat a man with a baseball bat, and later, he was accused of attacking another with a machete. He once stalked a former girlfriend and scared her so badly she moved to a different city. He was a heavy drinker, and he liked to use cocaine.

He was convicted in August 1995 of raping a 25-year-old woman in Florida. During the sentencing phase of that trial, his former wife and step-daughter testified against him. Onstott's ex-wife

testified he raped her repeatedly and even fondled the 16-year-old daughter. He was a registered sex offender. In November 1990, Onstott picked up the step-daughter from school, fondled her and even left marks on her chest.

In May, David Onstott, the convicted sex offender, was in jail and charged with the murder of Sarah Lunde. While in jail awaiting trial, he was caught trying to dig his way out of the jail. He had stolen some type of metal object and was digging into the concrete floor. He waits for his day in court.

Sarah Lunde, 13.

Madam Speaker, the assault on children continues. The last example I would like to discuss occurred in Houston, Texas. It happened this year. I want to read and paraphrase from different articles of the Houston Chronicle which relate the events better than I can. According to the Houston Chronicle, on February 4, 2005, a 6-month-old little girl showed up at Texas Children's Hospital severely abused, physically and sexually, and was put on life support by the hospital authorities. She was only able to breathe because she was on a respirator. This 6-month-old little girl had been penetrated and raped vaginally and anally. Her tongue had been severed almost completely off. The baby, mind you, six months of age, was in critical condition at the hospital. The baby's parents were arrested, put in police custody and charges have been filed against them.

According to the hospital authorities, one said, ''it is the worst case I have ever seen where a child has suffered such horrific types of injuries and is still alive . . . The pain that this baby girl must have suffered.''

Doctors have found other signs of abuse since the baby's admittance. The parents, who are not married, are in their early 20s. They took this child to Doctor's Parkway Hospital and told the staff she had some problems. The medical staff obviously became suspicious of abuse and transferred the 6-month-old baby and another child, a 15-month-old, the sister of the 6-month-old, to Texas Children's Hospital. Texas Children's Hospital examined both of the kids and noticed that the 15-month-old had an old broken rib and skull fractures. Children's protective services took official legal custody of both girls, and the 15-month-old is now in foster care.

When the 15-month-old was a month old, she suffered a fracture to her leg. She also had hemorrhaging in different parts of her body which was indicative of shaken baby syndrome, according to child protective services. They are not sure who did this, so the father was charged with injury of a child in December 2003, but for some reason, the case was dismissed in October. Once again, this is the 15-month-old daughter.

The mother had gone to some parenting classes and some therapy and told some officials that she had left the older child with the father and was living with her parents, but for some reason, the toddler was sent home to her mother. These children are vulnerable. They cannot tell anyone, and they do not have anyone to turn to.

According to the Houston Chronicle, the 6-month-old was still fighting for her life. She had been physically and sexually abused. She was covered with brutal injuries, according to the police. She has been partly blinded by the injuries, and now, the parents, Ivan Castaneda, 22, and Donna Marie Norman, 19, are each charged with injury to a child and being held without bond. If this 6-month-old dies, they would be charged with capital murder.

This little girl, however, is a remarkable person. Even though she had been admitted to the hospital in February, her kidneys ceased functioning, she was put on dialysis, she had skull fractures, injuries to her lungs, liver, kidneys and her eyes, she continues to live and continues to live to this day.

I have talked to Lieutenant Stanley of the Houston Police, and he said that the investigators investigating these cases are having difficulty handling the abuse that they personally saw. However, the 6-month-old has defied all odds. The reddish-haired infant, described as the miracle baby, has been released to a family that hopes to adopt her. The baby has been in hospital for some time, but according to a hospital spokesperson, it was a great day because this child survived the most brutal of all attacks. Physically and sexually abused, every part of her body bruised, but some way she survived. So they call her wonder baby, six months. She lived to the age of six months when she was physically and sexually abused, but today she is still alive.

She is the only person I will talk about tonight that survived these brutal attacks.

Madam Speaker, these are just a few stories of real people, real children in our communities that were preyed on by some sexual predator. There is some hope, however. Things are happening to protect children in the United States. Here in Washington, D.C., we have the National Children's Alliance. It was the idea of the gentleman from Alabama (Mr. CRAMER) who sits on the other side of the aisle, proof that child abuse, child protection, is a bipartisan issue. What this National Children's Alliance does is protect children that have been abused and sexually assaulted throughout the country. There are some 400 different centers where children who are assaulted sexually can go and be treated. Their medical and emotional needs can be met, and they can be interviewed so criminal prosecution can take place against the perpetrator.

We probably have the best one of these centers in Houston, Texas, called the Children's Assessment Center. The reason for these centers is this: It used to be, when I first started prosecuting cases and then when I was a criminal court judge, when a crime was committed against a child, especially a sexual assault crime, the system continued to sometimes commit crimes against the child. The justice system was not really justice for the kid. What I mean is, they would be interviewed by a police officer, then taken to a hospital and interviewed by medical personnel. They would sit in the emergency room with other people, sometimes for hours. Then they would go downtown and be interviewed by the police. And sometimes, the children would be on the elevator at the police station, and who else would be on the elevator? The perpetrator going to be interviewed for the criminal conduct.

□ 1815

They would be bounced around all over the city, interviewed by different prosecutors. But now, thankfully, because of the National Children's Alliance and the Children's Assessment Center in Houston, those days are over. When kids are sexually assaulted, they go to one center where all of their needs are met. They are interviewed. Their physical needs are met. When they are continuing to need more physical or mental therapy later, they go back to this same center. The people that are there are experts in child sexual assault cases and those people are available for trial when the perpetrator is caught and his day in court arrives. That is some good news. Unfortunately, we have to have these centers throughout the United States where children go who are sexually abused by the predators in our community.

Mr. Speaker, this year before the House and the Senate, it was learned that money that goes to protect victims of crime was being depleted and removed from the budget. Let me explain. In 1994, the President of the United States established what is called VOCA funding, Victims of Crime Act. What that allows is for a person who is convicted of a Federal crime, they contribute moneys into a fund and that money goes to victims of crime for their medical and physical needs. What a wonderful idea, make criminals pay for the system that they have created by establishing this VOCA fund.

Once again, this is not money that is obtained from taxpayers. It is obtained from criminals. This year there was about $1.6 billion in the VOCA funding, and there was an attempt and thought to remove this money and put it into the general fund. Thanks to the efforts of numerous victims groups throughout the United States and individuals on both sides of the aisle in not only the House but the Senate, that fund has been restored and victims organizations throughout the United States will be able to get that funding.

Where does it go? It goes to domestic violence shelters. It goes to child abuse sexual assault centers like the Children's Assessment Center and numerous organizations that receive funds

that criminals have contributed. That is some good news.

Mr. Speaker, we have also started this year the Victims Rights Caucus. I, along with the gentlewoman from Florida (Ms. HARRIS) and the gentleman from California (Mr. COSTA) from the other side of the aisle, have started the first-ever Victims Rights Caucus to raise the profile, the plight of victims throughout the United States. This is a good start.

It is important that judges throughout the United States be on the first line of defense of our children. What I mean by that is when individuals are caught sexually assaulting our children and they come to court and they have their day in court and they are convicted, judges need to understand they have a responsibility to punish those individuals. We need to lock them up. That is why we build prisons. It may be important to prosecute thieves and drug dealers and all those other types of criminals, but we build prisons to house and warehouse people who commit sex crimes against our children. That is why we build those institutions and judges have an obligation to send them there.

The cases that I recited earlier, many of them, they had gone to prison, but not for long enough because they got out and did it again. We know the fact that almost everybody who goes to prison gets out eventually. We also know this about sexual predators on our children, that the overwhelming number of them, when they leave the penitentiary, repeat that conduct.

So we have an obligation when they get out of the penitentiary to keep up with them, to track them, so they can no longer haunt our schools, our Boy Scouts, our churches and our neighborhoods.

That is why I introduced legislation called the Child Predator Act of 2005. This legislation requires registration of sex offenders throughout the United States. When they cross State lines, we lose them. They fall through the cracks. This legislation will require them to register when they move across State lines, they must notify the community; and by failure to notify, they have committed a Federal offense.

This act, this bill, has been incorporated in a larger bill sponsored by the gentleman from Wisconsin (Mr. SENSENBRENNER), sponsors from both sides of the House, called the Child Safety Act. This bipartisan legislation, when hopefully passed this summer, is a measure that will protect the safety of children. It will allow for the Internet access of parents and law enforcement of those sexual predators that live in their communities. States will be required to notify each other when an individual who is a sex offender crosses State lines. There are numerous other provisions that protect children from sex offenders. But basically we will track these individuals when they leave the penitentiary, and we will track them for the rest of their lives. That is the price they pay when they choose to commit a crime against children.

We know this about child predators: they are slick; they are cunning; they are evil. And they continue to repeat their conduct. Most sexual predators that show up at the courthouse that have committed sex crimes against children, it is understood that they have committed several sex crimes against that one victim and that there are at least 10 other victims that they have committed sex crimes against.

There is a war on terror going on in this world, and we say it is somewhere else. We have a war on terror not only abroad but we have it at home. The terror here, they are child molesters. They are the bad guys. And they can no longer run and hide, because we are going to keep up with them. We know that they cannot be rehabilitated. All statistics show that. So if we do not keep them in prison, we need to track them when they leave the penitentiaries.

It is probably the hope of most of us when we leave this world, when we die, that we want to be surrounded with the most important people in our life, probably our kids. This week I had my third grandchild born 2 days ago, Elizabeth. I have four kids, three girls, a son, and now three grandkids. They are all very special to me. I hope that when I die, I am surrounded by those kids.

The worst thing I think that could ever happen to a parent is to lose a child and especially lose a child to a crime of violence. But none of these children that I talked about tonight left this world surrounded by the people that love them. They were found in holes in the ground, dumped on parking lots, thrown in rivers and lakes. Some of their bodies were burned. The last person they saw on Earth was not their mother, their father, their brother, their sister, but a sex offender. That is the last person they saw before they died.

We need to be sensitive as a people to our children, not just our own personal kids but the children down the street, our neighbors' kids. We need to watch for them and protect them. We have that obligation. We have that moral and legal obligation as a people. These kids, these children, they had the right to life. They had the right to grow up, play in their backyard, go to school, have a picnic, run through the fields, believe in Santa Claus, play sports, be in the school play, be in the high school prom, find a mate. All these things were stolen from all of the kids that I mentioned to you tonight, and they were stolen by a child predator.

We must hold these criminals accountable for their conduct. As a judge, I heard all types of excuses by these sexual predators about why they did what they did. Those comments by those individuals were nothing more than excuses. Some of them said they had a bad childhood. Their mom was not a nice person. They saw too much TV violence. They played video games. They watched the Internet. They continued to blame something or someone else for their own personal choices. Mr. Speaker, we now seem to live in the land of excusable conduct. All of us are responsible for the choices that we make. Every choice we make, we are personally responsible for that choice. We are accountable for making those choices, and those choices must result in consequences, regardless of what that crime is.

Our greatest resource in this country is not our oil, it is not the trees in the West, it is not other natural resources, it is not our wealth. The greatest resource we have in the United States is our children. We as a people must realize that. We are not judged by the way we treat the rich, the famous, the influential, the important people in our culture. We are judged by the way we treat the weak, the innocent, the children. Children are our greatest natural resource. We have a legal and moral obligation to protect them. The first duty of government is public safety and providing safety for children should be our primary concern and the duty of government.

Mr. Speaker, I close the way I began this comment, because I think the names of these people, these real people, these children, are names that we should not forget.

Dru Sjoden, 22, North Dakota.
Cary Ann Medlin, 8, Tennessee.
Nicole Parker, 8, California.
Chris Byers, 8, Arkansas.
Sherrice Iverson, 7, Nevada.
Amanda Brown, 7, Florida.
Christina Long, 13, Connecticut.
Michelle Vick, 14, Washington.
Samantha Runnion, 5, California.
Maryann Measles, 13, Connecticut.
Polly Klaas, 12, California.
Amber Hagerman, 9, Texas.
Adam Walsh, 6, Florida.
Megan Kanka 7, New Jersey.
JonBenet Ramsey 6, Colorado.
Sarah Lundy, 13, Florida.
Danielle Van Dam, 7, California.
Carlie Brucia, 11, Florida.
Jessica Lunsford, 9, Florida.
Dylan Groene, 9, Idaho.
Wonderbaby, 6 months, Houston, Texas.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

ON THE OUTING OF A CIA AGENT

The SPEAKER pro tempore (Mr. BOUSTANY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes.

Mr. INSLEE. Mr. Speaker, I have come to the Chamber this evening to address what many of us consider a very serious breach of our national security. The outing of a covert agent

serving the Central Intelligence Agency is something that should not have happened, and now this House needs to get to the bottom of why it happened and how it can be prevented in the future.

We have many agents serving in a covert or undercover capacity who are serving with distinction in the United States, as we speak, around the world. These are men and women who have contributed and honored us with their service to try to provide for our safety, our personal safety. They sometimes live in tough circumstances. When they are covert, undercover agents, they frequently take great personal risks. They play one of the most potentially fatal games, which is to attempt to obtain information for the United States to protect us safely in our homes in this country. I think it is fair to say that on a bipartisan basis we honor their service and we respect their service, and we ought to protect them by not divulging their identity to anyone.

□ 1830

Their identity is something that must be held closely for their personal safety, for their family's personal safety, for our ability to pursue our intelligence in an effective manner, and even for the safety of the people around the world with whom they deal. Because when one blows the cover of an undercover agent, they put not only potentially their own lives in danger, but they endanger everyone they have ever had lunch with in these foreign countries who now become suspected potentially CIA operatives of the United States as well.

So I think it is fair to say that the illicit wrongful outing of a CIA covert agent is something very serious, something the U.S. Congress needs to be concerned about. And in this particular sad and sordid affair, we need to be concerned about. And that is why I would like to address this evening in my comments what happened in the outing of a particular covert agent by the executive branch of the United States.

And as many people know now, we have experienced a case in the last 2 years where the executive branch of the United States Government, the people who work by, for and now very closely to President George Bush were apparently responsible for blowing the cover of an undercover agent who worked with distinction with the Central Intelligence Agency. This is a very serious matter not only for the safety potentially of this agent but for our ability to maintain the integrity of our security services of the United States. And on a bipartisan basis, we need to commit the U.S. Congress to see to it that those things do not happen again. And to start that process, we need to know how it happened in this case.

Briefly, if I can summarize, and many people know these facts, but for purposes of a summary, I would like to summarize what happened in this situation. What happened is that, leading up to the Iraq war, the President of the United States went before the American people to try to build a case for the Iraq war. And one of his assertions that he wanted Americans to believe was that Iraq was on the cusp of obtaining nuclear weapons, and he and his Secretary of State and others brought a specter of a mushroom cloud frequently. And one of the things he did in the State of the Union, he stood right behind me in the Chamber, addressing the Joint Session of Congress, and told the American people that, essentially Saddam Hussein, that murderous thug in Iraq, had obtained uranium yellow cake, the material from which one would build fissionable materials, the heart of a nuclear weapon. And he told the American people that our intelligence had learned that Iraq had obtained uranium yellow cake from Niger, a country in Africa. And he did not say this was questionable; he said it was a fact. And he issued 16 words that later turned out to be false. And some time thereafter, we found, through an article written in the New York Times by Ambassador Joseph Wilson, that, in fact, Ambassador Joseph Wilson had been sent to Niger at the request of the Central Intelligence Agency. They requested Ambassador Joe Wilson, who had previously served in Africa and had knowledge of the African situation, to go to Niger to attempt to find out whether there was any truth to the fact whether or not Niger had sent uranium yellow cake to Iraq. And we subsequently learned and Ambassador Wilson had the courage, the foresight, the gumption to notify America that this was false, that, in fact, he had gone to Niger at the request of the CIA, fulfilled his patriotic duty; had the gumption to go into this difficult place, which is not exactly the Club Mediterranean, fulfilled his duty; and came back and reported to the CIA that this assertion that yellow cake came from Niger was, frankly, wrong, that it was highly unlikely that the documents were accurate that someone had relied upon to suggest this uranium yellow cake had come from Niger. And he reported that these were likely forgeries.

He then reported to the American people that this was wrong. And it turns out that, actually, there were at least two other reports that had been circulated in the CIA suggesting that what the President said was wrong. So the American public learned that what the President said in the State of the Union Address was wrong; it was false.

At that point, the response from the administration was that Ambassador Joe Wilson was correct. It was wrong, and that it was a mistake, that this should not have been in the State of the Union Address. It was an error. It was, in fact, false, and that Ambassador Joe Wilson was correct. And now Secretary of State Rice and others were very candid at that point, saying that what the President said never should have been said. And they essentially admitted that Ambassador Wilson was correct in his report to the CIA.

But then, what did this administration do? It turns out that, instead of thanking Ambassador Wilson for his work, instead of calling him up and saying, Thanks, Joe, for your work in Africa, we are sorry we made a mistake, glad it got cleared up, what did they do? It turns out that someone in the executive branch of the United States with secret information about a secret agent of the United States Government blew the cover of Joe Wilson's wife, thereby potentially endangering an undercover agent, thereby destroying the integrity of our national security information, thereby jeopardizing others for whom Joe Wilson's wife had worked and possibly violating the criminal laws of the United States of America.

Not exactly the kind of response Joe Wilson got from the first President Bush, because in our disclosure, for a moment, I would like to introduce Ambassador Joe Wilson to those who may be listening about who this gentleman is. He is a fellow who served with distinction in the Foreign Service of the United States in several countries, including Africa. He was our last Foreign Service agent in Baghdad before the first Persian Gulf War. And he was a pretty gutsy guy when he was in charge of the affairs of our embassy in Baghdad; gutsy enough that when Saddam Hussein threatened to hang or execute any American who tried to get Americans out of the country, Saddam was going to threaten to hold them hostage, to try to prevent the attack on the forthcoming attack in the first Persian Gulf War, threatened to kill anyone who tried to preserve and protect Americans there, Ambassador Wilson's response was to hold a press conference with a noose around his neck and basically said, Come and get me, Saddam, I will be the first to challenge you because I am taking my people home safely. And Ambassador Wilson did. We did not lose a Foreign Service person, extricating them from Iraq before the first Persian Gulf War happened. And one of the reasons that happened, one of the reasons, is that we had Ambassador Joe Wilson on the job to challenge Saddam Hussein, to stand up to that murderous thug, and deliver his people back to America without a single loss of life. He showed some courage then.

In fact, the then President Bush, who effectively hired him, who gave a press conference, on October 22, 1990, telling the world that we had a very capable, effective person there, Joe Wilson, that Saddam can talk to. Later, on January 30, 1991, the first President Bush wrote a handwritten note to Ambassador Wilson, and it is in a book that the ambassador wrote; a handwritten note from the first President Bush said, ''Dear Joe, both Barbara and I appreciate your note of January 25. Even more, we

appreciate your service to your country and your courageous leadership while you were in Baghdad. Good luck. Many thanks.'' Signed personally, ''George Bush.''

The reason I note this is that, very unfortunately, we have seen a circumstance now where the people who could have been thanking Ambassador Wilson for bringing the White House's error to their attention and to the public's attention instead are running around, and I do not know how else to categorize them other than attack dogs, trying to destroy the credibility of Ambassador Wilson. And it is very unfortunate because this is a gentleman who was honored by the first President Bush, served with distinction, and really did not deserve to have his wife attacked, his wife's career damaged, if not destroyed, really did not deserve to have the entire force of the administration of the United States come down on him and now have these multiple attacks on his reputation going on across this country; a person who has supported Republicans in the past, gave money to the first Bush campaign, was a bipartisan person before someone in this President's administration tried to destroy his wife's career, and did so. And now we have this very unfortunate attack on Ambassador Joe Wilson going across this country.

Why is that? Well, the reason is that, fortunately, Ambassador Wilson had the temerity to tell the truth. He had the temerity to stand up to the administration and blow the whistle on something they did that was wrong. And what they did that was wrong was to tell Americans that Saddam had uranium yellow cake from Niger. They admitted that they were wrong but now are trying to attack the credibility of the person who told the truth. It is very unfortunate. And they are embarrassed by that; rightfully so. And how do we know that? Well, we know what the response has been for the last year and a half while questions have been asked as to whether or not the President's close confidants were responsible for this outrage of blowing the cover of a secret agent. How do we know that?

Let us look at what the White House has done, whether they feel some potential embarrassment about this. Has the White House been forthcoming and straight with us about the involvement of people, including the Deputy Chief of Staff of the White House? Let us find out. Let us look at some quotes by the President's spokesperson. His name is Scott McClellan. He is the official spokesperson for President George Bush. Mr. McClellan was asked on July 22, 2003, the question: ''Scott, has there ever been an attempt or effort on the part of anyone here at the White House to discredit the reputations or reporting of former Ambassador Joe Wilson, his wife, or ABC Correspondent Jeffrey Kofman?''

McClellan: ''John, I think I answered that yesterday. That is not the way that this White House operates. That's not the way the President operates. No one would be authorized to do that within this White House. That is simply not the way we operate, and that's simply not the way the President operates.'' Really?

Continuing, he was asked if Karl Rove did that, and Mr. McClellan responded, ''I haven't heard that. That's just totally ridiculous. But we've already addressed this issue. I just said, it's totally ridiculous.''

Was that a slip of the tongue by Mr. McClellan? No. In fact, Mr. Rove joined in that. On September 29, ABC News, Owen asked him, Mr. Rove: ''Did you have any knowledge or did you leak the name of the CIA agent to the press?'' Rove: ''No.'' At which point Mr. Rove shut his car door and bid adieu. Really?

On September 29, 2003, a question was asked to Mr. McClellan: ''Has the President either asked Karl Rove to assure him that had he nothing to do with this or did Karl Rove go to the President to assure him that he . . . ''

McClellan: ''I don't think he needs that. I think I've spoken clearly to this publicly . . . I've just said there's no truth to it.''

Question: ''Yes. But I'm just wondering if there was a conversation between Karl Rove and the President or if he just talked to you and you're here at his . . . ''

McClellan: ''He wasn't involved. The President knows he wasn't involved.''

Question: ''How does he know that?''

McClellan: ''The President knows.''

Well, the question is, as was famously put, what did the President know and when did he know it? Because for a year and a half now, this White House and this administration and this President have been telling us that neither the Deputy Chief of Staff nor anyone else he knows of was responsible for this outrage. Really?

So we continue with this litany.

□ 1845

Scott McClellan: ''I have made very clear from the beginning that it is totally ridiculous. I have known Karl for a long time, and I didn't even need to go ask, because I know what kind of person that he is, and he is someone that is committed to the highest standards of conduct.''

Continuing, September 30, 2003: When asked, ''What would George Bush do if he found out someone was responsible for this?'' And the President said, ''Listen, I know of nobody, I don't know of anybody in my administration who leaked classified information. If somebody did leak classified information, I'd like to know it and will take the appropriate action.''

Well, we are waiting for the appropriate action, because we since have been told by the Deputy Chief of Staff's lawyer that, in fact, he told a press agent himself personally that Joe Wilson's wife was working for the Central Intelligence Agency shortly after Ambassador Wilson came forward and told the American people the truth, I think 3 days before Mr. Novak printed an article to that effect.

We now know that, in fact, the Deputy Chief of Staff was involved in a disclosure that Joe Wilson's wife was, in fact, working for the CIA. But it was not just a few of those comments. We look at Mr. McClellan's comments later on.

On October 10, Mr. McClellan was asked, Question: ''Scott, earlier this week you told us that neither Karl Rove, Elliott Abrams, nor Lewis Libby disclosed any classified information with regard to the leak. I wonder if you could tell us more specifically whether any of them told any reporter that Valerie Plame worked for the CIA.''

McClellan: ''I spoke with those individuals, as I pointed out, and those individuals assured me that they were not involved in this. And that is where it stands.''

Question: ''So none of them told any reporter that Valerie Plame worked for the CIA?''

McClellan: ''They assured me that they were not involved in this.''

That was not the case. Mr. McClellan was either told inaccurately by at least the Deputy Chief of Staff, or Mr. McClellan has told us a story that is not true. We do not know what it is at this point, but we do know a couple of central facts that are pivotal here. We know that a war started. Mr. Speaker, 1,700 Americans-plus of our sons and daughters will never come home from the sands of Iraq. We know that the reason for that is the President of the United States told Americans that a mushroom cloud could be imminent because, in part, Iraq had uranium yellow cake. We know that that was false.

We know that Ambassador Joe Wilson, sent by the CIA to report on that told the CIA that that was false. We know that when he told the American people the truth, that, in fact, a falsehood that had been told that is partly responsible for a war that has resulted in 1,700 Americans dead and 13,000 of our sons and daughters seriously injured. We know that he has now suffered the slings and arrows of an outraged administration that blew the cover for his wife who was a covert agent for the CIA.

We know those central facts, because the Deputy Chief of Staff's attorney now has told us the truth after a year-and-a-half of falsehoods from this administration, of giving America false information about how this outrage occurred.

Now, that was wrong. We had to have a bipartisan consensus, and I think there is in this Chamber, that both Republicans and Democrats believe it is wrong to blow the cover of an agent. The reason we believe this is very simple. We think there is a bipartisan consensus in this Chamber and in this country that secret agents ought to remain secret, and no President of either

party or anyone working for the President with access to the secret information ought to blow that cover. That happened here.

So we have to ask, Were there excuses for that? Are there excuses that we should accept that? Are there excuses that we should buy? Are there excuses that allow our secret agents and our national security to be jeopardized? Well, some people are saying this should be excused, it should be swept under the rug, Congress should not look into it, we have no business asking hard questions of the administration. The White House has suggested they are not going to talk about it. They were happy to talk about it when they said they were not involved, but, boy, as soon as they found out they were involved, they do not want to talk about this and they want Congress to just shrink away and go home quietly and not find out what happened here.

We think we need to find out what happened here. So let us see what the excuses are that they have proposed. I have been listening carefully to the White House, people now working for the President. I have been listening carefully to their political allies around the country. What excuses do they proffer for this misconduct?

I really see three. First, they argue that because the Deputy Chief of Staff did not spell out the names, the letters of the name of this secret agent, that he should be excused from destroying her covert status, because he did not use the name Valerie Plame or Valerie Wilson, he did not use those letters. All he said was, it was Joe Wilson's wife.

Well, Mr. Speaker, when you think about it, unless Joe Wilson was a polygamist, we knew exactly who he was talking about. If somebody says your wife is an undercover agent, it is pretty clear to the neighbors in the neighborhood and where she works, you know who he is talking about. In fact, it is interesting that during my comments of the last few minutes, I have been referring to the Deputy Chief of Staff of the White House. I never said the name Karl Rove. Never spelled out the K and the R, but we know who I am talking about. That is why anyone who wanted to know whether Valerie Wilson is a secret agent knows exactly who we were talking about and anyone she has ever talked to in her covert capacity around this world knows exactly who we are talking about, and everyone who she had lunch with in her work, working on weapons of mass destruction in the CIA, knows who he was talking about. That dog just will not hunt.

It is, frankly, insulting to the American people that their administration and their political allies argue that it is okay to out a CIA agent, as long as you do not use their name or their Social Security number. You can tell them whose wife it is, you can tell them where they work, you can tell them where they live, you can show a picture of them, but as long as you do not spell out their name, it is hunkydory with the American people. It is not. It is wrong. It is terrible. It is an abuse of democracy and the people who work for us as undercover agents, and it will not stand.

The second excuse they use, they say, well, the Deputy Chief of Staff was just being innocent here; he was just trying to clear up some confusion about who ordered or asked Mr. Wilson to go to Africa. We know it was the CIA and, frankly, how the CIA made a decision, I am not sure is of any particular importance to anyone. I mean, what importance is it who ordered Mr. Wilson to go to Niger? If it was one person, does that change the fact that we have 1,700 dead in Iraq? Does it justify the President in using false information to precipitate a war? Does that make it okay? I frankly do not understand what difference it made, except for an effort to damage Ambassador Wilson's credibility, which apparently was going on here, sadly.

But be that as it may, let us just ask ourselves, if the Deputy Chief of Staff wanted to clear it up and said it was not the Vice President who precipitated this expedition to Niger, he did not have to mention Joe Wilson's name, his wife's name or identify her. He simply could have said it was not the Vice President, it was someone else at the CIA.

Now, ask yourself, why did the Deputy Chief of Staff not simply tell the reporter it was somebody else at the CIA instead of what he did say, which was, it was Joe Wilson's wife? Why did he not do that? I would like to know the answer to that question, and Congress deserves an answer to that question.

That is why the Deputy Chief of Staff ought to come to Congress under oath and answer these questions about what happened in these circumstances. That is why we have filed today, with the gentleman from New Jersey (Mr. HOLT) leading this effort, a resolution of inquiry that would simply compel the White House to turn over, and the Secretary of State and the CIA and the Defense Department, documents pertaining to this whole affair.

Because, frankly, there may be a whole bunch of other people besides the Deputy Chief of Staff of the White House responsible for this outrage. Mr. Novak said there were at least two people within the administration who identified Valerie Plame as an operative. An operative means undercover agent. In Mr. Novak's own lexicon, you can check it out and do a Nexus search and find out when he says operative, he means undercover agent. But we know that is what happened. But there may be others involved in this, and this Congress needs to get to the bottom of who those people are and how that happened, to make sure it does not happen again. Because, frankly, Americans have a right to be disenchanted with the President's failure here of not getting to the bottom of this.

Mr. Speaker, the President has been working about 3 feet from the Deputy Chief of Staff for a year-and-a-half and, as far as we know, has never said, Karl, what went on here? What was the deal here? Were you involved in this in any way? As far as we know, the President has never asked the person working with him on an hourly basis what happened here. It does not look to me like a President who wants to get to the bottom of this whole thing and clear out this nest of subterfuge as quickly as he can. The American people deserve that. That second excuse just does not pass the laugh test.

The third excuse that I have heard proffered by the attack dogs defending this abuse is that Mr. Wilson did not vote for President Bush this time. He is a member of this loathsome, underworld group called Democrat. Well, I am not sure it is actually true, since Ambassador Wilson supported the candidacy financially of actually both Republicans and Democrats in the past. He has actually supported them about equally, since he got a congressional letter from the guy who hired him, the first President Bush because of his courageous work in Baghdad. He does not look like a particular pacifist to me that is sort of on the left wing of the spectrum at all.

Now, after the administration of President Bush destroyed the career of his wife and jeopardized her safety, he probably did not vote for this current President, but I am not sure that is a reason to violate the security laws of the United States potentially and blow the cover of a covert agent.

I guess what these people on the right wing are saying is that it is okay, it is acceptable, it is consistent with American ethics to go after a man's wife as long as he is a Democrat. It is okay to destroy the covert and protected status of our secret agents, as long as they are related to somebody who might have voted for a Democrat in their life. I disagree with that. I disagree. I believe that covert agents who are putting their lives on the line for America ought not to be abused, I do not care what their political situation is. I do not care if they have held signs calling for the removal of President George Bush from the White House.

This is not the way America is supposed to act. We expect more of our administrations. No administration has the right to punish political activity in this country, and no political administration has the right to punish an American who told the truth to power, who pointed out that an administration started a war based on a falsehood. Nobody has that authority in a democracy.

I, frankly, do not care what Ambassador Joe Wilson's political inclinations are, because I know one thing, I know one thing for sure: Americans deserve to be treated fairly. And when this administration attacked a man's wife and exposed her to danger and violated the national security and removed the integrity of our national security, it was wrong. I do not care what

party Joe Wilson is in. It was simply wrong.

So we have now looked at three excuses that the administration has offered for the outing of a covert agent in the United States of America. This identity thing is a laughable argument. They clearly destroyed the cover of this agent. The argument that somehow they were simply innocent does not wash, because here is another reason I have not addressed: it does not matter what the motivations were for the Deputy Chief of Staff to blow the cover of a secret agent. It may have been virtuous; it may not have been virtuous. It does not matter. The fact of the matter is, the national security of the United States has been jeopardized.

□ 1900

This secret agent's covert status has been blown. We really do not, perhaps should, care what the motivation was. We know that at least two people, if Mr. Novak was, assuming he is telling the truth, there are at least two administration officials who willfully blew the cover of this agent. Whether they were angelic or demonic does not matter. It was wrong. It damaged our security, and it should not stand.

And the third thing is that Ambassador Wilson should be punished. Rightfully, he got what he deserved and his wife got what she deserved, because he did not vote for George Bush this time. That does not comport with American values of democracy. So these excuses, they have been offered, do not remove the necessity for the United States Congress to act in our oversight role of the executive branch. The judicial system is not the only branch of Government that has an obligation to protect Americans from the train of abuses of the executive branch.

We know there is a pending investigation of the criminality of this matter. Whether this is criminal or not, by the way, there may be no indictments ever filed in this case; I do not know the answer to that. But even if there are no indictments filed in this case, I am convinced, and I think a number of my colleagues are convinced, that this was not good for the national security of the United States. It was unfair. It was wrong. It was unjustified. There is no excuse for it.

It violates, if not the felony laws of the United States, the code of democracy and the way we expect our administration to handle national security.

So we need to get to the bottom of this, and Congress needs to act. I also may note that we will hear the argument that Congress should not act because there is an ongoing criminal investigation. I am sensitive to that. I am a former prosecuting attorney. And I am sensitive to that.

Fortunately, we are told that that investigation has now completed interviews of people in the administration they sought to interview. And it should be in no way difficult in pursuing the Congressional investigation of what happened in this case on a two-track basis. And it is necessary, not just from a national security standpoint; it is necessary from a democratic standpoint, with a little d, the democracy for all of us, in all parties. The reason is, we have seen this movie before.

You know, when administrations, when they have the whistle blown on them, when they are not totally being candid with the American people, they very frequently go into this defensive crouch. And the defensive crouch is, they do two things, maybe three: First, they do not share the honest information with the American people. Second, they say things to the American people that are not true. And third, and this is what I think happened in this case, I believe they try to destroy the credibility of the people who are criticizing the administration.

This happened in my lifetime in one egregious case where Daniel Ellsberg published the Pentagon Papers that exposed the multiple falsehoods of Richard Nixon's administration. President Nixon was not being candid to the American people about the War in Vietnam, and Mr. Ellsberg and other whistle blowers disclosed the truth about the Vietnam War.

And the Nixon administration's response was immediately to attack Mr. Ellsberg. And what they did in that case, they burglarized Daniel Ellsberg's psychiatrist to try to get, you know, the psychiatric records on Mr. Ellsberg to damage his credibility. And it was a reaction to Daniel Ellsberg telling the truth.

Now, in this case, what happened, and we cannot pry into one one's motivation 100 percent, but it certainly makes me suspicious, at least, that what we are seeing is an attack on the credibility of Ambassador Joe Wilson by attacking and punishing his wife.

Is that the way America is supposed to work, that when you tell the truth about an elected official, and it turns out that you were right and the elected official was wrong, that the President of the United States, his administration attacks your wife?

Is that the way America is supposed to be? To try to damage you through a shot across the bow, to make sure everyone else in the CIA and everybody else with information knows if you say anything bad about this administration, look at what we are capable of doing to your family.

Pretty good intimidation. Did not intimidate Ambassador Joe Wilson. He was not intimidated by Saddam Hussein, and he was not intimidated by the Deputy Chief of Staff of this administration. He is not easily intimidated.

So the fact of the matter is, what is sad about this situation is, instead of the White House saying, you know, instead of the President saying, I am going to get an affidavit from 20 of my top lieutenants, I am going to demand them to have an affidavit on my desk by 5 o'clock tonight telling me exactly what they know about this so I can make a decision about whether they get fired or not; the President said, I am not going to do anything about it. I'm going to let the criminal prosecution go ahead and hope that the Fifth Amendment and Miranda and grand jury secrecy rules and everything can delay this as far as possible, and so far, it has taken a long time.

Yes, we have these issues. We have had to work through the investigation. So I guess, to some degree, it has not worked, but what is sad about this is that the attacks on Ambassador Wilson continue today.

Now, remember, Ambassador Joe Wilson is the guy who had the courage to point out a falsehood in the State of the Union address. That is not easy. You got to understand, when you challenge the most powerful man in the world, President George Bush, it is not easy, to point out that in this particular instance the President was wrong in what he told the American people. And he was right.

We know that because Secretary Rice has said on multiple occasions that, if the President had known what Ambassador Wilson reported, they would never have put this in the State of the Union address. Now, we are told that what Ambassador Wilson reported never got to the President. That is most unfortunate. But the point is, it took a lot of gumption for Ambassador Wilson to point this out to Americans.

And yet, today, this administration has condoned, clearly condoned the majority party operatives, the political operatives in a national attack on Ambassador Joe Wilson for just doing his job.

His job was to go to Niger and report the truth. He went there and did that. It was no picnic. He was right. He pointed out to the American people what was true about this situation. And what was his reward from the administration?

It reminds me of a quote from Shakespeare, if I do not botch it: Cry havoc and let slip the dogs of war. And that is what they are waging right now on Ambassador Joe Wilson.

I think it is most unfortunate. Instead of joining forces on a bipartisan basis today for Congress to get to the bottom of what happened here, they have started this smear campaign against Ambassador Joe Wilson, a person who has conducted himself with honor and has done great service to the United States.

And they did perhaps even worse to his wife, the former but no longer able to act as a covert agent for the CIA. And I think that is sad. And it is not consistent with what we should expect from our presidents or from our administrations. We can do better, Republicans, Democrats, Independents, they all deserve better in this situation. We cannot let this happen again.

President Bush is never going to stand for reelection again. His electoral prospects are not important in

this. Politics are not important in this. What is important for Congress to do is to find out a away to prevent this from happening again, to make sure that future administrations know that these excuses are not going to be acceptable to the American people. It is very important that Congress go on record saying that presidents in the future cannot just wink and say, well, go ahead, go ahead and blow the cover for this agent because it might help us politically in one way or another. Just do not spell their name, because then we can get away with it.

It is for Congress to say, that is inexcusable. It is important for Congress to say that whether you are a Republican or a Democrat in this country, if you've got a close family member who is a covert agent, it does not matter who you voted for, it does not matter who they voted for, it is wrong to blow their cover and create personal danger for them.

It is important for Congress to say that. It is important for my Republican colleagues to join me in saying that. It is important that this be a bipartisan statement. And I am hopeful that this resolution of inquiry, I am hopeful that my Republican colleagues will have the gumption to join us in saying, you know, what we need to do to get to the bottom of this.

There is actually a little bit of hopeful signs that I can report to Americans, and that is that there was a suggestion by a Republican chairman the other day that he may entertain hearings that would look at issues pertaining to breaches of national security, including this one.

This may not be the only issue we have in maintaining confidentiality of our national security. I think that is a positive sign. I hope that it is followed. I hope that we can fulfill our congressional responsibilities jointly, in a bipartisan fashion.

So, in conclusion, I am just here to state one central American principle: Top secret spies serving the United States need to stay secret. No administration, no matter how powerful, no matter how popular, of either party should ever be able to get away and offer excuses for blowing the cover for an agent in this regard.

I am here to say that the United States Congress owes an obligation to the American people to get to the bottom of how this happened. We need to make sure that this does not happen again, to make sure that Congress draws a line in the sand, to indicate how serious this issue is, and that this country can move forward in a bipartisan way to make sure that our national security is protected for all members of the greatest country in the world, which is America. And one of the reasons it is the greatest country in the world is that Congress has fulfilled an obligation to blow the whistle on executive branches of government when they have abused either the national security or the rights of Americans. And we need to make sure that job gets done.

REPORT ON PALESTINIAN SECURITY SERVICE AND OTHER PALESTINIAN AUTHORITY REFORMS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–44)

The SPEAKER pro tempore (Miss. MCMORRIS) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Consistent with section 2106 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13), and in order to keep the Congress fully informed, I herewith submit the enclosed report prepared by my Administration providing information on matters relating to the Palestinian Security Services and Palestinian Authority reform.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 14, 2005.*

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON (at the request of Ms. PELOSI) for today on account of business in the district.

Ms. KILPATRICK of Michigan (at the request of Ms. PELOSI) for today.

Mr. OBEY (at the request of Ms. PELOSI) for today before 1 p.m. on account of airline delays.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCHIFF) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. EDWARDS, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. GINGREY) to revise and extend their remarks and include extraneous material:)

Mr. MACK, for 5 minutes, today.

Mr. FITZPATRICK of Pennsylvania, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

Mr. GINGREY, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, July 18, 19, 20, and 21.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3071. An act to permit the individuals currently serving as Executive Director, Deputy Executive Directors, and General Counsel of the Office of Compliance to serve one additional term.

ADJOURNMENT

Mr. INSLEE. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 14 minutes p.m.), under its previous order, the House adjourned until Monday, July 18, 2005, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2688. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Department's final rule — Investment of Customer Funds and Record of Investments (RIN: 3038-AC15) received June 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2689. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Department's final rule — In the Matter of the New York Mercentile Exchange, Inc. Petition To Extend Interpretation Pursuent to Section 1a(12)(C) of the Commodity Exchange Act — received June 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2690. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Department's final rule — Revision of Federal Speculative Position Limits (RIN: 3038-AC24) received June 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2691. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Department's final rule — Distribution of ''Risk Disclosure Statement'' by Futures Commission Merchants and Introducing Brokers (RIN: 3038-AC16) received June 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2692. A letter from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Onions Grown in Certain Designated Counties in Idaho, and Malheur County, OR; Decreased Assessment Rate [Docket No. FV05-958-1 IFR] received June 17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2693. A letter from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Certain Designated Counties in Idaho, and Malheur County, OR; Relaxation of Handling Regulations [Docket No. FV05-

945-1 IFR] received June 17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2694. A letter from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Dried Prunes Produced in California; Suspension of Handling and Reporting Requirements, Extension of the Suspension of Outgoing Inspection and Volume Control Regulations, and Extension of the Suspension of the Prune Import Regulation [Docket No. FV05-993-2 IFR] received June 17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2695. A letter from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Milk in the Pacific Northwest Marketing Area: Order Amending the Order [Docket No. AO-368-A30; DA-01-08-PNW] received April 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2696. A letter from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Milk in the Northeast Marketing Area; Order Amending the Order [Docket No. AO-14-A70; DA-02-01] received April 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2697. A letter from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Colorado; Decreased Assessment Rate [Docket No. FV05-948-2 IFR] received June 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2698. A letter from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Apricots Grown in Designated Counties in Washington; Decreased Assessment Rate [Docket No. FV05-922-1 IFR] received June 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2699. A letter from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Avocadoes Grown in South Florida; Increased Assessment Rate [Docket No. FV05-915-1 FR] received June 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2700. A letter from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Washington; Increased Assessment Rate [Docket No. FV05-946-1 FR] received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2701. A letter from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Avodadoes Grown in South Florida; Changes in Container and Reporting Requirements [Docket No. FV05-915-2 IFR] received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2702. A letter from the Management Analyst, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule — Assistance to High Energy Cost Rural Communities (RIN: 0572-AB91) received June 17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2703. A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's final rule — Intermediary Relending Program (RIN: 0570-AA42) received June 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2704. A letter from the Acting Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule — Termination of Designation of the State of North Dakota With Respect to the Inspection of Poultry Products [Docket No. 04-036F] (RIN: 0583-AD13) received June 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2705. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Mexican Fruit Fly; Interstate Movement of Regulated Articles [Docket No. 03-059-3] received June 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2706. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Highly Pathogenic Avian Influenza; Additional Restrictions [Docket No. 04-011-2] received June 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2707. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Phytophthora Ramorum; Vacuum Heat Treatment for Bay Leaves [Docket No. 04-092-2] received June 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2708. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Citrus Canker; Quarantined Areas [Docket No. 05-005-2] received June 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2709. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Pine Shoot Beetle; Additions to Quarantined Areas [Docket No. 05-027-1] received May 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2710. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Oriental Fruit Fly [Docket No. 02-096-5] received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2711. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Designated Marketing Associations for Peanuts (RIN: 0560-AH20) received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2712. A letter from the Administrator, Foreign Agricultural Service, Department of Agriculture, transmitting the Department's final rule — Emerging Markets Program (RIN: 0551-AA62) received June 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2713. A letter from the Acting Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule — Rural Broadband Access Loans and Loan Guarantees (RIN: 0572-AB81) received April 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2714. A letter from the Acting Administrator, Rural Ulitities Service, Department of Agriculture, transmitting the Department's final rule — Specifications and Drawings for 12.4/7.2 kV Line Construction — received April 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2715. A letter from the Chief, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Extra Long Staple Cotton Prices (RIN: 0560-AH36) received June 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2716. A letter from the Chairman, Farm Credit Administration, transmitting the Administration's final rule — Assessment and Apportionment of Administrative Expenses; Loan Policies and Operations; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Disclosure to Shareholders; Capital Adequacy Risk-Weighting Revisions (RIN: 3052-AC09) received June 17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2717. A letter from the Chairman, Farm Credit Administration, transmitting the Administration's final rule — Borrower Rights (RIN: 3052-AC24) received April 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2718. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Licensed Policy for Entities Sanctioned under Specified Statutes; License Requirement for Certain Sanctioned Entities; and Imposition of License Requirement for Tula Instrument Design Bureau [Docket No. 041222360-5141-02] (RIN: 0694-AD24) received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2719. A letter from the Publications Control Officer, Department of Defense, transmitting the Department's final rule — Motor Vehicle Traffic Supervision (RIN: 0702-AA43) received June 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2720. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; DoD Pilot Mentor-Protege Program [DFARS Case 2004-D028] received May 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2721. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Approval of Service Contracts and Task and Delivery Orders [DFARS Case 2002-D024] received May 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2722. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Incentive Program for Purchase of Capital Assets Manfuactured in the United States [DFARS Case 2005-D003] received May 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2723. A letter from the Senior Procurement Executive, OCAO, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Circular 2005-02 — received April 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2724. A letter from the Assistant General Counsel for Regulatory Service, Department of Education, transmitting the Department's final rule — Smaller Learning Communities Program — received April 21, 2005, pursuant

to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2725. A letter from the Assistant General Counsel for Regulatory Service, Department of Education, transmitting the Department's final rule — Credit Enhancement for Charter School Facilities Program (RIN: 1855-AA02) received April 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2726. A letter from the Assistant General Counsel for Regulatory Service, Department of Education, transmitting the Department's final rule — Tech-Prep Demonstration Program — received April 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2727. A letter from the Assistant General Counsel for Regulatory Service, Department of Education, transmitting the Department's final rule — Comprehensive School Reform Quality Initiatives — received April 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2728. A letter from the Asst. Gen. Counsel, Division of Regulatory Services, Department of Education, transmitting the Department's final rule — Higher Education Programs — received April 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2729. A letter from the Assistant General Counsel for Regulatory Service, Department of Education, transmitting the Department's final rule — Arts in Education Model Development and Dissemination Program — received April 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2730. A letter from the Assistant General Counsel for Regulatory Service, Department of Education, transmitting the Department's final rule — Professional Development for Arts Educators Program — received April 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2731. A letter from the Assistant General Counsel for Regulatory Service, Department of Education, transmitting the Department's final rule — Teaching American History — received April 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2732. A letter from the Acting Director, Office of Standards, Regulations and Variances, Department of Labor, transmitting the Department's final rule — Diesel Particulate Matter Exposure of Underground Metal and Nonmetal Miners (RIN: 1219-AB29) received July 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2733. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Head of Contracting Activity (HCA) Change for Exploration Systems Directorate — received May 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2734. A letter from the Chief, Regulations Mgt., Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule — Presumptions of Service Connection for Disease Associated with Service Involving Detention or Internment as a Prisoner of War (RIN: 2900-AM09) received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2735. A letter from the Assistant Director, Directives and Regulations Branch, Department of Agriculture, transmitting the Department's final rule — Special Areas; State Petition for Inventoried Roadless Area Management (RIN: 0596-AC10) received May 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Agriculture and Resources.

2736. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Electronic Submission of Cost Reports: Revision to Effective Date of Cost Reporting Period [CMS-1199-IFC] (RIN: 0938-AN87) received May 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 1905. A bill to amend the Small Tracts Act to facilitate the exchange of small tracts of land, and for other purposes (Rept. 109–169 Pt. 1). Ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1442. A bill to complete the codification of title 46, United States Code, ''Shipping'', as positive law; with an amendment (Rept. 109–170). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Agriculture discharged from further consideration. H.R. 1905 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 1461. A bill to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes, with an amendment; referred to the Committee on Judiciary for a period ending not later than September 16, 2005, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(1), rule X (Rept. 109–171, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PORTER (for himself, Mr. TOM DAVIS of Virginia, and Mr. BRADY of Texas):

H.R. 3276. A bill to provide for the establishment of Results Commissions to improve the results of executive branch agencies on behalf of the American people; to the Committee on Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Texas (for himself, Mr. TOM DAVIS of Virginia, and Mr. PORTER):

H.R. 3277. A bill to provide for the establishment of the Sunset Commission to review and maximize the performance of all Federal agencies and programs; to the Committee on Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ALLEN (for himself, Mr. SIMMONS, and Mr. DELAHUNT):

H.R. 3278. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to establish requirements for fishing quota systems, and for other purposes; to the Committee on Resources.

By Mr. BOOZMAN (for himself, Ms. HERSETH, Ms. GINNY BROWN-WAITE of Florida, Mr. EVANS, Mr. BRADLEY of New Hampshire, Mr. GUTIERREZ, Mr. BROWN of South Carolina, Ms. CORRINE BROWN of Florida, Mr. MILLER of Florida, Mr. FILNER, Mr. BAKER, and Ms. BERKLEY):

H.R. 3279. A bill to amend title 38, United States Code, to reauthorize the Homeless Veterans Reintegration Program for fiscal years 2007 through 2009; to the Committee on Veterans' Affairs.

By Mr. BOYD:

H.R. 3280. A bill to exempt certain coastal barrier areas in Florida from Limitations on Federal expenditures and financial assistance under the Coastal Barriers Resources Act, and limitations on flood insurance coverage under the National Flood Insurance Act of 1968; to the Committee on Resources, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KANJORSKI (for himself, Mr. DENT, Mr. HOLDEN, Mr. PLATTS, Ms. SCHWARTZ of Pennsylvania, Mr. GERLACH, Mr. SHERWOOD, Mr. BRADY of Pennsylvania, Mr. MURTHA, and Mr. ENGLISH of Pennsylvania):

H.R. 3281. A bill to direct the Secretary of the Interior to establish the Cherry Valley National Wildlife Refuge in Northeastern Pennsylvania, and for other purposes; to the Committee on Resources.

By Mr. BRADY of Texas (for himself, Mr. BAKER, Mr. GARRETT of New Jersey, Mr. SESSIONS, Mr. MCHENRY, Mr. MCCAUL of Texas, Mr. GILLMOR, Mr. HERGER, Mr. OTTER, Mr. CULBERSON, Mr. PORTER, Mr. BURGESS, Mr. CARTER, Mrs. BLACKBURN, Mr. TOM DAVIS of Virginia, Ms. FOXX, Mr. BLUNT, Mr. FLAKE, Mr. BASS, Mr. SHAYS, Mr. STEARNS, Mr. ISTOOK, Mr. BURTON of Indiana, Mr. HEFLEY, Mr. PENCE, Mr. SULLIVAN, Mr. GENE GREEN of Texas, Mr. CONAWAY, Mr. EDWARDS, Mr. PITTS, Mr. TERRY, Mr. BOEHNER, Mr. FEENEY, Ms. GINNY BROWN-WAITE of Florida, Mr. THORNBERRY, and Mr. MARSHALL):

H.R. 3282. A bill to provide for the periodic review of the efficiency and public need for Federal agencies, to establish a Commission for the purpose of reviewing the efficiency and public need of such agencies, and to provide for the abolishment of agencies for which a public need does not exist; to the Committee on Government Reform.

By Mr. ENGLISH of Pennsylvania:

H.R. 3283. A bill to enhance resources to enforce United States trade rights; to the Committee on Ways and Means.

By Mr. BLUMENAUER (for himself, Mr. WU, and Mr. EHLERS):

H.R. 3284. A bill to direct the Secretary of Education to provide grants to establish sustainability programs, charged with developing and implementing integrated environmental, economic, and social sustainability initiatives through administrative and operational practices as well as multidisciplinary

research, education, and outreach at institutions of higher education; to the Committee on Education and the Workforce.

By Mr. CASTLE:

H.R. 3285. A bill to suspend temporarily the duty on charge control agent 7; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3286. A bill to suspend temporarily the duty on pro-jet black 820 liquid feed; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3287. A bill to suspend temporarily the duty on pro-jet cyan 1 RO feed and pro-jet cyan OF 1 RO feed; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3288. A bill to suspend temporarily the duty on pro-jet magenta M700; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3289. A bill to suspend temporarily the duty on pro-jet jellow 1G Stage; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3290. A bill to suspend temporarily the duty on pro-jet fast black 287 NA liquid feed; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3291. A bill to suspend temporarily the duty on pro-jet fast black 286 stage; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3292. A bill to extend the duty suspension on pro-jet black 263 stage; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3293. A bill to suspend temporarily the duty on pro-jet cyan 485 stage; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3294. A bill to suspend temporarily the duty on pro-jet black 661 liquid feed; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3295. A bill to suspend temporarily the duty on pro-jet cyan 854 liquid feed; to the Committee on Ways and Means.

By Mr. FORD:

H.R. 3296. A bill to authorize the Secretary of Education to make grants to States and local educational agencies for hiring and training prekindergarten teachers; to the Committee on Education and the Workforce.

By Mr. FORD:

H.R. 3297. A bill to extend Federal funding for operation of State high risk health insurance pools, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOSSELLA (for himself, Mr. ENGEL, Mr. SESSIONS, Mr. FERGUSON, Mr. CONAWAY, Mr. SULLIVAN, Mr. JENKINS, Mr. STEARNS, Mr. SIMPSON, Mr. TERRY, Mr. PICKERING, Mr. BOEHNER, Mr. SHIMKUS, Mr. WALDEN of Oregon, Mr. GIBBONS, and Mr. CANNON):

H.R. 3298. A bill to provide for the efficacy of television ratings services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GIBBONS:

H.R. 3299. A bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to physicians who serve a substantial number of medicare beneficiaries in rural areas; to the Committee on Ways and Means.

By Mr. GRAVES (for himself, Mr. TERRY, and Mr. MCCAUL of Texas):

H.R. 3300. A bill to amend the Endangered Species Act of 1973 to authorize species recovery agreements under which the Federal Government is obligated to make annual payments or provide other compensation for activities that improve the recovery of one or more species listed under that Act, and for other purposes; to the Committee on Resources.

By Mr. HAYWORTH:

H.R. 3301. A bill to amend the Internal Revenue Code of 1986 to allow an investment tax credit for the purchase of trucks with new diesel engine technologies, and for other purposes; to the Committee on Ways and Means.

By Mr. HINCHEY (for himself, Ms. WATSON, Ms. LEE, Ms. WOOLSEY, Ms. KAPTUR, Ms. SLAUGHTER, Mr. MORAN of Virginia, Ms. WATERS, Mr. STARK, Mr. FILNER, Mr. DEFAZIO, Ms. SOLIS, Mr. MCDERMOTT, Mr. HASTINGS of Florida, Mr. OWENS, and Mr. SANDERS):

H.R. 3302. A bill to amend the Communications Act of 1934 to prevent excessive concentration of ownership of the nation's media outlets, to restore fairness in broadcasting, and to foster and promote localism, diversity, and competition in the media; to the Committee on Energy and Commerce.

By Mr. KIRK:

H.R. 3303. A bill to suspend temporarily the deposit requirements and assessments of countervailing duties and antidumping duties on imports of CHQ wire rod covered by certain countervailing and antidumping duty orders; to the Committee on Ways and Means.

By Mr. MCCRERY (for himself, Mr. SHAW, Mr. SAM JOHNSON of Texas, Mr. RYAN of Wisconsin, Mr. SHADEGG, Mr. HERGER, Mr. LEWIS of Kentucky, Mr. BRADY of Texas, Mr. CANTOR, Mr. CHOCOLA, Mr. AKIN, Mr. ALEXANDER, Mr. BACHUS, Mr. BAKER, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BISHOP of Utah, Mr. CONAWAY, Mr. FEENEY, Ms. FOXX, Mr. FLAKE, Mr. GILCHREST, Mr. GINGREY, Mr. HENSARLING, Mr. ISSA, Mr. ISTOOK, Mr. JINDAL, Mr. KINGSTON, Mr. KUHL of New York, Mr. MCCAUL of Texas, Mr. MCHENRY, Mrs. MYRICK, Mrs. NORTHUP, Mr. PENCE, Mr. PITTS, Mr. PRICE of Georgia, Mr. SESSIONS, Mr. WELDON of Florida, and Mr. WICKER):

H.R. 3304. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to stop the Congress from spending Social Security's tax revenue surpluses on other Government programs by dedicating those surpluses to personal accounts; to the Committee on Ways and Means.

By Mr. MEEHAN:

H.R. 3305. A bill to amend the National Security Act of 1947 to prohibit persons who disclose classified information from holding a security clearance for access to such information; to the Committee on Government Reform.

By Mr. RANGEL (for himself, Ms. PELOSI, Mr. HOYER, Mr. MENENDEZ, Mr. CLYBURN, Mr. CARDIN, and Mr. LEVIN):

H.R. 3306. A bill to amend the Tariff Act of 1930 and the Trade Act of 1974 to provide relief from certain practices by other countries, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on International Relations, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. BISHOP of Georgia, Mr. BUTTERFIELD, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLEAVER, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. AL GREEN of Texas, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mrs. JONES of Ohio, Ms. KILPATRICK of Michigan, Ms. LEE, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Ms. NORTON, Mr. OWENS, Mr. RANGEL, Mr. RUSH, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Ms. WATERS, Ms. WATSON, Mr. WYNN, Mr. WEXLER, Mr. ENGEL, Ms. WASSERMAN SCHULTZ, Mr. LYNCH, Mr. MEEK of Florida, Mr. KILDEE, Ms. SCHAKOWSKY, Mr. HINCHEY, Mr. BRADY of Pennsylvania, Mr. TOWNS, Ms. CARSON, and Mr. FORD):

H.R. 3307. 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 Energy and Commerce.

By Mr. ROSS:

H.R. 3308. A bill to suspend temporarily the duty on erasers; to the Committee on Ways and Means.

By Mr. ROSS:

H.R. 3309. A bill to suspend temporarily the duty on nail clippers; to the Committee on Ways and Means.

By Mr. ROSS:

H.R. 3310. A bill to suspend temporarily the duty on artificial flowers; to the Committee on Ways and Means.

By Mr. ROSS:

H.R. 3311. A bill to suspend temporarily the duty on electrically operated pencil sharpeners; to the Committee on Ways and Means.

By Mr. ROTHMAN (for himself, Mr. ANDREWS, Mr. ALLEN, Mr. ALEXANDER, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Mr. CARDIN, Ms. CARSON, Mr. CONYERS, Mr. CROWLEY, Ms. DELAURO, Mr. EVANS, Mr. GRIJALVA, Mr. HOLDEN, Mr. HOLT, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. LYNCH, Mrs. MCCARTHY, Mrs. MALONEY, Mr. PALLONE, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Mr. SANDERS, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. STUPAK, Mrs. JONES of Ohio, Mr. VAN HOLLEN, Mr. WEINER, Mr. WEXLER, Mr. WU, Mr. GUTIERREZ, Mr. BERRY, Mr. HIGGINS, Mr. CLEAVER, Mrs. NAPOLITANO, Mrs. LOWEY, and Mr. BRADY of Pennsylvania):

H.R. 3312. 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''); to the Committee on Veterans' Affairs.

By Ms. SLAUGHTER (for herself and Mr. HOLT):

H.R. 3313. A bill to authorize the National Institute of Environmental Health Sciences to develop multidisciplinary research centers regarding women's health and disease prevention and to conduct and coordinate a research program on hormone disruption, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Resources, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 3314. A bill to direct the Secretary of Agriculture to transfer certain land within the Ottawa National Forest to the Lac Vieux Desert Band of Lake Superior Chippewa Indians, and for other purposes; to the Committee on Agriculture.

By Ms. WATERS (for herself, Mr. NEY, and Mr. BACHUS):

H.R. 3315. A bill to amend title I of the Housing and Community Development Act of 1974 to withhold community development block grant funds from States and communities that do not prohibit the use of the power of eminent domain that involves the taking of the property from private persons for commercial or economic development purposes and transfer of the property to other private persons; to the Committee on Financial Services.

By Mr. WEINER (for himself, Mr. FARR, Mr. OWENS, Mr. MEEKS of New York, and Mr. PUTNAM):

H.R. 3316. A bill to require the National Park Service to make necessary safety improvements to the Statue of Liberty and to fully reopen the Statue to the public; to the Committee on Resources.

By Mr. WELDON of Florida:

H.R. 3317. A bill to amend the Internal Revenue Code of 1986 to make permanent the child tax credit and to allow for adjustments for inflation with respect to the child tax credit; to the Committee on Ways and Means.

By Ms. BERKLEY (for herself, Mrs. TAUSCHER, Ms. ZOE LOFGREN of California, Ms. MATSUI, Ms. WOOLSEY, Ms. WASSERMAN SCHULTZ, Mrs. NAPOLITANO, Ms. SOLIS, Ms. KAPTUR, Mrs. DAVIS of California, Ms. HARMAN, Ms. LINDA T. SÁNCHEZ of California, Ms. CARSON, Ms. WATSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Ms. KILPATRICK of Michigan, Ms. MILLENDER-MCDONALD, Mrs. JONES of Ohio, Mrs. MCCARTHY, Ms. LORETTA SANCHEZ of California, Ms. SCHWARTZ of Pennsylvania, Mrs. MALONEY, Ms. JACKSON-LEE of Texas, Ms. DEGETTE, Ms. HOOLEY, Ms. BALDWIN, Ms. HERSETH, Ms. WATERS, Ms. BEAN, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Ms. LEE, Ms. MOORE of Wisconsin, Mrs. CAPPS, Mrs. LOWEY, Ms. ESHOO, Ms. DELAURO, Ms. PELOSI, Ms. VELÁZQUEZ, Ms. MCCOLLUM of Minnesota, Ms. GINNY BROWN-WAITE of Florida, Mrs. JOHNSON of Connecticut, Mrs. CHRISTENSEN, Ms. BORDALLO, Ms. ROYBAL-ALLARD, Ms. NORTON, Mr. BOEHLERT, Mr. MCDERMOTT, Mr. ISRAEL, and Mr. CONYERS):

H.J. Res. 59. A joint resolution expressing the sense of Congress with respect to the establishment of an appropriate day for the commemoration of the women suffragists who fought for and won the right of women to vote in the United States; to the Committee on Government Reform.

By Mr. ADERHOLT:

H.J. Res. 60. A joint resolution proposing an amendment to the Constitution of the United States relating to the permissible uses for which private property may be taken; to the Committee on the Judiciary.

By Mr. AL GREEN of Texas (for himself, Mr. BURTON of Indiana, Mrs. CAPPS, Ms. CARSON, Mr. CLEAVER, Mr. CONYERS, Mr. DAVIS of Kentucky, Mr. FITZPATRICK of Pennsylvania, Mr. GENE GREEN of Texas, Mr. INSLEE, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK of Michigan, Mr. LARSEN of Washington, Mr. LEWIS of Georgia, Mr. MCCAUL of Texas, Mr. MCDERMOTT, Mr. MCINTYRE, Mrs. MALONEY, Mr. MEEKS of New York, Mr. MILLER of North Carolina, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. NADLER, Ms. NORTON, Mr. OWENS, Mr. POE, Mr. RANGEL, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Ms. SOLIS, Ms. WOOLSEY, Mr. CUMMINGS, Mr. FORTUÑO, Mr. HOLT, Mr. THOMPSON of Mississippi, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. CRAMER, and Ms. GINNY BROWN-WAITE of Florida):

H. Con. Res. 209. Concurrent resolution supporting the goals and ideals of Domestic Violence Awareness Month and expressing the sense of Congress that Congress should raise awareness of domestic violence in the United States and its devastating effects on families; to the Committee on Government Reform.

By Mr. HASTINGS of Florida (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. MEEK of Florida, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Mr. PICKERING, Mr. LEWIS of Georgia, Mr. WATT, and Mr. WICKER):

H. Res. 362. A resolution commending the Philadelphia Coalition for its principled, open, and integrated approach to eradicating racism and intolerance, and for its determination to confront the past and work toward the future; to the Committee on the Judiciary.

By Mr. HOLT (for himself, Mr. WAXMAN, Mr. LANTOS, Mr. BOSWELL, Mr. REYES, Mr. INSLEE, Mr. TIERNEY, Mrs. MALONEY, Mr. PALLONE, Mr. VAN HOLLEN, Mr. MCDERMOTT, Mr. SERRANO, Ms. MATSUI, Mr. BERMAN, Mrs. CAPPS, Mrs. TAUSCHER, Mr. PRICE of North Carolina, Mr. UDALL of New Mexico, Mr. HASTINGS of Florida, Mr. KENNEDY of Rhode Island, Mr. CONYERS, Ms. WATERS, Mr. RANGEL, Mr. CAPUANO, Mr. ANDREWS, Mr. STARK, Mr. BLUMENAUER, Mr. GEORGE MILLER of California, Ms. ESHOO, Mr. LARSON of Connecticut, Ms. MCCOLLUM of Minnesota, Mr. WU, Mr. OWENS, Mr. BISHOP of New York, Mrs. DAVIS of California, Mr. SCOTT of Virginia, Mr. RYAN of Ohio, Mrs. MCCARTHY, Mr. MCGOVERN, Mr. GRIJALVA, Mr. MARKEY, Mr. DEFAZIO, Mr. SCHIFF, Mr. BECERRA, Mr. CLYBURN, Mr. CLAY, Mr. DOGGETT, Mr. MORAN of Virginia, Mr. PAYNE, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. WOOLSEY):

H. Res. 363. A resolution requesting the President and directing the Secretary of State, the Secretary of Defense, the Director of the Central Intelligence Agency, and the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President and those officials relating to the disclosure of the identity and employment of Ms. Valerie Plame; to the Committee on Intelligence (Permanent Select), and in addition to the Committees on Armed Services, International Relations, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 63: Mr. CARNAHAN.

H.R. 98: Mr. BOOZMAN.

H.R. 147: Mr. RADANOVICH, Mrs. JOHNSON of Connecticut, and Mr. FATTAH.

H.R. 188: Mr. GRIJALVA and Mr. SKELTON.

H.R. 216: Mr. JINDAL.

H.R. 282: Mr. ROGERS of Kentucky, Mr. KING of New York, and Ms. BALDWIN.

H.R. 328: Mr. LARSEN of Washington.

H.R. 562: Mr. SMITH of New Jersey.

H.R. 581: Ms. BERKLEY, Mr. DAVIS of Florida, Mr. BOREN, and Mr. GENE GREEN of Texas.

H.R. 583: Mr. TIERNEY, Mr. KING of New York, and Mr. CANTOR.

H.R. 588: Mr. CROWLEY, Mr. CARDOZA, and Mr. MURPHY.

H.R. 602: Mr. MEEHAN.

H.R. 613: Mr. BARTLETT of Maryland.

H.R. 662: Mr. NADLER and Mr. FRANK of Massachusetts.

H.R. 688: Mrs. MYRICK.

H.R. 690: Mr. EHLERS.

H.R. 699: Mr. KENNEDY of Rhode Island and Mr. BILIRAKIS.

H.R. 709: Mr. HASTINGS of Washington.

H.R. 758: Mr. GENE GREEN of Texas, Mr. REICHERT, Mr. BONNER, Mr. TIAHRT, Mr. DELAY, Mr. MCKEON, Ms. HARRIS, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BAIRD, Mr. BARTLETT of Maryland, Mr. COSTELLO, Mr. CRAMER, Mr. LIPINSKI, Mr. MCCAUL of Texas, and Ms. WOOLSEY.

H.R. 759: Mr. EVANS.

H.R. 772: Mr. ALLEN and Mr. BRADY of Texas.

H.R. 791: Ms. NORTON.

H.R. 822: Mr. FORD and Mr. FALEOMAVAEGA.

H.R. 823: Mrs. MYRICK and Mr. LEVIN.

H.R. 839: Ms. DELAURO and Mr. LANTOS.

H.R. 840: Mr. MOORE of Kansas.

H.R. 857: Ms. ZOE LOFGREN of California, and Ms. WATSON.

H.R. 875: Mr. WAMP.

H.R. 877: Mr. SHAYS.

H.R. 881: Mr. MCDERMOTT, Mr. PRICE of North Carolina, and Mr. MEEKS of New York.

H.R. 923: Mr. CULBERSON.

H.R. 925: Mr. BEAUPREZ.

H.R. 930: Mr. PASTOR.

H.R. 939: Mr. DOGGETT and Ms. ESHOO.

H.R. 949: Mr. OLVER and Ms. HARRIS.

H.R. 976: Mr. MCCAUL of Texas.

H.R. 994: Ms. DELAURO, Mr. RANGEL, Ms. KAPTUR, Mr. JEFFERSON, Mr. HAYES, Mr. MATHESON, Mr. LANGEVIN, Mr. PEARCE, Mrs. JONES of Ohio, Mr. SKELTON, Mr. EVANS, Mr. MCCOTTER, Ms. MILLENDER-MCDONALD, Mr. CANTOR, Mr. ALEXANDER, Mr. RAHALL, Mrs. KELLY, Mr. STARK, Mr. KANJORSKI, Mr. MOLLOHAN, and Ms. ESHOO.

H.R. 997: Mr. HEFLEY.

H.R. 1020: Mr. INSLEE and Mr. KUCINICH.

H.R. 1108: Mr. GRIJALVA, Mr. ORTIZ, and Mr. KUCINICH.

H.R. 1120: Mr. SHAYS and Mr. KINGSTON.

H.R. 1121: Mr. KOLBE.

H.R. 1126: Ms. VELÁZQUEZ.

H.R. 1131: Mr. GONZALEZ, Mr. PICKERING, Mr. BRADY of Pennsylvania, Mr. WALSH, Mrs. MCCARTHY, Mr. WELLER, and Mr. KING of New York.

H.R. 1133: Ms. BERKLEY.

H.R. 1186: Mr. KUHL of New York, Mr. KOLBE, and Mr. SOUDER.

H.R. 1200: Mr. FILNER, Ms. NORTON, Mr. DAVIS of Illinois, and Mr. LANTOS.

H.R. 1210: Mr. FATTAH.

H.R. 1219: Ms. HART.

H.R. 1227: Mr. LOBIONDO, Mr. BISHOP of New York, and Ms. WASSERMAN SCHULTZ.

H.R. 1245: Mr. PETERSON of Minnesota, Mr. ROTHMAN, and Mr. COOPER.

H.R. 1246: Mrs. LOWEY.

H.R. 1259: Mr. FALEOMAVAEGA, Mr. WILSON of South Carolina, and Mr. FORD.

H.R. 1262: Mr. GEORGE MILLER of California.

H.R. 1272: Mr. JEFFERSON.

H.R. 1287: Mr. GUTIERREZ.

H.R. 1306: Mr. MCCRERY, Ms. LINDA T. SÁNCHEZ of California, Mr. WELDON of Pennsylvania, Mr. MARCHANT, and Mr. BOEHNER.

H.R. 1312: Mr. FARR, Mr. GRIJALVA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MORAN of Virginia, Mr. NADLER, Mr. SERRANO, and Ms. WATSON.

H.R. 1345: Mr. HERGER.

H.R. 1380: Mr. PAUL and Mr. SCHWARZ of Michigan.

H.R. 1384: Mr. OTTER.

H.R. 1386: Mr. COSTA.

H.R. 1402: Mr. BACA, Ms. HERSETH, Mr. MCGOVERN, Mr. PAYNE, Mr. HINOJOSA, and Mr. GRIJALVA.

H.R. 1409: Mr. JEFFERSON and Mr. SHAW.

H.R. 1415: Ms. MCCOLLUM of Minnesota and Mr. NADLER.

H.R. 1426: Mr. HOLDEN and Mrs. CAPITO.

H.R. 1447: Mr. FORD.

H.R. 1461: Mr. SIMMONS.

H.R. 1471: Mr. LEVIN, Mrs. BIGGERT, Mr. DAVIS of Florida, Ms. CORRINE BROWN of Florida, Mr. HAYWORTH, Mr. KOLBE, Ms. HART, Mr. PASTOR, Ms. LEE, Mr. OWENS, Mr. SCHWARZ of Michigan, Mrs. NORTHUP, and Mr. FILNER.

H.R. 1519: Mr. CARNAHAN.

H.R. 1526: Ms. CARSON.

H.R. 1549: Mr. PUTNAM, Mr. OBERSTAR, Ms. HOOLEY, Mr. TIERNEY, Mr. LEACH, and Mr HASTINGS of Washington.

H.R. 1578: Mr. WYNN, Mr. REYNOLDS, and Mr. HERGER.

H.R. 1588: Mr. OLVER.

H.R. 1592: Ms. BALDWIN.

H.R. 1602: Mr. SESSIONS, Mr. MCCAUL of Texas, and Mr. DANIEL E. LUNGREN of California.

H.R. 1620: Mr. PAYNE.

H.R. 1634: Mr. BRADY of Pennsylvania and Mr. GORDON.

H.R. 1638: Mr. DOOLITTLE.

H.R. 1648: Ms. BERKLEY and Ms. LORETTA SANCHEZ of California.

H.R. 1652: Ms. ESHOO, Ms. SLAUGHTER, and Ms. KILPATRICK of Michigan.

H.R. 1678: Mr. SOUDER.

H.R. 1696: Mr. THOMPSON of Mississippi.

H.R. 1697: Mr. BISHOP of New York.

H.R. 1707: Mr. MCHUGH, Mr. SAXTON, Mr. BOEHLERT, Mrs. JOHNSON of Connecticut, and Mrs. BONO.

H.R. 1708: Ms. HART.

H.R. 1714: Mr. MCCAUL of Texas.

H.R. 1736: Mr. BUTTERFIELD and Mr. MICHAUD.

H.R. 1741: Mrs. CAPITO.

H.R. 1806: Mr. BACA.

H.R. 1849: Mr. BOSWELL, Mr. GENE GREEN of Texas, and Mr. MENENDEZ.

H.R. 1898: Mr. HERGER, Mr. SODREL, Mr. MCCAUL of Texas, Mr. TIBERI, Mr. GERLACH, and Mr. HOEKSTRA.

H.R. 1957: Mrs. KELLY.

H.R. 2012: Ms. MOORE of Wisconsin, Mr. WELLER, and Mr. ROHRABACHER.

H.R. 2014: Mrs. DAVIS of California, Ms. ZOE LOFGREN of California, Mr. THOMPSON of California, Mr. MURTHA, and Mr. SOUDER.

H.R. 2034: Mr. LATHAM and Mr. DUNCAN.

H.R. 2037: Mr. CONAWAY, Mr. HIGGINS, Mr. MILLER of Florida, and Mr. WEXLER.

H.R. 2048: Mr. WICKER, Mr. LAHOOD, Mr. CLAY, Mr. MARKEY, Mr. RADANOVICH, and Mr. MCGOVERN.

H.R. 2049: Mr. BARTLETT of Maryland.

H.R. 2092: Ms. CORRINE BROWN of Florida, Mr. CLAY, Mr. CLEAVER, and Mr. JEFFERSON.

H.R. 2234: Mrs. BLACKBURN, Mr. DICKS, Mrs. MCCARTHY, and Mrs. CAPITO.

H.R. 2239: Mrs. JOHNSON of Connecticut and Mr. LEWIS of Kentucky.

H.R. 2301: Mr. GRIJALVA.

H.R. 2317: Mr. ALEXANDER.

H.R. 2320: Mr. WAMP.

H.R. 2327: Ms. SCHWARTZ of Pennsylvania.

H.R. 2330: Mr. EHLERS and Mr. HONDA.

H.R. 2335: Mr. BERRY, Mr. DAVIS of Illinois, and Mr. SERRANO.

H.R. 2338: Mr. SIMPSON.

H.R. 2355: Mr. KINGSTON and Mr. BURTON of Indiana.

H.R. 2356: Mr. ROGERS of Kentucky, Mr. PRICE of North Carolina, Mr. SHUSTER, Mr. GRIJALVA, Mr. LEACH, Mr. MCGOVERN, Mr. SCOTT of Georgia, Mr. NEY, Mr. KENNEDY of Rhode Island, Mr. MANZULLO, Mr. HAYES, Mrs. WILSON of New Mexico, Mr. MOORE of Kansas, Mr. DENT, Ms. DEGETTE, and Mr. MICHAUD.

H.R. 2363: Mr. MCCAUL of Texas.

H.R. 2409: Mr. SHERMAN.

H.R. 2412: Ms. KAPTUR.

H.R. 2421: Mr. BOSWELL, Ms. SCHAKOWSKY, Mr. MOORE of Kansas, and Mr. VAN HOLLEN.

H.R. 2429: Mr. STUPAK.

H.R. 2498: Ms. CARSON, Mr. RYUN of Kansas, Mr. BROWN of South Carolina, and Mr. GUTKNECHT.

H.R. 2512: Mr. BAKER and Mr. BROWN of South Carolina.

H.R. 2514: Mr. SAXTON.

H.R. 2525: Mr. MARSHALL and Mr. ROSS.

H.R. 2526: Mr. DELAHUNT.

H.R. 2533: Mr. ROGERS of Kentucky and Mr. FRANK of Massachusetts.

H.R. 2567: Mr. PRICE of North Carolina and Mr. FRANK of Massachusetts.

H.R. 2592: Mr. GRIJALVA.

H.R. 2600: Mr. DANIEL E. LUNGREN of California.

H.R. 2646: Mr. CALVERT and Mr. MURTHA.

H.R. 2669: Mr. CARTER and Mr. MOORE of Kansas.

H.R. 2681: Mr. MOLLOHAN.

H.R. 2682: Mr. MORAN of Virginia, Mrs. BONO, Mr. MATHESON, and Mr. HALL.

H.R. 2686: Mr. CALVERT, Mr. SHAW, Mr. KENNEDY of Minnesota, Mr. BRADY of Pennsylvania, Mr. FALEOMAVAEGA, Mr. LEVIN, and Mr. ORTIZ.

H.R. 2693: Ms. BORDALLO and Mr. CLEAVER.

H.R. 2717: Mr. CAPUANO, Mr. ALEXANDER, Mr. MARSHALL, Mr. KENNEDY of Rhode Island, Mrs. CAPITO, Mr. CLEAVER, Mr. HINOJOSA, Mr. WOLF, and Ms. CARSON.

H.R. 2793: Mr. NORWOOD.

H.R. 2794: Mr. KINGSTON and Mr. SOUDER.

H.R. 2803: Ms. WASSERMAN SCHULTZ, Mr. PUTNAM, and Mr. DAVIS of Kentucky.

H.R. 2928: Mrs. TAUSCHER, Mr. FILNER, Mr. BOSWELL, Mr. HINCHEY, and Mrs. CHRISTENSEN.

H.R. 2930: Mr. EVANS and Mr. HOEKSTRA.

H.R. 2945: Mr. CLEAVER, Mr. ISRAEL, and Mr. RANGEL.

H.R. 2947: Mrs. CAPPS, Mr. GEORGE MILLER of California, Ms. SLAUGHTER, Ms. BERKLEY, Mr. THOMPSON of Mississippi, Mrs. MALONEY, Ms. WATSON, Ms. MCCOLLUM of Minnesota, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. DEGETTE, Mr. PAYNE, Ms. SOLIS, Ms. BALDWIN, Ms. SCHAKOWSKY, Ms. MOORE of Wisconsin, Mrs. JONES of Ohio, Ms. CORRINE BROWN of Florida, and Ms. GRANGER.

H.R. 2948: Ms. CARSON and Mr. BERMAN.

H.R. 2959: Ms. SOLIS.

H.R. 2963: Mr. BRADLEY of New Hampshire.

H.R. 2966: Mr. HIGGINS and Mr. CONYERS.

H.R. 2992: Mr. BLUMENAUER and Mr. CUMMINGS.

H.R. 3005: Mr. ACKERMAN, Mr. BARROW, Mr. BARTLETT of Maryland, Ms. BERKLEY, Mr. BERMAN, Mr. BLUMENAUER, Mr. BOEHLERT, Mr. CLEAVER, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mr. BURTON of Indiana, Mr. BUTTERFIELD, Mr. CARDOZA, Mr. CHANDLER, Mrs. CHRISTENSEN, Mr. CROWLEY, Mr. DELAHUNT, Ms. DELAURO, Mr. DOGGETT, Mr. EDWARDS, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FILNER, Mr. FORTENBERRY, Mr. GALLEGLY, Mr. GENE GREEN of Texas, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HYDE, Mr. ISSA, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY of Rhode Island, Mr. KUCINICH, Mr. LEACH, Mrs. MCCARTHY, Mr. MCCAUL of Texas, Ms. MCCOLLUM of Minnesota, Mr. MCCOTTER, Mr. MCDERMOTT, Mr. MCINTYRE, Mr. MCNULTY, Mr. MANZULLO, Mr. MEEKS of New York, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mr. MORAN of Virginia, Mr. PAYNE, Ms. PELOSI, Mr. PENCE, Mr. PRICE of North Carolina, Ms. ROS-LEHTINEN, Mr. ROHRABACHER, Mr. SANDERS, Mr. SHAYS, Mr. SMITH of New Jersey, Mr. TOWNS, Mr. VAN HOLLEN, Mr. WAXMAN, and Mr. WEXLER.

H.R. 3055: Ms. Linda T. Sánchez of California and Mr. TIERNEY.

H.R. 3081: Mr. SOUDER and Mr. CHANDLER.

H.R. 3095: Mr. MCCAUL of Texas and Ms. GINNY BROWN-WAITE of Florida.

H.R. 3096: Mr. HIGGINS, Mr. GOODE, Mrs. CHRISTENSEN, and Mr. CUMMINGS.

H.R. 3128: Mr. MEEK of Florida, Mr. PASTOR, Mr. CROWLEY, Mr. GRIJALVA, and Mr. INSLEE.

H.R. 3132: Mr. ROYCE, Mr. PENCE, Mr. FRANKS of Arizona, Mr. FORBES, Mr. BURTON of Indiana, Mr. JINDAL, Mr. BACHUS, Mr. FEENEY, Mr. BOSWELL, and Mr. BAKER.

H.R. 3135: Mr. CALVERT, Mr. CAMP, Mr. WOLF, Mr. BAKER, Mr. YOUNG of Alaska, Mr. WELDON of Florida, Mr. FERGUSON, Mr. BARTLETT of Maryland, Mrs. CUBIN, Mr. STEARNS, and Mr. LATHAM.

H.R. 3146: Mr. SWEENEY.

H.R. 3147: Mr. BRADLEY of New Hampshire.

H.R. 3148: Mrs. MILLER of Michigan.

H.R. 3150: Mr. CUNNINGHAM, Mr. ROHRABACHER, Mr. ROYCE, and Mr. DOOLITTLE.

H.R. 3159: Mr. SOUDER, Mr. SCHIFF, Mr. BEAUPREZ, Mr. BARROW, and Mr. MOLLOHAN.

H.R. 3160: Mr. MCDERMOTT.

H.R. 3187: Mr. BONNER, Mrs. CAPPS, Mr. FARR, Mr. CASE, Mr. SIMMONS, Mr. MICHAUD, Mr. LOBIONDO, Mr. LEWIS of Georgia, and Mr. BRADLEY of New Hampshire.

H.R. 3192: Mr. CONYERS, Mr. NADLER, Mr. DAVIS of Illinois, Mr. GRIJALVA, Mr. HASTINGS of Florida, and Mr. ABERCROMBIE.

H.R. 3197: Mr. BACA.

H.R. 3200: Ms. GINNY BROWN-WAITE of Florida, Mr. BRADLEY of New Hampshire, Mr. MICHAUD, Mr. EVANS, and Mr. SNYDER.

H.R. 3205: Mr. MURPHY.

H.R. 3209: Mr. GUTIERREZ.

H.R. 3252: Mr. COOPER, Mr. MCDERMOTT, Mr. MCGOVERN, Mrs. CHRISTENSEN, Mr. WILSON of South Carolina, Mr. ROSS, and Mr. KING of New York.

H.R. 3255: Mr. BUTTERFIELD.

H.R. 3270: Ms. LORETTA SANCHEZ OF CALIFORNIA, MR. MARKEY, Mrs. LOWEY, Ms. JACKSON-LEE of Texas, Mr. PASCRELL, Mr. ETHERIDGE, Mr. LANGEVIN, Mr. MEEK of Florida, and Ms. HARMAN.

H.J. Res. 58: Mr. COSTA, Mr. MELANCON, and Mr. BERRY.

H. Con. Res. 90: Mr. ROTHMAN, Mr. MILLER of North Carolina, Mr. MCGOVERN, Mr. MORAN of Virginia, Mr. KIND, Mr. DINGELL, Mrs. CHRISTENSEN, Mr. CUMMINGS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LATHAM, Mr. PRICE of North Carolina, Mr. ENGEL, Ms. WASSERMAN SCHULTZ, and Mr. ACKERMAN.

H. Con. Res. 172: Mr. MENENDEZ and Mr. BRADY of Pennsylvania.

H. Con. Res. 181: Mr. ENGLISH of Pennsylvania, Mr. MOORE of Kansas, Mr. SCOTT of Georgia, Mr. CAPUANO, Mr. ALEXANDER, Mr. MELANCON, Ms. HART, Mr. TIBERI, Ms. BEAN, Mr. ISRAEL, Ms. HOOLEY, Mr. BOYD, Mr. REHBERG, and Mr. GOODE.

H. Con. Res. 197: Ms. WATSON.

H. Con. Res. 208: Mr. ROTHMAN and Ms. KAPTUR.

H. Res. 15: Mr. CARTER, Mr. PLATTS, Mr. ISSA, and Mr. SOUDER.

H. Res. 97: Mr. GRAVES, Mr. BRADY of Texas, Mr. DUNCAN, Mr. KUHL of New York, Mr. DAVIS of Kentucky, and Mr. BONILLA.

H. Res. 230: Mr. MCCOTTER and Mr. BARTLETT of Maryland.

H. Res. 286: Ms. CORRINE BROWN of Florida and Mr. SOUDER.

H. Res. 317: Mr. BRADY of Pennsylvania.

H. Res. 323: Mr. SIMMONS, Mr. BRADY of Pennsylvania, Mr. MCGOVERN, Mr. UDALL of Colorado, Mr. WOLF, Mr. FOLEY, Mr. NEUGEBAUER, Mr. CHANDLER, Ms. LORETTA SANCHEZ OF CALIFORNIA, AND MR. SHAW.

H. Res. 325: Mr. WALSH, Mr. SIMMONS, Mr. ENGEL, Mr. MEEHAN, and Mr. FRANK of Massachusetts.

H. Res. 326: Mr. WESTMORELAND, Mr. HINCHEY, and Mr. MACK.

H. Res. 336: Mr. FARR.

H. Res. 350: Mr. MANZULLO.

H. Res. 357: Ms. PRYCE of Ohio, Ms. HARMAN, Mrs. CAPPS, Ms. JACKSON-LEE of Texas, Mrs. MALONEY, Mrs. BIGGERT, Ms. MCCOLLUM of Minnesota, Ms. HARRIS, Ms. BERKLEY, Ms. GRANGER, Mr. REGULA, Mr. LEACH, Mr. KOLBE, Miss MCMORRIS, Mr. HOLDEN, Mr. HINOJOSA, Ms. ZOE LOFGREN of California, and Ms. HERSETH.

H. Res. 360: Ms. GINNY BROWN-WAITE of Florida and Ms. KAPTUR.

H. Res. 361: Mr. BILIRAKIS, Mr. VAN HOLLEN, Mr. CASE, Mr. FILNER, Ms. CORRINE BROWN of Florida, Mr. UDALL of New Mexico, Ms. GINNY BROWN-WAITE of Florida, Ms. HERSETH, Mr. MICHAUD, and Mr. SNYDER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2317: Ms. MOORE of Wisconsin.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

PRAYER

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

Let us pray.

O God, our refuge and fortress, we look to You for protection. We depend on You to do what is best for our Nation and world and cherish no desire to dictate the terms of Your providence. Gathering strength from the knowledge that You have protected us across the years of our lives, we trust You to remain the author and finisher of our destinies.

We pray today for the Members of Congress as they labor during a time of duress. Strengthen them to strive to preserve in our Nation the values that will keep it great. Renew in them the commitment to keep us one nation, sustained by Your power, indivisible, with liberty and justice for all.

Inspire us all to acknowledge You with our thoughts and deeds so that You will direct our paths. We pray in Your glorious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU 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. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 14, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SUNUNU thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. FRIST. Mr. President, we will return to Homeland Security appropriations in just a few minutes. Last night, we entered into an agreement to provide for a series of five stacked votes beginning at 10 a.m. The first vote will be normal in length; however, the remaining votes in the series will be limited to 10-minute lengths. Senators should remain in or close to the Chamber for the purposes of voting. The two managers expect to stack other votes on amendments that are ready to be disposed of. We will announce shortly whether those will be added to the current list or if we will debate additional amendments and stack them for later this morning. It is possible to finish the Homeland Security bill today or this evening. We can do that if Senators cooperate over the course of the day.

We have other important appropriations bills to consider as well as other legislative matters, executive items, over the course of the next couple of days. In all likelihood, we will go to foreign operations tomorrow, assuming—and I hope—we will finish Homeland Security today.

I will turn to the Democratic leader, and then I have a few words on port security.

RECOGNITION OF THE MINORITY LEADER

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

COOPERATION OF SENATORS

Mr. REID. Mr. President, I say this to my colleagues or their staffs watching. We have spent considerable time on this bill. Yesterday was a little disjointed because of the funeral of Gaylord Nelson and the space shuttle blastoff that did not occur. We had a number of Senators who had gone to both of those events.

Under the order now before the Senate, the leader and I have the ability to offer amendments. I have one Senator who has come to me, and I think the amendment he has asked that I offer is appropriate, and I will do that. I will confer with Senator JUDD GREGG before I offer that amendment.

All good things need to come to an end, and we need to stop any amendments we now have with the dozen pending now. I prevailed upon the majority leader not to file cloture yesterday or Tuesday. I think that is appropriate.

For Members who have amendments to offer, if they have something they believe is extremely important, they can come to me, and I will make every consideration I can.

It is time we finish this bill. I don't know if we can finish it tonight. I hope we can. The leader said we will stay in tonight and work through as long as we need to. It is my understanding, regardless of what we do tonight, that we are going to try to move to another bill tomorrow, which is fine with me.

I say to my colleagues, if there are Members who have something to say

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

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on this amendment or any amendments filed, do that because there is a time when the sun goes down and everyone will be in a hurry to get out of here. The fact is, if we have a lot of amendments stacked, we will not be able to do that.

The ACTING PRESIDENT pro tempore. The majority leader.

BORDER SECURITY

Mr. FRIST. Mr. President, people around the world know the United States as a land of freedom and opportunity.

We have remained that way in large part because we open our doors to immigrants.

We must continue to do so.

People come to America looking for a better life. We live better lives because of them. They contribute to our economy. They help weave the rich cultural fabric that makes up our society. But we must ensure that immigrants who come to America come here legally.

We face a crisis. Over 7,000 miles of land stretch across our borders. Our ports handle 16 million cargo containers. And 330 million noncitizens—students, visitors and workers—cross our borders every year.

An unprecedented flow of illegal immigrants, criminals, terrorists, and unsecured cargo also cross our borders. This challenges our standards of compassion and threatens our national security.

It also offers us an opportunity to define our Nation's future.

First and foremost, we face a grave humanitarian challenge. Last year, several hundred people died in the deserts and mountains that separate the United States from Mexico. Most died of exposure to the elements. Some died in accidents. An alarming number were murdered.

Along Arizona's southern border—the only area for which we have good data—over 20 people died as a result of hanging, blunt-force trauma, gun shot wounds and other apparently deliberate means during 2004.

But we have this data collected only because of the work of an Arizona newspaper. We don't know how many more corpses are buried in shallow, unmarked graves. Nobody keeps a complete database of deaths along our borders. And many apparent homicides go uninvestigated.

That's why I've asked the Government Accountability Office to produce a report on the deaths along our border as a guide to future action.

We must protect our Nation from those who seek to enter it illegally. But we have a higher, moral obligation to do our best to protect the life of every person who sets foot on American soil.

Second, the insecurity of our borders threatens America's national security. Each year, thousands of people cross our border illegally. The vast majority seek little more than better lives for their families. But some bring drugs. Some traffic in human beings. A few may even have links to terrorist groups.

We don't know exactly how many come. We don't know their backgrounds. Nor do we know who might want to harm us.

But we do know one thing: if drug dealers and human traffickers can operate on our borders, terrorists can as well.

Our national security requires a safer, more secure border. And our standards of compassion demand it. Anything else is morally unacceptable. We must act swiftly.

At the right time, Congress must reform our laws to strengthen and improve our immigration system. We also need free trade agreements like CAFTA, which we passed just before the July 4th recess. This will give economic hope to the people of Central America. It will give them greater opportunities to live more prosperous lives in their communities. But, for now, we must tighten enforcement of our borders. And that's what this bill does.

First, it dramatically increases the corps of border protection professionals. Congress has already added 500 border patrol agents this year. This bill adds 2,000 more patrol agents, investigators, and detention and deportation officers. After this bill, there will be nearly 41,000 people protecting our border. Our long-term goal should be 10,000 new border patrol agents within the next 5 years.

Second, this bill gives our border patrol more technology and training and aircraft. This will bolster security by, for example, doubling the number of ports subject to high-risk container checks.

Third, this bill strengthens the infrastructure that protects our borders. It provides more than $300 billion for frontline defenses—which will help prevent people from entering our country illegally.

Fourth, this bill increases funding for detention beds by 10 percent—boosting the total number of beds to 23,000. It does no good to increase our border patrol forces and border monitoring technology if we don't have the space to hold illegal aliens while their cases are being processed.

Simply put, we should not release individuals with criminal ties. Instead, our nation should detain them until their cases can be heard.

Over 400,000 individuals—nearly as many as live in Atlanta—have simply walked away from orders of deportation and removal. This is unacceptable.

By adding detention space, we can make sure that people entering the country illegally are not released back into the country while we are in the process of trying to send them back home. In all, this bill increases total spending on border security by nearly 12 percent for a total of nearly $10 billion.

I congratulate Chairman GREGG and Senator BYRD for their leadership in bringing this bill to the floor.

Immigrants have enhanced our history. And they will enhance our future. But we must make sure they to America legally. It's a matter of security in a time of war. It's also a matter of morality for a caring nation and a nation of laws.

RESERVATION OF LEADER TIME

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

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2360, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2360) making appropriations to the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Byrd amendment No. 1200, to provide funds for certain programs authorized by the Federal Fire Prevention and Control Act of 1974.

Akaka amendment No. 1113, to increase funding for State and local grant programs and firefighter assistance grants.

Dorgan amendment No. 1111, to prohibit the use of funds appropriated under this Act to promulgate the regulations to implement the plan developed pursuant to section 7209(b) of the Intelligence Reform Act of 2004.

Durbin (for Boxer) amendment No. 1216, to provide for the strengthening of security at nuclear power plants.

Durbin (for Stabenow) amendment No. 1217, to provide funding for interoperable communications equipment grants.

Gregg (for Ensign) modified amendment No. 1124, to transfer appropriated funds from the Office of State and Local Government Coordination and Preparedness to the U.S. Customs and Border Protection for the purpose of hiring 1,000 additional border agents and related expenditures.

McCain modified amendment No. 1150, to increase the number of border patrol agents consistent with the number authorized in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458).

McCain modified amendment No. 1171, to increase the number of detention beds and positions or FTEs in the United States consistent with the number authorized in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458).

Schumer amendment No. 1189, to provide that certain air cargo security programs are implemented.

Schumer amendment No. 1190, to appropriate $70,000,000 to identify and track hazardous materials shipments.

Reid (for Byrd) amendment No. 1218, to provide additional funding for intercity passenger rail transportation, freight rail, and mass transit.

Ensign amendment No. 1219 (to amendment No. 1124), of a perfecting nature.

Shelby modified amendment No. 1205, to appropriate funds for transit security grants for fiscal year 2006 authorized in the Public Transportation Terrorism Prevention Act of 2004.

Gregg amendment No. 1220 (to amendment No. 1205, as modified), of a perfecting nature.

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

The Senator from New Jersey.

AMENDMENT NO. 1208

Mr. CORZINE. I ask the pending amendment be set aside, and I call up amendment No. 1208.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. CORZINE] proposes an amendment numbered 1208.

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

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

The amendment is as follows:

At the appropriate place insert the following:

(a) FINDINGS.—The Senate finds that—

(1) On February 6, 2002, Director of Central Intelligence George Tenet testified that ''[A]l Qaeda or other terrorist groups might also try to launch conventional attacks against the chemical or nuclear industrial infrastructure of the United States to cause widespread toxic or radiological damage.''

(2) On April 27, 2005, the GAO found that ''Experts'' agree that the nation's chemical facilities present an attractive target for terrorists intent on causing massive damage. For example, the Department of Justice has concluded that the risk of an attempt in the foreseeable future to cause an industrial chemical release is both real and credible. Terrorist attacks involving the theft or release of certain chemicals could significantly impact the health and safety of millions of Americans, disrupt the local or regional economy, or impact other critical infrastructures that rely on chemicals, such as drinking water and wastewater treatment systems.''

(3) As of May 2005, according to data collected pursuant to the Risk Management Plan (RMP) of the Environmental Protection Agency (EPA), a worst-case release of chemicals from 2237 facilities would potentially affect between 10,000 and 99,999 people, a release from 493 facilities would potentially affect between 100,000 and 999,000, and a release from 111 facilities would potentially affect over one million.

(4) On April 27, 2005, the GAO found that EPA RMP data was based on a release from a single vessel or pipe rather than the entire quantity on site and that ''[A]n attack that breached multiple chemical vessels simultaneously could result in a larger release with potentially more severe consequences than those outlined in 'worst-case' scenarios.''

(5) On April 27, 2005, the GAO found that ''Despite efforts by DHS to assess facility vulnerabilities and suggest security improvements, no one has comprehensively assessed security at facilities that house chemicals nationwide.'' GAO further testified that ''EPA officials estimated in 2003, that voluntary initiatives led by industry associations only reach a portion of the 15,000 RMP facilities. Further, EPA and DHS have stated publicly that voluntary efforts alone are not sufficient to assure the public of the industry's preparedness.''

(6) On June 15, 2005, Thomas P. Dunne, Deputy Assistant Administrator for the Office of Solid Waste and Emergency Response of the EPA testified that ''[O]nly a fraction of U.S. hazardous chemical facilities are currently subject to Federal security requirements'' and that ''we cannot be sure that every high-risk chemical facility has taken voluntary action to secure itself against terrorism.''

(7) On June 15, 2005, Robert Stephan, Acting Undersecretary for Information Analysis and Infrastructure Protection and Assistant Secretary for Infrastructure Protection at the Department of Homeland Security testified that the Department ''has concluded that from the regulatory perspective, the existing patchwork of authorities does not permit us to regulate the industry effectively.'' Stephan further testified that ''[I]t has become clear that the entirely voluntary efforts of [chemical facility] companies alone will not sufficiently address security for the entire sector'' and that ''The Department should develop enforceable performance standards . . .''

(8) The Senate Committee on Homeland Security and Governmental Affairs, through a series of valuable and wide-ranging hearings, has demonstrated bipartisan commitment to effective Congressional action to protect Americans against a possible terrorist attack against chemical facilities.

(B) SENSE OF THE SENATE.—It is the Sense of the Senate that the Congress should pass legislation establishing enforceable federal standards to protect against a terrorist attack on chemical facilities within the United States.

Mr. CORZINE. Mr. President, I rise today to discuss one of the most glaring vulnerabilities in our Nation's homeland security—chemical plant security. This is an amendment which is agreed to on both sides. At the conclusion of my remarks, I will ask for unanimous consent that the amendment be agreed to.

It is a very simple amendment. It is a sense of the Senate that Federal standards should be established to protect chemical facilities from terrorist attacks.

I understand it is an indication of a consensus that is building across this Senate and across this country and in the Department of Homeland Security that we have a serious issue with regard to the infrastructure surrounding our chemical plants and the danger they present to the population that surrounds them—the neighborhoods, the people who live in these densely populated communities that surround these chemical plants.

The State of New Jersey, which is the most densely populated State in the Nation, has seven plants where more than a million people could be impacted by an explosion and the release of toxic chemicals. It is a real danger for our broader community, but it is true across the Nation as well.

The Pentagon and the United Nations together spent over $900 million over a 2-year period searching for weapons of mass destruction in Iraq, when in fact those weapons, chemical weapons, anyway, are right in our backyard. Unsecured chemical plants, arguably, are pre-positioned weapons of mass destruction right in the backyards of Americans.

That is why I offer this amendment today, to express the sense of the Senate that Congress should pass legislation establishing enforceable Federal standards to protect against a terrorist attack. There is a lot of work going on. The chair and ranking member of the Homeland Security and Governmental Affairs Committee are holding a series of hearings on chemical plants, I believe one even today, and they have done tremendous work.

I compliment Senator COLLINS and Senator LIEBERMAN and others in pursuing full efforts with regard to trying to establish a formula, a format for securing our chemical plants across this country. I will work with them shoulder to shoulder as we go forward on this effort. It is something I have been working on since October of 2001. So I compliment them. I also thank Senators JUDD and BYRD for their cooperation in allowing for this sense of the Senate to show there is momentum behind this effort as we go forward.

This is something that has been recognized by every expert as we have gone forward, particularly post 9/11. On February 6, 2002, Director of Central Intelligence George Tenet testified:

[A]l Qaeda or other terrorist groups might also try to launch conventional attacks against the chemical or nuclear industrial infrastructure of the United States to cause widespread toxic or radiological damage.

The threat continues to become more apparent almost by the day. On the day before last Thursday's criminal attacks took place in London, the Congressional Research Service released a study saying there were 111 plants in 23 States, such as those 7 in my State of New Jersey, that could kill more than a million people. Preventing such a terrorist attack, especially against plants where they are in these densely populated areas, should be one of our highest priorities.

These chemical plants present a clear and present danger to the American people. We have one that sits under a freeway that feeds the Holland Tunnel in metropolitan New York, northern New Jersey. Literally, hundreds of thousands of people transverse right over the top of a chlorine plant. It is open to exposure, surrounded by 12 million people, in that particular case.

The GAO reported on April 27, 2005:

Experts agree that the nation's chemical facilities present an attractive target for terrorists intent on causing massive damage.

Economic damage and loss of life. This is an important recognition. The GAO went on to say:

Terrorist attacks involving the theft or release of certain chemicals could significantly impact the health and safety of millions of Americans. . . .

In January of this year, Richard Falkenrath, the former Deputy Homeland Security Adviser to President Bush, called the threat of industrial chemicals ''acutely vulnerable and almost uniquely dangerous.'' He said:

These poorly secured chemicals, which in some cases are identical to the chemical

weapons used in World War I, are routinely present in vast, multi-ton quantities adjacent to or in the midst of many dense population centers.

Falkenrath went on to testify:

Toxic-by-inhalation industrial chemicals present a mass-casualty terrorist potential. . . .

I could go on and on. Expert after expert after expert has testified to this. On June 15 of this year, Thomas P. Dunne, the Deputy Assistant Administrator for the Office of Solid Waste and Emergency Response of the EPA, testified that:

[O]nly a fraction of U.S. hazardous chemical facilities are currently subject to Federal security requirements. . . .

This is a real problem. We are not doing enough. As a matter of fact, there are investigative reporters who have been able to walk on to many of these plants with unchallenged efforts. We need Federal standards to address a real problem. It needs to be done now. So I hope this sense-of-the-Senate amendment moves us forward. It is right in line with what is being asked for by the Department of Homeland Security.

The Assistant Secretary for Infrastructure Protection at the Department of Homeland Security testified that the Department:

has concluded that from the regulatory perspective, the existing patchwork of authorities does not permit us to regulate the industry effectively.

He further testified:

The Department should develop enforceable performance standards. . . .

There is widespread agreement on this. I think we need to move forward. I encourage and support the efforts of Senators COLLINS and LIEBERMAN. It is time we move forward so we are not looking back after the fact on something we have been warned, and warned time and again, is a danger to the American people. I hope this amendment will help us proceed on that.

Mr. President, I urge the adoption of the amendment at the appropriate time. I do believe the amendment has been agreed to on both sides, but I do not see either of the managers on the floor, so I suppose——

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment? If not, without objection, the amendment is agreed to and the motion to reconsider is laid upon the table.

The amendment (No. 1208) was agreed to.

Mr. CORZINE. Thank you, Mr. President.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. GREGG. 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. GREGG. Mr. President, we are about to begin a series of votes. There will be five votes. Many of these votes are on proposals to spend money above the allocations which we have in this budget. That is unfortunate and I think probably not good fiscal discipline or appropriate action.

I do think, however, it is important to look at the underlying bill as to its substance and its implications because I believe, through a bipartisan effort on the Appropriations Committee, working closely with the Senator from West Virginia and other members of the committee, we have been able to put together a bill which responds to many of the concerns that our Senate colleagues and the American people have.

I think if you ask the American people what they most fear relative to terrorist acts in the United States, it is terrorists who get their hands on a weapon of mass destruction. We know if biological or chemical weapons were used or, God forbid, a nuclear device was used in any of our major cities, the damage would be overwhelming. We know from his own testimony that it is Osama bin Laden's intention and the intention of his organizations to obtain those types of weapons and to try to use them against western cultures. Why? Because they are willing to kill people indiscriminately to make their political points. They are people without regard for human life, and they are people who act outside the boundaries of any norm of civilization.

I think if you talk to most Americans, they will tell you they are concerned about our borders. The fact is they read every day in the papers and they see on the streets situations which reflect the fact that people are coming into our country unaccounted for, that we have approximately 3 million people every year who are entering this country illegally, that we have somewhere between 8 million and 16 million people who are in this country illegally, that of the 300 to 500 million people who come across our borders legally, we do not have any idea who most of these people are and what their purposes are.

The vast majority of those people coming into this country legally are coming here to take advantage of America's good lifestyle or our business climate or to visit us and see our Nation, which we appreciate. But a very small percentage, unfortunately, come here with ill intent. And the American people rightly ask, Why is the Federal Government unable to control our borders?

Of course, there is a history to this. We are a nation that has always honored the openness of our borders. I remember growing up in New Hampshire, as does the Presiding Officer. We took great pride as a nation in the fact that people in the northern tier could travel into Canada and people from Canada could travel into the United States at will. They did, and they still try to. They still do, to a large degree.

People along our northern border in the New England region shop in Canada for their groceries. They get their haircuts in Canada. They take their boats up across the Canadian border and go fishing. And the same goes the other way. It used to be historically, until the Canadian dollar got a little weak, that the No. 1 tourist in New England was a Canadian coming down to take advantage of our coastlines or our mountains and enjoy the summer weather.

So this relationship has built up over literally hundreds of years. But now we have to be more vigilant. We know that, and especially along our southern border, where not only are there people coming across the border who are coming here to seek jobs, but there are people coming across the border who wish us ill will.

This bill has attempted to address this issue. We have done it in an aggressive way. As I said, there are 3 million people coming across our border illegally, as this chart shows. Of that group, unfortunately, a large number are not Mexicans. This is the biggest change we are seeing. For the most part, we know most people coming across our border who are of Mexican lineage are seeking jobs. They are seeking a better lifestyle. They are trying to improve their quality of life.

We now also see a large number of people coming across the Mexican border illegally who are not Mexicans, almost 100,000 a year. This is a serious problem for us because we do not know what countries they come from, and we know some of the countries they come from have a history of producing individuals who wish us ill will.

So what we did in this bill is we radically increased the number of Border Patrol agents. We are trying to expand our capacity as quickly as we can in putting feet on the ground on the border. That is what we have done here. We have added 1,000 new agents in this bill. We added 500 in the supplemental. That is 1,500 new agents. That is actually more than the Border Patrol has the capability to train—about 200 or 300 more—but we are putting pressure on them to accomplish that.

We also have increased training facilities so next year we will hopefully be able to add 2,000 or 2,500, and the following year 2,500, and the following year 2,500. Our goal is to increase the number of Border Patrol agents by 10,000 people over the next 4 or 5 years. But we have to ramp up to it. This year we are making an aggressive step in that direction with 1,500.

In addition, we have added over 4,100 detention beds because we know when a Border Patrol agent catches someone who is in this country illegally that, unfortunately, they are having to let a lot of people go or send them out on their personal recognizance. That is not acceptable. So we added 2,200 beds in this bill. We added 1,900 beds in the supplemental. We are ramping up our capacity to hold people here who may be a danger to us.

This bill is focused on threat. That is the purpose of this bill. It realigns our efforts as a Senate to focus the Homeland Security effort on what are the priority threats, the No. 1 threat being weapons of mass destruction. The No. 2 threat is the fact that our borders are so porous.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator's time has expired.

Mr. GREGG. I appreciate the courtesy of the Presiding Officer and the Senate.

AMENDMENT NO. 1219 TO AMENDMENT NO. 1124

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, the Senate will proceed to a series of votes.

Under the previous order, there are now 2 minutes equally divided prior to a vote on amendment No. 1219 to amendment No. 1124. Who yields time?

The Senator from Nevada.

Mr. ENSIGN. Madam President, I urge my colleagues to support the Ensign-McCain amendment. Last year during the debate on the national intelligence reform bill, we adopted several of the recommendations of the 9/11 Commission, including hiring 2,000 agents per year for border control. This bill, while it is an increase over what the President requested, only funds 1,000 new agents. What our amendment will do is fund the full 2,000. It will fund an additional 1,000 on top of what the original bill does. The offset to pay for this does not increase the deficit. It is all paid for under the bill. Some may question whether this offset makes any sense. I believe it does because we have limited resources at the Federal level, and we must spend those wisely.

As recently as this past Sunday, a CBS News report did a segment on how some local governments were spending their dollars. These funds have been used to purchase defibrillators used at high school basketball games, not for national security, trailers to haul lawnmowers to annual lawnmower races. The program has been used to purchase Segway scooters at a computerized towing service.

I urge our colleagues to support strengthening our borders and not using the money in wasteful ways.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, this amendment seeks to strengthen the borders, which is a good goal, but at an awful price. It could take 24 percent of our money away from our first responders—police, firefighters, emergency technicians. In every one of the States we had an argument the other day that we don't get enough money for these people, that whether you are from Wyoming or Kansas or Maine or New York, there is not enough money for our first responders. There is nothing that says we have to rob Peter to pay Paul. That is the problem here. It is not in strengthening the borders. It is in taking money away from the people every day who defend us and, since 9/11, have new duties. That is why both Senator GREGG and Senator BYRD, the chairman and ranking member of the Appropriations Subcommittee on Homeland Security, are against this amendment. There is bipartisan opposition to it because our police, our firefighters, our medical technicians are the ones who need the help. Don't take money away from localities to put into this Federal pot.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1219.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

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

The result was announced—yeas 38, nays 60, as follows:

[Rollcall Vote No. 179 Leg.]

YEAS—38

Allard	DeMint	Martinez
Allen	Dole	McCain
Bennett	Domenici	McConnell
Bingaman	Ensign	Murkowski
Brownback	Enzi	Roberts
Bunning	Frist	Salazar
Burns	Graham	Sessions
Burr	Grassley	Shelby
Chambliss	Hagel	Sununu
Coburn	Hatch	Thomas
Cornyn	Hutchison	Thune
Craig	Isakson	Warner
Crapo	Kyl	

NAYS—60

Akaka	Dorgan	Murray
Alexander	Durbin	Nelson (FL)
Baucus	Feingold	Nelson (NE)
Bayh	Feinstein	Obama
Biden	Gregg	Pryor
Bond	Harkin	Reed
Boxer	Inhofe	Reid
Byrd	Inouye	Rockefeller
Cantwell	Jeffords	Santorum
Carper	Johnson	Sarbanes
Chafee	Kennedy	Schumer
Clinton	Kerry	Smith
Cochran	Kohl	Snowe
Coleman	Landrieu	Specter
Collins	Lautenberg	Stabenow
Conrad	Leahy	Stevens
Corzine	Levin	Talent
Dayton	Lieberman	Vitter
DeWine	Lincoln	Voinovich
Dodd	Lugar	Wyden

NOT VOTING—2

Lott	Mikulski

The amendment (No. 1219) was rejected.

Mr. NELSON of Nebraska. Mr. President, today's vote pitted two of America's top priorities against each other in a face off over Federal funding. Our national security interests are inherent is both securing our borders to keep terrorists out and providing first responders the resources they need to detect, prevent and respond to emergencies and terrorism.

The underlying bill supports 1,000 new border patrol agents. That is a significant investment in securing our borders. The amendment we voted on would have added funding for an additional 1,000 agents, but redirected funds away from scarce first responder resources.

We need to make border control and first responders copriorities. Considering the existing funding in the underlying bill for 1,000 new border patrol agents, I simply could not support an amendment that would strip funds from our police officers, firefighters, and emergency response personnel. For most people, homeland security is really hometown security. Our States rely heavily on these first responder funds to keep our communities safe.

VOTE ON AMENDMENT NO. 1124

The PRESIDING OFFICER. The question is on agreeing to the first-degree amendment No. 1124.

The amendment (No. 1124) was rejected.

AMENDMENT NO. 1189

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes equally divided prior to the vote on the motion to waive the Budget Act point of order on the Schumer amendment No. 1189.

Mr. SCHUMER. Madam President, I ask unanimous consent that the vote be 10 minutes on this amendment and the next one.

The PRESIDING OFFICER. That has previously been ordered.

Who yields time? The Senator from New York.

Mr. SCHUMER. Mr. President, this amendment deals with air cargo. We have done a very fine job in making our air travel safer when it comes to passengers. They are checked very well to prevent them from smuggling not only metal but now explosives onto planes.

However, most passenger planes—more than half—carry cargo in the belly of the plane. That cargo is not inspected. So somebody who, God forbid, would want to do damage could smuggle explosives into the cargo and detonate it and do just as much damage as a passenger.

This amendment very simply provides $302 million to provide for air cargo security, $200 million for existing air cargo security countermeasures, $2 million for a pilot program on hardened containers, and $100 million for research.

We have learned since 9/11 that terrorists look for our weakest pressure point. Cargo is our weakest pressure point on air travel, and I urge support of the amendment.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from New Hampshire.

Mr. GREGG. Madam President, this amendment would add to the deficit by $302 million. It exceeds the committee's allocation. More importantly than that—or equally important—the Department cannot spend this money. The Department does not have in place yet the plans necessary to pursue this type of technology.

The administration asked for $40 million in this account. The committee

put $50 million into this account. We believe the first focus should be on pilot security relative to cargo, which is what we are working on right now, and then moving forward with technology which we are also working on, but we should do it in an orderly way, and this amendment would create a disorderly process and, as I said, add $302 million to the deficit.

I hope people will vote not to waive the budget point of order.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act point of order. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

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

The yeas and nays resulted—yeas 45, nays 53, as follows:

[Rollcall Vote No. 180 Leg.]

YEAS—45

Akaka	Feingold	Lincoln
Baucus	Feinstein	Murray
Bayh	Harkin	Nelson (FL)
Biden	Hutchison	Nelson (NE)
Bingaman	Inouye	Obama
Boxer	Jeffords	Pryor
Byrd	Johnson	Reed
Cantwell	Kennedy	Reid
Carper	Kerry	Rockefeller
Clinton	Kohl	Salazar
Corzine	Landrieu	Sarbanes
Dayton	Lautenberg	Schumer
Dodd	Leahy	Snowe
Dorgan	Levin	Stabenow
Durbin	Lieberman	Wyden

NAYS—53

Alexander	Crapo	McCain
Allard	DeMint	McConnell
Allen	DeWine	Murkowski
Bennett	Dole	Roberts
Bond	Domenici	Santorum
Brownback	Ensign	Sessions
Bunning	Enzi	Shelby
Burns	Frist	Smith
Burr	Graham	Specter
Chafee	Grassley	Stevens
Chambliss	Gregg	Sununu
Coburn	Hagel	Talent
Cochran	Hatch	Thomas
Coleman	Inhofe	Thune
Collins	Isakson	Vitter
Conrad	Kyl	Voinovich
Cornyn	Lugar	Warner
Craig	Martinez	

NOT VOTING—2

Lott Mikulski

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

AMENDMENT NO. 1190

Under the previous order, there are now 2 minutes equally divided on the motion to waive the budget point of order on the Schumer amendment No. 1190. The Senator from New York.

Mr. SCHUMER. Madam President, what I have been attempting to do in some of these amendments is look for our weakest pressure points because the terrorists also know where we have done things, and they know where we have not done enough. A place where we are completely weak is truck security. We have seen that terrorists have used trucks to hurt us—in New York City at the World Trade Center in 1993, of course in Oklahoma City a few years later, and in Europe and around the world as well. A truck loaded with explosives can do terrible damage at a football stadium, at a skyscraper or another place that is heavily populated.

The interesting thing is that technology does exist to track trucks the way we track airplanes. It is GPS. It is not very expensive. But since the truck market is so fragmented, no one company does it alone, even though many companies have GPS systems in their trucks, mainly for theft.

We provide just $70 million, not very much, to develop and implement a system for identification and tracking only of hazardous material trucks—those that carry gasoline, explosives, chlorine—that could be used for terrible purposes. If we can't afford $70 million to do this—and I disagree with my friend from New Hampshire, we are not doing enough now—then we ought to look into the mirror. I hope this amendment will be supported.

Mr. GREGG. Mr. President, I point out initially that this amendment exceeds the budget allocation of the committee and is a deficit spending item. More important than that, the Department of Homeland Security does not yet have the technology nor the pilot programs capable of doing this. They will be pursuing this course of action when they are ready to do this in an effective and comprehensive way, and we will fund it.

Again, there dollars are being put in a problem that there is no solution for at this time. The Department has not asked for money for this because they know they are not capable of handling it yet. We will certainly pursue this activity, if it is appropriate, as the Department gets their pilot programs in place and shows that they can handle this type of program. Right now it is premature. In addition, of course, it is deficit spending.

I hope Senators support the budget point of order and vote against waiving it.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have already been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

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

The yeas and nays resulted—yeas 36, nays 62, as follows:

[Rollcall Vote No. 181 Leg.]

YEAS—36

Akaka	Durbin	Lieberman
Bayh	Feingold	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Jeffords	Obama
Boxer	Johnson	Reed
Cantwell	Kennedy	Reid
Carper	Kerry	Rockefeller
Clinton	Kohl	Salazar
Corzine	Landrieu	Sarbanes
Dayton	Lautenberg	Schumer
Dodd	Leahy	Stabenow
Dorgan	Levin	Wyden

NAYS—62

Alexander	DeMint	McCain
Allard	DeWine	McConnell
Allen	Dole	Murkowski
Baucus	Domenici	Nelson (NE)
Bennett	Ensign	Pryor
Bond	Enzi	Roberts
Brownback	Feinstein	Santorum
Bunning	Frist	Sessions
Burns	Graham	Shelby
Burr	Grassley	Smith
Byrd	Gregg	Snowe
Chafee	Hagel	Specter
Chambliss	Hatch	Stevens
Coburn	Hutchison	Sununu
Cochran	Inhofe	Talent
Coleman	Inouye	Thomas
Collins	Isakson	Thune
Conrad	Kyl	Vitter
Cornyn	Lincoln	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	

NOT VOTING—2

Lott Mikulski

The PRESIDING OFFICER. On this vote the yeas are 36, the nays are 62. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained and the amendment falls.

AMENDMENT NO. 1221, AS MODIFIED

Mr. GREGG. Mr. President, I ask unanimous consent that the previously agreed to Hatch amendment numbered 1221 be modified with the changes that are at the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 1221), as modified, was agreed to, as follows:

(A) On line 2, page 2, strike''.'' and insert'';''.

(B) Add at the end, ''provided that the balance shall be allocated from the funds available to the Secretary of Homeland Security for States, urban areas, or regions based on risks; threats; vulnerabilities; and unmet essential capabilities pursuant to Homeland Security presidential directive 8 (HSPD–8).''

AMENDMENT NO. 1171

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes equally divided prior to the vote on McCain amendment No. 1171.

Who yields time?

Mr. MCCAIN. Mr. President, before I use my minute, I ask unanimous consent that Senator KYL and Senator BROWNBACK be added as cosponsors.

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

Mr. MCCAIN. Mr. President, the Intelligence Reform and Terrorism Prevention Act, which we passed 7 months ago, authorized 8,000 new detention beds. This bill provides for about a

quarter of that. The Border Patrol now releases 90 percent of the people they catch through voluntary repatriation—90 percent. My friends, anybody who comes into the United States of America across our southern border today and is from a country other than Mexico, there is a 95-percent chance they will continue their journey to wherever they want to go. We don't have enough detention facilities. We don't have enough beds.

Mr. President, here is a story:

Twenty Brazilians glided across the Rio Grande in rubber rafts propelled by Mexican smugglers who leaned forward and breaststroked through the gentle current.

Once on the U.S. side, the Brazilians scrambled ashore and started looking for the Border Patrol. Their quick and well-rehearsed surrender was part of a growing trend that is demoralizing the Border Patrol and beckoning a rising number of illegal immigrants from countries beyond Mexico.

''We used to chase them; now they're chasing us,'' Border Patrol Agent Gus Balderas said as he frisked the Brazilians.

Mr. President, we have to provide sufficient facilities.

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

Mr. MCCAIN. I ask my colleagues to approve this much needed legislation.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. GREGG. Mr. President, I suggest all time be yielded back.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

The PRESIDING OFFICER. Are there any Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 42, nays 56, as follows:

[Rollcall Vote No. 182 Leg.]

YEAS—42

Allard	Crapo	Inhofe
Allen	DeMint	Isakson
Bayh	Dodd	Jeffords
Bennett	Dole	Kyl
Bingaman	Domenici	Lugar
Boxer	Ensign	Martinez
Brownback	Enzi	McCain
Bunning	Feinstein	McConnell
Burns	Frist	Salazar
Burr	Graham	Santorum
Chambliss	Grassley	Sessions
Coburn	Hagel	Thune
Cornyn	Hatch	Vitter
Craig	Hutchison	Warner

NAYS—56

Akaka	Collins	Kennedy
Alexander	Conrad	Kerry
Baucus	Corzine	Kohl
Biden	Dayton	Landrieu
Bond	DeWine	Lautenberg
Byrd	Dorgan	Leahy
Cantwell	Durbin	Levin
Carper	Feingold	Lieberman
Chafee	Gregg	Lincoln
Clinton	Harkin	Murkowski
Cochran	Inouye	Murray
Coleman	Johnson	Nelson (FL)
Nelson (NE)	Sarbanes	Stevens
Obama	Schumer	Sununu
Pryor	Shelby	Talent
Reed	Smith	Thomas
Reid	Snowe	Voinovich
Roberts	Specter	Wyden
Rockefeller	Stabenow	

NOT VOTING—2

Lott	Mikulski

The amendment (No. 1171) was rejected.

Mr. GREGG. I ask unanimous consent that after this vote, which is the final vote of this group, there be 3 hours to be divided in the usual form to be used concurrently on the amendments; provided further that following the use or yielding back of debate time, the Senate proceed to the votes in relation to the following amendments: Senator BYRD's amendment 1218; my amendment No. 1220, as modified; Senator SHELBY's amendment 1205. Provided further that no second-degree amendments be in order and the amendments be prior to the votes.

The time will be divided as follows under the 3-hour agreement: Senator SHELBY, 15 minutes; Senator SCHUMER, 15 minutes; Senator REED of Rhode Island, 15 minutes; Senator CARPER, 15 minutes; Senator BIDEN, 15 minutes; Senator SARBANES, 15 minutes; Senator BYRD, 15 minutes; and I will retain an hour.

Mr. REID. Mr. President, it is my understanding I have 15 minutes and Senator JACK REED has 15 minutes.

The PRESIDING OFFICER. That is correct.

Without objection, it is so ordered.

Mr. BYRD. Will the Senator yield?

Mr. GREGG. I yield.

Mr. BYRD. May I make a unanimous consent request before we proceed?

Mr. GREGG. Proceed.

Mr. BYRD. I ask unanimous consent that the following Senators have their names added as cosponsors to the Byrd amendment numbered 1200: Senators WARNER, COLLINS, MURRAY, STABENOW, KOHL, SARBANES, LEVIN, and CANTWELL.

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

Mr. GREGG. As I understand it, the prior unanimous consent request that I asked for reflects the Democratic leader's time was also agreed to.

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. Thank you.

AMENDMENT NO. 1217

The PRESIDING OFFICER. Under the previous order, there are 2 minutes equally divided prior to a vote on a point of order to waive the Budget Act on the Stabenow amendment numbered 1217.

Ms. STABENOW. Mr. President, I ask unanimous consent to add Senator DURBIN as a cosponsor of the amendment.

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

Ms. STABENOW. Our primary goal as the Senate must be to make sure our families are prepared and protected. That means preparing our first responders. This amendment is an amendment to provide the first installment on fully investing in interoperability communications, $5 billion in emergency spending, which is the equivalent of 1 month spending in Iraq, in order to make sure we can talk to each other—State, Federal, local, police, fire, and emergency responders.

When our cities were attacked, they were not attacking individual cities; they were attacking our country. No longer is interoperable communications just a State and local function. It must be committed to nationally to keep America safe.

Finally, my distinguished friend from New Hampshire I am sure will say the Department still has funds that have not been allocated. My question is, Why not? Let's get about the business of keeping prepared and protected.

The PRESIDING OFFICER. The Democratic leader.

AMENDMENT NO. 1222

Mr. REID. Mr. President, I ask unanimous consent that prior to this vote the pending amendment be set aside so I can send this amendment to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. 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. GREGG. 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. GREGG. I have no objection to the request by the Democratic leader.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. LEVIN, Mr. ROCKEFELLER, and Mr. BIDEN, proposes an amendment numbered 1222.

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

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

The amendment is as follows:

(Purpose: To prohibit Federal employees who disclose classified information to persons not authorized to receive such information from holding a security clearance)

At the appropriate place, insert the following:

SEC. ____. No Federal employee who discloses, or has disclosed, classified information, including the identity of a covert agent of the Central Intelligence Agency, to a person not authorized to receive such information shall be permitted to hold a security clearance for access to such information.

AMENDMENT NO. 1217

Mr. GREGG. Mr. President, I understand I have a minute now in opposition to the amendment by the Senator from Michigan.

The PRESIDING OFFICER. That is correct.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, this will be a $5 billion budget buster. It is $5 billion above the allocation. Just as significant, it is declared an emergency. Now, under the budget rules, an emergency is something that is sudden, urgent, or unforeseen. Clearly, this is not a sudden, urgent, or unforeseen event. In fact, we have spent over $1.8 billion already on interoperability. There are significant dollars in the bill for interoperability.

The problem with interoperability is, quite simply, no one can agree on what the interoperability should be yet. In fact, we spent 10 years trying to reach a regime on this. It is called standard P25. It has not been reached yet. We will continue to put money into interoperability, but this money will be misallocated and misspent if it is put in at this level. And it would clearly add to the deficit by $5 billion.

So I hope people will support the budget point of order to make the point this is not an emergency. Should this point of order be sustained, there may be another vote. We will have to wait and see what the Senator from Michigan wants to do.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the motion to waive. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

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

The yeas and nays resulted—yeas 35, nays 63, as follows:

[Rollcall Vote No. 183 Leg.]

YEAS—35

Akaka	Feinstein	Lincoln
Baucus	Harkin	Murray
Bayh	Jeffords	Obama
Biden	Johnson	Pryor
Boxer	Kennedy	Reed
Byrd	Kerry	Reid
Cantwell	Kohl	Rockefeller
Clinton	Landrieu	Salazar
Corzine	Lautenberg	Sarbanes
Dayton	Leahy	Schumer
Dodd	Levin	Stabenow
Durbin	Lieberman	

NAYS—63

Alexander	Chafee	DeWine
Allard	Chambliss	Dole
Allen	Coburn	Domenici
Bennett	Cochran	Dorgan
Bingaman	Coleman	Ensign
Bond	Collins	Enzi
Brownback	Conrad	Feingold
Bunning	Cornyn	Frist
Burns	Craig	Graham
Burr	Crapo	Grassley
Carper	DeMint	Gregg
Hagel	McConnell	Specter
Hatch	Murkowski	Stevens
Hutchison	Nelson (FL)	Sununu
Inhofe	Nelson (NE)	Talent
Inouye	Roberts	Thomas
Isakson	Santorum	Thune
Kyl	Sessions	Vitter
Lugar	Shelby	Voinovich
Martinez	Smith	Warner
McCain	Snowe	Wyden

NOT VOTING—2

Lott Mikulski

The PRESIDING OFFICER. On this vote, the yeas are 35, the nays are 63. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the emergency designation on the amendment falls.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I thought the motion was on the emergency designation. The amendment would survive that, and we would need a vote on the amendment. I ask for a voice vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1217.

The amendment (No. 1217) was rejected.

Mr. GREGG. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, we are now proceeding under a prior unanimous consent agreement relative to debate on the three amendments dealing with mass transit and rail. I hope that Members who have time allocated under that agreement will come over and begin the debate. Otherwise, I recommend that the time be equally divided in the quorum call between my hour and the 2 hours on the other side and that the time come off those in the proper proportion.

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

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

AMENDMENT NOS. 1117, 1118, 1137, 1108, 1197, AND 1194, EN BLOC

Mr. GREGG. Mr. President, I ask unanimous consent that amendment No. 1117, Senator NELSON; amendment No. 1118, Senator NELSON; amendment No. 1137, Senator COLLINS; amendment No. 1108, Senator LOTT; amendment No. 1197, Senator LAUTENBERG; and amendment No. 1194, Senator NELSON, which are at the desk, be called up and agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments are agreed to.

The amendments were agreed to as follows:

(Purpose: To provide for clear, concise, and uniform guidelines for reimbursement for hurricane debris removal for counties affected by hurricanes)

AMENDMENT NO. 1117

On page 100, between lines 11 and 12, insert the following:

SEC. 5_____. In light of concerns regarding inconsistent policy memoranda and guidelines issued to counties and communities affected by the 2004 hurricane season, the Secretary of Homeland Security, acting through the Under Secretary for Emergency Preparedness and Response, shall provide clear, concise, and uniform guidelines for the reimbursement to any county or government entity affected by a hurricane of the costs of hurricane debris removal.

AMENDMENT NO. 1118

(Purpose: To provide for a report describing changes made to Federal emergency preparedness and response policies and practices in light of the May 20, 2005 DHS Inspector General's Report)

On page 100, between lines 11 and 12, insert the following:

SEC. 5_____. Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Under Secretary for Emergency Preparedness and Response, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing any changes to Federal emergency preparedness and response policies and practices made as a result of the report of the Inspector General of the Department of Homeland Security, dated May 20, 2005, relating to the individual and household program of the Federal Emergency Management Agency in Miami-Dade County, Florida, in response to Hurricane Frances.

AMENDMENT NO. 1137

(Purpose: To allow additional uses for funds provided under the law enforcement terrorism prevention grants)

On page 78, line 12, strike the period at the end and insert the following: ''; Provided further, That funds made available under this paragraph may be used for overtime costs associated with providing enhanced law enforcement operations in support of Federal agencies for increased border security and border crossing enforcement.''.

Ms. COLLINS. Mr. President, the Collins amendment, No. 1137, would allow the use of law enforcement terrorism prevention funds to be used for overtime costs associated with providing law enforcement operations in support of Federal agencies for increased border security and border crossing enforcement.

I am pleased to be joined in this amendment by Senator DORGAN.

There has been considerable discussion in recent months on the need to improve border security. One way to do this is to increase the number of Border Patrol Agents. But it takes significant time to recruit and train new Federal law enforcement agents. A more immediate way to improve border security is to activate our existing State, local, and tribal law enforcement partners as a back-up force in support of Federal border agents.

This is not a new idea. The Department of Homeland Security has authorized this use with different funds

in the past. Beginning with the last Federal election period up until the Presidential inauguration last January, Operation Stonegarden permitted reimbursement for State and local law enforcement activities that assisted Federal officials in securing the border.

My own State of Maine participated in that operation with a great degree of success. Arthur Cleaves, the Director of the Maine Emergency Management Agency, told me that Maine realized the Nation's second highest level of agency participation in Operation Stonegarden with 22 State, county, local, and tribal agencies involved. These dedicated law enforcement professionals assisted the Border Patrol Sector in Houlton, ME, with increased patrols, reporting of incidents, and arrests of significant persons attempting to enter the United States from Canada. In fact, according to the final report on the program's activities in Maine, more than 12 arrests of persons on Government watch lists were made by State and local law enforcement in Maine.

Now, however, the Department proposes to pull the rug out from under border States by allowing urban area grant funds to be used for such border security efforts, but not State grant funds.

This approach makes no sense whatsoever. And when my staff asked, even the Department could not explain the rationale behind the policy of allowing interior cities—but not more rural border areas—to use Federal funds to partner with State, local, and tribal law enforcement to protect our borders.

Partnering with State and local law enforcement is a proven and cost effective way to buttress our Nation's Federal border security efforts. I urge its adoption.

AMENDMENT NO. 1108

(Purpose: To express the sense of the Senate regarding a study of the potential use of FM radio signals for an emergency messaging system)

On page 100, between lines 11 and 12, insert the following:

SEC. 519. It is the sense of the Senate that the Secretary of Homeland Security should conduct a study of the feasibility of leveraging existing FM broadcast radio infrastructure to provide a first alert, encrypted, multi-point emergency messaging system for emergency response using proven technology.

AMENDMENT NO. 1197

(Purpose: To clarify authorization for port security grants)

On page 78, line 19 after ''based on'', insert ''risk and''.

AMENDMENT NO. 1194

(Purpose: To require the Under Secretary for Emergency Preparedness and Response to proposed new inspection guidelines within 90 days of enactment that prohibit inspectors from entering into a contract with any individual or entity for whom the inspector performs an inspection for purposes of determining eligibility for assistance from the Federal Emergency Management Agency)

At the appropriate place, insert:

Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security acting through Under Secretary for Emergency Preparedness shall propose new inspection guidelines that prohibit inspectors from entering into a contract with any individual or entity for whom the inspector performs an inspection for purposes of determining eligibility for assistance from the Federal Emergency Management Agency.

AMENDMENT NO. 1111, AS MODIFIED

Mr. GREGG. Mr. President, I send a modification to the desk of amendment No. 1111, on behalf of Senator DORGAN, and ask unanimous consent that it be agreed to.

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

The amendment (No. 1111), as modified, was agreed to, as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated under this Act may be used to promulgate regulations to implement the plan developed pursuant to section 7209(b) of the 9/11 Commission Implementation Act of 2004 (8 U.S.C. 1185 note) to limit United States citizens to a passport as the exclusive document to be presented upon entry into the United States from Canada by land.

AMENDMENT NO. 1113, WITHDRAWN

Mr. GREGG. Mr. President, I ask unanimous consent to withdraw amendment No. 1113 of the Senator from Hawaii, Mr. AKAKA.

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

Mr. GREGG. 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. CARPER. 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. CARPER. Mr. President, I am happy that my colleagues have brought these important amendments to the floor today to provide the necessary funds to secure our inner-city rail, our freight rail, and our transit systems. As someone representing a State, Delaware, that relishes and relies heavily on rail travel, this is certainly a major concern to me and those I am privileged to represent.

In the weeks and months after September 11, we took unprecedented steps to secure our Nation's airlines, and for good reason. We all know about the added security—baggage checks, passenger screening—because we have all seen it every time we go to an airport and try to get through an airport onto our planes. But we have not been as diligent when it comes to protecting our Nation's railways and transit systems, which is alarming given the number of people who travel by rail, and it is alarming when we see what has happened in Madrid and London in the last months and, in fact, last days.

Today, nearly 25 million passengers ride Amtrak. During the course of the year, that equates to about 3.5 billion rail trips taken annually by people looking to take a vacation, go home for the holidays, or traveling for business. In fact, our railroad network is so busy that every day more people use Amtrak's Penn Station in New York than use all of New York's major three airports combined.

In 2003, public transportation moved over 8.8 billion—almost 9 billion—passengers, according to the national transit database. Since 1995, public transportation ridership in the United States has grown by over 20 percent—faster than highway, faster than air travel. The American Public Transit Association estimates that more than 14 million people use public transportation every weekday. Yet we have done comparatively little to protect rail travelers and transit travelers from terrorist attacks.

Nowhere is that shortfall more evident than in the Homeland Security appropriations bill we are debating today. Under this bill, we would provide a scant 12 cents in security funds for each time a person boards a bus or a subway car or an Amtrak train to get to work—12 cents. Yet what we propose spending every time a person gets on board an airplane is $7.58.

Let me repeat that. Every time one of us gets on a Metro bus in Washington or boards a SEPTA train in Wilmington, DE, or southeastern Pennsylvania, the Federal Government is providing 12 cents to protect our safety on that railcar or in that transit station. Yet every time one of us flies out of National Airport, the Federal Government is spending $7.58—12 cents on the one hand, $7.58 on the other hand. That is a whopping disparity. It is one we need to correct.

During Senate consideration of legislation to create the Department of Homeland Security, I, along with several of my colleagues, tried to provide funds to Amtrak to secure its trains, station facilities, and its infrastructure, but that language was stripped out of the bill during the wee hours of the night. Some lawmakers were reluctant to give Amtrak any additional funds, while others were too focused on responding to the last disaster to start preparing for the next one.

Since then, supplying even modest amounts of rail security funding has been a battle. The danger to our rail and transit system has been repeatedly cited by officials at the Department of Homeland Security. During his confirmation hearing as Secretary of the Department of Homeland Security, Tom Ridge stated:

> Amtrak and freight rail are at considerable risk to terrorist attack.

Secretary Chertoff has also acknowledged the risk facing our Nation's rail and transit systems. Likewise, the 9/11 Commission concluded that the risk of attacks on surface transportation is as great or greater than that of any aircraft hijacking. Further, the Government Accountability Office has stated:

> Insufficient funding is the most significant challenge in making transit systems as safe and secure as possible.

Despite these warnings, progress has been slow, results have been few. The Department of Homeland Security has established no comprehensive approach to rail and transit security. None. None like we developed for airports in the wake of 9/11, that is for sure.

The Transportation Security Agency, meanwhile, has been working on a national transportation security plan since 2003, some 2 years. Yet that plan is still not complete. In the wake of the Madrid bombings in Spain last year that killed nearly 200 people, several of my colleagues and I sponsored legislation to establish rail and transit security programs, just as we created an airport security program after 9/11. This bill, called the Rail Security Act of 2004, was passed unanimously by the Senate on October 4 last year. Although the House did not act on this bill, we did succeed in securing $150 million in funding for rail and transit security in the fiscal year 2005 Homeland Security appropriations bill, which is in effect today. However, only a year later, the fiscal year 2006 Homeland Security bill reported out of committee cut that figure by a third, down to $100 million for the next fiscal year.

Last week, more than 50 people were killed, some 700 people were injured when terrorists bombed the London underground. It is time that we learn from these tragedies and develop a long-term, comprehensive approach to strengthening security of our Nation's rail and transit infrastructure. We cannot continue to ignore our transit systems or Amtrak or their passengers or the need to secure the hazardous material that travels across our freight lines throughout this country.

There has been a bipartisan effort to increase funding for rail and transit security. We hear people talking about increases in the magnitude of hundreds of millions of dollars, even billions of dollars. This may sound like a lot of money, but keep in mind, this bill includes nearly $4.5 billion for airline security. In fact, while Congress has spent almost $20 billion on aviation security since 9/11, only $400 million has been spent on rail security.

In other words, we have spent 50 times more money on airline security since 9/11 than we spent on rail and transit security combined.

No one is arguing that airline security is not necessary—it is necessary—but is the risk 50 times greater to our airlines and to people who fly on our airlines than to public transportation systems, to the millions of people who ride transit every day and who take inner-city passenger rail across America? I would argue that it is not.

We have made some progress securing air travel in the wake of 9/11, although I would argue, and I think most of us would agree, that there is more that we can and should do. The amendments we are considering today, though, call for a similar level of focus and attention to be brought to the security needs of our Nation's rail and our transit systems and to the literally, in the course of a year, billions of people who ride transit and who ride Amtrak.

We should be taking a serious look at ways to help railroads, States, cities, and transit agencies do what they can to improve security efforts, such as hiring more police, putting out more bomb-sniffing dogs with those police, improving ventilation, improving lighting, and establishing escape routes in tunnels.

Amtrak, freight railroads, and local transit agencies are doing all they can, but the Federal Government, we in Congress, have not done our share. It is time we stand up and take some responsibility in this as well. We need to, and can do so, before the disasters that struck Madrid and London strike us at home.

I yield back my time and ask unanimous consent that the time during the quorum call be divided equally between either side.

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

Mr. CARPER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BIDEN. 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. BIDEN. Mr. President, I am told that the time has been running against the 15 minutes, and I may have less than that. But if I run out of time, I have been authorized to maybe take as much as 5 minutes off of Leader REID's time. Hopefully, I will not get to that point.

I rise today to support the Byrd rail security amendment. I know even though the Presiding Officer is new to this body he is aware I have been like a broken record for the past 4 years about rail security. When I look at the clerk, she probably thinks: Here he goes again because I have been talking about this so much since 9/11.

Quite frankly, we have an abysmal record, an irresponsible record, dealing with rail security. For the longest time, we had trouble in 2002, 2003, 2004, up until 2005, getting any traction. We have passed serious rail security bills, including Amtrak, in the past under the leadership of Senator MCCAIN, and Senator Hollings, who was my seatmate for years, who is now gone. The McCain-Hollings-Biden amendment that was passed called for $1.2 billion. We even passed a $1.7 billion amendment. The House and the President seem—I do not know what it is. I just do not get it. I thought that maybe this time around my colleagues in this body would understand that, as my dad, God love him, used to say before he died, if everything is equally important nothing is important.

There are priorities. How there could be anything from a tax cut to even an education program that could take priority over dealing with our homeland security is beyond my comprehension. I do not get it. But obviously we are not prepared to do what I was prepared to introduce, and did introduce the beginning of the week, to add $1.1 billion for rail security, which would have brought the total number for rail security up to $1.2 billion, which was in the bill we passed last time around which would have provided $670 million to deal with security in tunnels and the places where cataclysmic events could take place—$65 million, $4 million immediately to Amtrak to go out and buy canine patrols, put more cops on, put in cameras and detectors, secure the switching stations, and all the things that lend themselves to providing for a catastrophe. The bottom line is I do not have the votes to get that done.

So I joined with Senator BYRD, who has been a leader in this area, in my sincere hope that $265 million for rail security in this amendment, which is one-fourth of the amount passed in the Rail Security Act of 2004 last October, will actually pass.

The positive piece is that although it does not give us a straight line to deal with the long-term security interests of rail, it would give them enough money and all the money they could reasonably spend in 1 year to be able to begin to upgrade our system.

The tragedy in London has focused the Congress and the Nation on rail security again this week, but quite frankly I learned from Madrid. I thought Madrid would be a wake-up call. I thought after Madrid people would say: Hey, BIDEN, you are right, man. We have a real problem with rail. We should really do something about this.

Nothing, nothing, nothing happened. Now, our closest ally and friend maybe gives us a different perspective on the floor. The Madrid attacks should have done it, but they did not. Our negligence to this point has been inexcusable.

Many of us have been talking about this for years. The bottom line is that nearly 4 years after September 11, over 1 year after Madrid, our rail system is as vulnerable as it was 4 years ago.

I met earlier this week in my office with the head of Amtrak security and all of his attendant folks. I cannot reveal publicly everything I learned, but it is quite alarming. Let me talk about a few things I can reveal. Critics argue that we cannot protect, for example—there are 22,000 miles of rail in this country, and critics say: JOE, you cannot protect all 22,000 miles.

That is a little bit like saying we cannot protect the airlines. We should not have air traffic controllers because we get baggage put in the holds that are not inspected? Now, is there anybody on the floor saying that?

Right now one gets on a plane and the baggage that is put in the hold is not inspected thoroughly like the baggage that is carried on. But is anyone

saying we should not spend the money on TSA to inspect the people going through the gates? Of course not. Let us not make the perfect the enemy of the good.

The fact that we cannot do everything does not mean we do not do anything. That has been the mantra with regard to rail.

As I said, the argument is 22,000 miles cannot be protected, but guess what. We can prevent a Madrid or a London-style attack in the United States. We can make our rail system much safer and reduce the chance of attack because we understand that the terrorists want spectacular, cataclysmic attacks with large body counts in this Nation. Because we know that, we can narrow our focus to critical areas such as stations and tunnels, areas that security experts and common sense, as well as the CIA, tells us are the most vulnerable.

When I first did this 4 years ago, people said, oh, my God; do not point out that the Baltimore Tunnel was built in 1869, has no ventilation, no lighting, no escape, no way out. You are going to alert the terrorists. The terrorists know this. They know all the vulnerabilities. The problem is the American public does not know. So there is not enough pressure put on all of us here to make the right decision.

For example, every day over one-half million people pass through New York's Penn Station. This morning there were more people sitting in an aluminum tube below New York City—aluminum tube meaning a train car—than in a half dozen full 747 aircraft. Tell me what happens when sarin gas is released there. Tell me what happens when there are a series of explosions that far underground. Tell me what happens if anything remotely approaching a chemical weapon is used. There is no ventilation.

Riding in New York City today in the tunnels one will see construction going on, as it should, with these great big things that look like jet engines being put up in the ceiling. That is ventilation, exhaust. So, if something goes off in the tunnel, 2 people or 20 people die, not 200 or 2,000.

Do you know what the single most visited facility in all of Washington, DC, is? It is 2 blocks down the street. I walk to it every night: Union Station. More people visit Union Station than any other facility in Washington, DC.

Go down there with me, Mr. President, and get on a train with me, as I do every night, and stand on the last car as you ride out of the station. Look; tell me if you identify a single camera. Tell me if you identify any barbed wire fencing around the switching devices. Tell me whether you see any security. Tell me whether you see any guards.

There are a half-million people going through the station at Penn Station, and do you know how many police officers are on duty at any one time there? Twelve. There are 12 in New York, 5 in Union Station.

As I said, if you walk over there with me right now, you will find no real police presence, no fencing, inadequate security cameras, all of which anybody with common sense would say made no sense.

For some reason, there is an animus toward Amtrak in Washington. I kind of figured it out, actually. I think a lot of folks here think that it is a backdoor way of funding Amtrak. Otherwise, I can't understand why you wouldn't do this, after the billions we spend on airlines, as we should. I am not talking about Amtrak subsidies here; I am talking about protecting American lives.

In addition to the 64,000 daily riders on Amtrak, there are 23 locations where Amtrak facilities, stations and rails, overlap with transit facilities. In the Northeast corridor, Maryland Area Regional Commuter, has 400,000 daily commuters that utilize Amtrak—400,000 daily commuters on MARC that utilize Amtrak facilities. They walk in the station, get in a car, and it gets on an Amtrak track.

My friend from Rhode Island can tell me more about the transit systems in Rhode Island, and New York Transit, and Long Island Transit, and Connecticut Transit—et cetera. They all use Amtrak facilities.

Amtrak can only pay a starting salary of $31,000 to its police officers, and I cannot pay them more than $38,000, no matter how long they have been there, and they have a 10-percent vacancy rate on the force right now. Most of these positions are in New York and Washington where they need them most, but very little anyplace else. As I stated, in an amendment I proposed to add $1.1 billion for rail security, but the Byrd amendment only comes up with some $240 million right off the bat. We can use it. We can use it desperately. It is my understanding the Committee on Commerce and Transportation is going to mark up a comprehensive rail bill again next week, but we cannot wait for that. We need this $200-plus million right now. The $265 million in the Byrd amendment will provide urgent funding for Amtrak, including 200 additional police officers, 40 additional canine patrols, and improved fencing, lighting, and basic cameras—just basic block-and-tackle equipment that, if we have them, we can save thousands of lives.

The London bombers were identified by an expansive system of closed-circuit television in the London Metro. They have roughly 6,000 high-quality cameras there. We don't have anywhere near that capacity. We need that capacity.

Another area that needs attention is the transportation of hazardous chemicals. We have already voted this down before but, God, we should rethink this. The Naval Research Laboratory was asked what would happen in an attack on a traditional 90-ton chemical tanker. If you look at a train at a railroad crossing, you see the freight rail go by and you see these tankers—not containers, tankers; the whole car is one unit. You see them go. They are about 90 tons.

A 90-ton chlorine gas tanker, having an IED like those that explode in the streets of Baghdad placed under it on a track or under the tanker, exploding in a metropolitan area, according to the U.S. Naval Research Laboratory, will kill up to 100,000 Americans. Do you hear me now? One chlorine tanker exploding in a metropolitan area will kill 100,000 Americans. And we have trouble getting Homeland Security to come up with a plan to force these kinds of tankers to circumvent the population areas? Because it costs more money? It costs business more to do that. It costs more in the products we will buy. My Lord, what are we doing?

I might add to my friends in the Congress, when you leave Union Station and you head south to Richmond, you go under tunnels. Do you know what the tunnel goes under? Straight under the Supreme Court and under the House Office Building. If you explode a chlorine tanker underground, under that, you implode the Congress, you implode the office building called the Supreme Court.

If you want to make a statement—again, these are the IEDs, the roadside bombs that are killing our brave soldiers every day in up-armored humvees. There is no camera to detect anybody walking through those tunnels. There is no security. And we sit here like darned fools and say, No, that costs money. That is going to cost us money.

I understand the procedural restrictions will prevent us from considering that bill today, but I think this is a critical issue, one we simply have to address. I am going to be pushing this legislation until the cows come home.

After Madrid and London, we simply have run out of excuses not to act. This Byrd amendment does not solve every problem, but it goes a long way toward dealing with the beginning attempt to prevent catastrophic damage to American infrastructure and American lives. We will never be able to stop someone placing a bomb on a track somewhere along the 22,000 miles of track we have. We will only be lucky, one in three or one in ten times, with a dog getting someone who walks on a train with dynamite or K–2 strapped to their body or carried in their knapsack.

But to use that as an excuse to do virtually nothing, or to use it as an excuse that this breaks the budget—give me a break. We are breaking the budget on the inheritance tax. We are breaking the budget on an additional tax break for the superwealthy. We are breaking the budget on so many less worthy expenditures than homeland security.

There is much more to say, but I know my colleagues, over the last 5 years, are tired of hearing me say it.

I have a prayer, a literal prayer, that I never have the occasion to walk on

this Senate floor and say: We should have done this and we failed.

For God's sake, you guys and women who are going to vote on this, think about it in terms of how will you explain to the American people if something tragic and preventable happens after having voted against measures that, if put in place 4 years ago or put in place now, had a reasonable prospect of preventing it? That is a question I think you have to ask yourself.

I will end where I began, with my dad. My dad used to say:

> Champ, if everything is equally important to you, nothing is important to you.

Every hard decision we make is about priorities. I ask the rhetorical question: What priority is higher than the public safety of the American people in the face of a demonstrable threat that isn't going away?

I yield the floor. I see my friend from Maryland is on the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Before my distinguished colleague from Delaware leaves the floor, I want to commend him for his perseverance in pressing this issue. This is clearly not the first time he has brought this matter to our attention. I want to underscore what he said in closing. Obviously, there is a threat, and we need to address this threat. This is the opportunity to do it.

Rail, transit—we know they are high on the target list. The GAO actually did a study. One-third of all terrorist events that occurred have involved transit systems around the world. Last year, in fact, we passed legislation, an authorization for transit to do $3.5 billion over 3 years—$1.1 billion this year. An amendment to come later, Senator SHELBY's amendment, addresses that and tries to provide appropriations at the authorized level.

The rail also cries out for an appropriate appropriation, which is contained in the Byrd amendment that is part of this package we are going to be considering here. But the Senator from Delaware is absolutely correct. This is our chance to provide the resources so we can begin to do the obvious things that need to be done. There is a whole list of them. Every one of them is common sense. None of them is sort of a potential waste of money. All the transit people, the rail people tell us we need to do these things, and if we can do these things, it would substantially enhance security.

It wouldn't guarantee security. We live in a world where we can't guarantee security. But it would enhance it, surely.

Mr. BIDEN. If the Senator will yield for a comment, the Senator, who lives in Baltimore and has commuted to Baltimore every day for the last 20-some years—more than that, from when he was in the House—he will remember that there was a fire in an automobile tunnel going into Baltimore Inner Harbor a couple of years ago. It shut down all of Baltimore in the harbor region.

Mr. SARBANES. Right.

Mr. BIDEN. Just that fire. Even if there were not a terrorist threat, the idea that we are continuing to have, in and out and under the Baltimore harbor, this antiquated, 150-year-old tunnel, without any reasonable upgrade, is mind-boggling.

Mr. SARBANES. The Senator is absolutely correct. The infrastructure we are trying to work with is an infrastructure from a previous century. That alone needs to be significantly improved.

Actually, the British are confronting that problem now. One of their difficulties is that this deep tunnel, from many years ago, access to it is extremely limited.

We have to get started. That is what it comes down to. We have to get smart. These amendments, the Byrd amendment and the Shelby amendment, offer us a chance to take a significant step in order to enhance our capabilities.

I thank the Senator for his very strong statement.

Mr. BIDEN. If the Senator will yield, I compliment the Senator from Maryland. This is not a mutual admiration society, but he has jurisdiction in the Banking Committee over surface rail, intracity rail, and he has taken care of this amendment. I realize he wanted to reach out further and take Amtrak into this, but he does not have that jurisdiction.

Mr. SARBANES. It is not in our committee.

Mr. BIDEN. I know.

Mr. SARBANES. The Amtrak is not in our committee.

Mr. BIDEN. That is my point.

Mr. SARBANES. Correct.

Mr. BIDEN. But the Senator wanted to do it, and he could not jurisdictionally do it. That is why I appreciate his support for the Byrd amendment as well. That is the only place we could pick up a piece of Amtrak.

I see my friend from New York. There are a million people in Penn Station today—more people, as I said—sitting at rush hour in an aluminum tube underneath New York City than a half dozen full 747s, and we are doing nothing about it.

I thank the Senator from Maryland. He has done a great job. And I thank Senator SHELBY. I hope we can move it.

Mr. SARBANES. I thank the Senator.

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

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. SARBANES. I thank the Chair.

Mr. SCHUMER. Mr. President, I ask unanimous consent that immediately after Senator SARBANES speaks for his 7 minutes that I speak for the 10 that I have been allotted.

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

Mr. SARBANES. I thank the Chair.

Mr. President, I will be brief. I want to rise again in very strong support of the amendment that Senator SHELBY the chairman of the Banking Committee has proposed, and also to underscore, as I just did in my discussion with the Senator from Delaware, Mr. BIDEN, that I support the Byrd amendment which is also before us, which encompasses inner-city rail as well as transit. The amendment offered by Chairman SHELBY deals only with those items under the jurisdiction of the Banking Committee.

The point I want to underscore is, this body unanimously passed, last year on October 1, the Public Transportation Terrorism Prevention Act of 2004. That bill authorized $3.5 billion in 3 years for the security of our Nation's mass transportation system, and of that amount $1.16 billion was scheduled for fiscal year 2006, which would begin to address the critical security needs that exist in the thousands of public transportation systems in our country.

The amendment offered by Chairman SHELBY seeks to bring the appropriation in line with the Senate-approved authorized level—approved by the Senate unanimously, brought out of the Banking Committee unanimously. Clearly, after the tragic attack in London last Thursday, which has now claimed 52 lives and over 700 injured, we need to fully fund transit security at the Senate-authorized level.

This body understood the problem last year. We established these authorization levels. We now need to provide the appropriations to carry through on the programs that are proposed to enhance transit security.

In 2002, GAO found that over one-third of terrorist attacks worldwide were against transit systems. Yet the funding for transit and rail security has been grossly inadequate. Those systems have not been able to implement necessary security improvements, including those that have been identified by the Department of Homeland Security.

The Baltimore Sun wrote in an editorial on Friday:

> Since September 11, 2001, the Federal Government has spent $18 billion on aviation security. Transit systems, which carry 16 times more passengers daily, have received about $250 million. That's a ridiculous imbalance.

I could not agree more. There are obvious necessities that are needed—security cameras, radios, training, extra security personnel. Those are not extravagant requests.

Let me give you one example right here in the Washington metropolitan area. Washington Metro's greatest security need is a backup control operations center. This need was identified by the Federal Transit Administration in its initial security assessment then identified again by the Department of Homeland Security in its subsequent security assessment. This critical need remains unaddressed because it has not been funded. We need to pass these amendments in order to provide the funding.

The same situation exists in transit systems across the country. We must not make this mistake. We need to put the resources out there so the transit and rail systems across the Nation can begin to address the serious potential targets which exist for terrorist attack.

I urge my colleagues to support the amendment offered by the chairman of the Banking Committee which deals with transit security, and I join with others in supporting the amendment that has been offered by Senator BYRD which encompasses not only that security but rail security as well.

Mr. President, I yield the floor.

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

Mr. SCHUMER. I ask unanimous consent, that my colleague from Rhode Island immediately precede me with his allotted time.

The PRESIDING OFFICER. Is there objection?

The Senator from Texas.

Mr. CORNYN. Mr. President, might I inquire—I do wish to seek recognition on behalf of the manager, but I would like to know how long the Senator is expected to speak.

Mr. SCHUMER. I have already gotten unanimous consent to speak for 10 minutes.

Mr. REED. I am informed we have to go back and forth. I ask to modify the request that when Senator CORNYN concludes, I would be recognized.

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

Mr. SCHUMER. I thank the Chair.

Mr. President, I am here to address the various amendments we have on rail security, but I also must speak about something that occurred in the last few hours related to mass security.

Mr. President, I know Secretary Chertoff. I was proud to support his nomination. I was proud to support his nomination to the Federal bench. He is a smart man, he is a thoughtful man, he is a capable man. But when I read the statements that he made this morning, I was aghast. These are some of the most appalling comments that I have heard coming from any Government official in a long time.

First, Secretary Chertoff said that the responsibility for transit security must rest with the localities. And then he said the following:

> ''The truth of the matter is that a fully loaded plane with jet fuel, a commercial airliner has the capacity to kill 3,000 people,'' Chertoff told Associated Press reporters and editors.

And then he continues:

> A bomb in a subway car may kill 30 people. When you start thinking about your priorities, you are going to think about making sure you don't have the catastrophic thing first.

I would like Mr. Chertoff to ask the people in London if what happened last week was minor in passing or the people in Madrid—the chaos, the loss of life. To say what happens on the subways because it might only kill 30 people is less of a priority for this Federal Government than what might happen in the air is an appalling statement that leaves me aghast. I am asking Mr. Chertoff immediately to withdraw his statement and apologize, apologize to those who have lost loved ones and apologize to every transit user in New York and around the country.

Our responsibility, I would tell the Secretary, the responsibility of the Federal Government is to prevent terrorism in the homeland wherever it occurs—in the air, on the rails, in the water. To simply wash the Federal Government's hands of responsibility at a time when this Government is cutting back on mass transit funding and the localities have very little money is an abdication of responsibility.

I know I am speaking in strong terms, but if Mr. Chertoff professes these views, then I am not sure he should continue as the Secretary of Homeland Security. And as I said, I respect him. He is a smart man, he is a bright man. But I could hardly believe it when I read this and when a reporter asked me about it that it came out of his mouth. When I sat down with Mr. Chertoff when he was the nominee, he didn't voice any of these views. In fact, Senator CLINTON and I took a tour with him of Grand Central Station, and he seemed fully to understand the needs of mass transit in terms of homeland security. And now we have a 180-degree about turn?

I hope and pray that Secretary Chertoff misspoke, because every one of our citizens on transit—whether in the air, on the water, on rail, or on the road—is our responsibility to keep safe and prevent terrorism from afflicting them.

If this administration has embarked on a new policy which says that we will protect people in the air but not on the rails and washes its hands of that responsibility, then they ought to let America know, and they will be facing the fight of their life on this floor and in this country.

Here we are, debating amendments to try to get some more money for homeland security on the rails because we know we are so short of dollars, and at the same time we are hearing from the Secretary of Homeland Security that our rails, our commuters don't need that money. I would like Mr. Chertoff to go to Grand Central Station or Penn Station or to the Atlantic Avenue Station in Brooklyn or the Woodlawn Station in the Bronx and tell the commuters there that Washington doesn't have the responsibility to protect them from terrorism. Let him face them directly and say that to them. Let him go to them and tell them that it is all up to the local governments even though we know we have declared since 9/11 that the war on terror is largely a Federal responsibility.

So it is really that I rise to speak about this subject with some sadness because, as I said, I like Mr. Chertoff, I have respect for Mr. Chertoff. And, again, I would repeat my plea. Secretary Chertoff, please retract your remarks. Apologize to those who use mass transit and the rails and let us agree that the Federal Government has a real responsibility to protect the rail riders of this country from terrorism.

Now, in my remaining time I would simply like to address the amendments. I salute my colleagues from Alabama and Maryland and Rhode Island for their amendments. We have learned since London and Madrid that transit seems to be the terrorists' target of choice. Madrid may have been our first wakeup call and London was our second. We ignore it at our peril.

Mass transit systems are open. They bring in lots of commuters all at once. And they prove to be, unfortunately, a tempting target for terrorists.

What is our responsibility? It is not what Mr. Chertoff says. It is, rather, to step up to the plate and provide funding as we do in the air. For every air passenger, we spend $7 on homeland security. For every rail passenger, we spend a penny. That is out of whack. The amendment by Senators SHELBY and SARBANES, REED, myself, and many others moves to address that.

We need to do so many things in mass transit. I have called my folks in New York. We hope in the longer run we can develop detection devices that, like smoke detectors, can tell when explosives are brought on a train or in railroad stations, whether on someone's person or in a knapsack. But until we do, their No. 1 need is for explosive-sniffing dogs. They are desperately short. Yet the President's proposal does not allow that to happen. There will be a colloquy that urges that to happen.

We are short of transit patrolmen. I have been told, for instance, on a heavily populated commuter line there is only one police officer who patrols about 10 stations that handle tens of thousands of commuters every day over a 30- or 40-mile expansion of commuter rail on Long Island.

Structure changes are needed to strengthen subways and tunnels so that, God forbid, if a terrorist attack occurs maybe the structures will withstand it. We need signage and help for the tunnels to have escape routes and ventilation to minimize loss of life if terrorism, God forbid, occurs.

I rise in support of this badly needed amendment. We have neglected mass transit when it comes to homeland security. We are trying to redress that in a bipartisan amendment.

I also mention, of course, Senator BYRD's amendment which deals with transit and rail, which I will support. Senator GREGG's amendment, which takes $200 million out of port security and adds it to transit and rail, is robbing Peter to pay Paul.

The terrorists look for our weakest pressure point and strike there. Rail at this point is our weakest pressure point. We should strengthen it. To take money from ports, where we have not

done the job, and put it in rail does not make much sense because if we strengthen air security, they will look to the rails. If we strengthen rail security, they will look to the ports. If we strengthen port security, they will look to the trucks.

As the war on terror overseas must be fought on many fronts, so must the war on terror at home. To pick, as Mr. Chertoff does, one place where the Federal Government is going to put its efforts and ignore the others, is not doing a service to our citizens. Therefore, we must do more to strengthen security on the rails.

The best thing we can do to show the Nation that Mr. Chertoff's statement was not what America needs is to vote for the Shelby-Sarbanes-Reed amendment and the Byrd amendment, as well.

How much time have I used?

The PRESIDING OFFICER. The Senator has 20 seconds remaining.

Mr. SCHUMER. I will take my 20 seconds to yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 1205

Mr. REED. Mr. President, I rise in support of the amendment proposed by Senator SHELBY, Senator SARBANES, myself, and Senator SCHUMER to increase the allocation for transit security to $1.1 billion. Let me put that in perspective.

That is roughly 1 week's operations in Afghanistan and Iraq. I believe the American people would look at us and say: If we cannot invest that fraction of money to protect Americans here, how can we so consistently invest that money overseas? I think it is essential, obviously, to protect our forces and our troops and to make those commitments in Iraq and Afghanistan. But I think it is also essential that we protect Americans here at home. That is the essence of our amendment.

We have 6,000 transit systems in the United States. They have 14 million riders every workday. All these transit systems need assistance from the Federal Government to provide increased security, to protect Americans here at home. That is the purpose of our amendment and the purpose of our debate today. The purpose of this bill before the Senate is to provide resources to protect Americans here at home.

Like my colleague from New York, Senator SCHUMER, I was dismayed to hear of the comments by Secretary Chertoff today essentially saying there is no Federal support for transit, that it has to be done by the States. Not only do I object to the conclusion, I question the logic. According to the press report I heard, Secretary Chertoff said the U.S. Government, the Federal Government, has to support airlines because they are almost exclusively a Federal responsibility, but, by contrast, U.S. mass transit systems are largely owned and operated by State and local governments.

Well, I do not know where the Secretary flies in and out of, but in Rhode Island, TF Green Airport, the major airport in the State, is owned by a State corporation. The airlines that fly in and out are private airlines, not Federal airlines. Yet we have provided significant resources—and properly so—to enhance the security of the airline sector in the United States because of several obvious and compelling reasons. The threat is there. After 9/11, we would have been derelict if we did not recognize that. These are key parts of our economy.

Oh, by the way, for most of the airline systems, the terminals are owned by State and local governments, and the operators are private entities, much like transit facilities. Similarly, with transit facilities, the threat is there. After London, we would be derelict if we did not recognize the potential for an attack on our transit systems in the United States and to respond before an attack, not after an attack. That is why we are here today—to respond before any attack could evolve here in the United States, to respond effectively at home.

Indeed, Federal support of transit has been historically a fact of life over the last several decades. Since 1992, we have invested in the order of $68 billion in Federal money to construct and improve our transit systems. There has been Federal money going to local transit systems for construction and improvements. And then to argue—either Mr. Chertoff or others on the floor—it is inconsistent for us to support these systems with security money is illogical and unsustainable.

The threat is there. The need is there. I believe the responsibility should be here to provide some assistance. Again, we could not possibly do all that we must do. There must be cooperation by State and local governments. There has to be. They have responsibilities to their citizens and the passengers on these systems also. But there is a real Federal responsibility, one we will recognize today, I hope, by supporting the Shelby-Sarbanes-Reed amendment.

This is not just a regional issue of one part of the country. Most cities in the United States today have some transit system. Our largest cities have rather elaborate transit systems. Miami has light-rail and bus. Las Vegas is constructing a monorail with private funds to supplement their transit system. All of these are very attractive targets to terrorists.

There is one other disconcerting factor that is emerging after London. We have to be terribly concerned about those al-Qaida operatives, who have been training for years, who have been plotting for years to enter this country, or they may already be here, to conduct some type of terrorist attack. But, unfortunately, after London, we have to be concerned about another category, and that would be the homicidal and suicidal amateur, young men who are influenced by someone else to go ahead and sacrifice themselves. For these relative amateurs, what is a more attractive target today? An airport with a pronounced police presence?

As I drive off to TF Green Airport in Rhode Island, there are always two or three police cars parked outside. It is a modest, medium-sized airport with police officers on patrol. When you go into a lobby, it is full of TSA personnel with screening devices, and you have to take your shoes off, your coat off, to get through the screening to get on an airplane. Also, by the way, since we monitor passenger lists, every airline has an algorithm to determine whether you are subject to special searching. It happens occasionally to me. Is that their target of choice? Or just simply getting on the local bus or going into the local subway today, which is virtually without protection?

So we really have significant responsibilities in this regard. To suggest otherwise is inappropriate. It is wrong. I believe we have to support this amendment. We recognize that over the last several years transit has become one of the most significant targets for these terrorist groups.

After 9/11, in the Banking Committee, as the chairman of the Subcommittee on Housing and Transportation, I convened a hearing and we had witnesses. They came forth. They indicated, first, the lack of preparedness of our transit system for potential attacks by terrorists. Industry experts estimate we would need roughly $6 billion to bring our transit systems up to a level of security that we would be comfortable with. That is one factor.

The other factor is the fact that those resources are not easily obtained by local communities. We understand the pressures for local transit agencies. It is difficult to raise fares. It is difficult to get increased subsidies in State legislatures or local communities. All of that really compromises the ability to move dramatically and aggressively with transit security.

We also asked the General Accounting Office to do an evaluation. Their conclusions were interesting. First, they estimated that a third of the terrorist attacks in the last several years have been directed at mass transit. Again, it is a target of opportunity for these terrorists. And their conclusion speaks volumes. In their words:

> [I]nsufficient funding is the most significant obstacle agencies face in trying to make their systems more safe and secure.

Now, in light of that, Senator SARBANES and myself have repeatedly urged this body to adopt more robust funding for transportation security. We have proposed amendments with respect to supplemental appropriations bills. We have proposed amendments on other bills appropriating funds for the Department of Homeland Security. And we have offered amendments with respect to the National Intelligence Reform Act.

Indeed, the Senate recognized this need quite dramatically just last Congress, where, working with the chairman of the committee, Chairman SHELBY, who is, again, leading this great effort, we were able to pass authorizing legislation that would authorize approximately $3.5 billion over several years to begin to deal with this issue of transit security. The authorization recognized our Federal responsibilities. And as my colleague, Senator SARBANES, pointed out previously, this appropriations bill would be consistent with that authorization, which passed this body unanimously on a bipartisan basis.

So today we are here simply to do what should be obvious to all of us, particularly after the dreadful, horrific events in London. People who think it cannot happen here should think again. People who think this is not our responsibility should think again. We have an obligation, a responsibility. We have already spoken as a Senate last Congress with respect to the authorization. Now it is our obligation to put the resources there to the task. The task is improving the security and the safety of passengers on our transit systems throughout this country.

I urge all of my colleagues to support the Shelby amendment.

Also, Mr. President, I am supporting Senator BYRD's amendment because he, too, recognizes the need for additional security, not only for transit systems but also for intercity train systems. I also recognize that significant need. So I would hope we could come together and vote enthusiastically and appropriately.

The irony here, of course, is we all recognize—and we all pray this will never happen—but if there was a terrorist transit incident, we would be on this floor within hours voting for much more than $1.1 billion. If we act today, promptly and appropriately, we may be able to avert that situation. I hope we can.

Mr. President, I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Mr. President, may I inquire how much time remains on this side?

The PRESIDING OFFICER. The time has been divided between nine different Senators.

Mr. REED. Mr. President, may I inquire how much time I have remaining?

The PRESIDING OFFICER. Thirty seconds.

Mr. REED. Mr. President, I would be happy to yield the 30 seconds to the Senator, if that is appropriate.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 30 seconds.

Mr. CORZINE. Mr. President, I rise in support of the Shelby amendment of $1.1 billion. I come even more to express complete frustration with the statements today of Secretary Chertoff on mass transit. This is a national issue. It is one that is connected with interstate commerce. Most importantly, protecting the American people is a primary responsibility of Government. The idea that we would turn our backs on the 228 million riders a year on mass transit in the State of New Jersey and put it at some second-class level of consideration makes no sense at all. Tens of thousands of riders every day ride the trains in and out of New York City from New Jersey, in and out of Philadelphia.

The PRESIDING OFFICER (Mr. THUNE). The time of the Senator from Rhode Island has expired.

Mr. CORZINE. I support the $1.1 billion Shelby amendment.

The PRESIDING OFFICER. Senator REID has 8 minutes, Senator BYRD has 12 minutes; Senator SARBANES has 1 minute; Senator SHELBY, 15; and Senator GREGG, 34 minutes.

The Senator from New Jersey.

Mr. CORZINE. Mr. President, I ask unanimous consent for up to 8 minutes from the time of Senator REID of Nevada.

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

Mr. CORZINE. Let me go back to the start of my comments. I support the Shelby amendment of $1.1 billion for mass transit and rail. It is absolutely essential that we think of our Nation as one, where all aspects that pull us together and provide for the services of the people of this country are protected. We are not dividing up those who fly on airlines versus those who drive on highways. When Americans are at risk, Americans are at risk. The concentration of risk can be different in different places at different times. I suggest anybody who wants to see large concentrations of people at any moment in time come with me to Hoboken train station. Every workday you will see literally tens of thousands of people transferring from one train track to subway system or bus system.

It is hard for me to conceive, frankly, that we can get ourselves to believe that the only exposure of the American citizenry is to air travel. Two hundred twenty-eight million riders per year in New Jersey use mass transit. Many of these congregate in large areas. It is absolutely essential that we enhance our security, and this is what the Shelby amendment is about.

I hope my good friend, Secretary Chertoff—and I do consider him a good friend and someone for whom I have great respect—will reconsider the thought that was expressed today that somehow or another this is a lower priority. It certainly is not a lower priority on the terrorists' minds. It wasn't in Madrid or Moscow and, unfortunately, it was not in London most recently.

Not only is this a mistake with regard to our homeland security policy, but it is like putting a bull's-eye on a certain sector of our infrastructure where people and the economy come together. It is to say that we are going to lay all this responsibility on already budget-strained State and local governments who have not been able to provide the security and say: Come get us. We don't want to give the emphasis to an area where there are many people and where our economy moves back and forth and through which it functions.

The principle that we are not going to focus on rail and mass transit protection makes no sense whatsoever. The way to stand up to that is to vote for the Shelby amendment, put $1.1 billion into mass transit, rail security. I hope my colleagues will follow that path.

I yield the floor.

Mr. GREGG. Mr. President, what is the status of the time?

The PRESIDING OFFICER. The Senator from New Hampshire controls 34 minutes; the Senator from Alabama, 15 minutes; the Senator from Nevada, 4 minutes; the Senator from West Virginia, 12 minutes. That is the balance of the time.

Mr. GREGG. Mr. President, I want to review this issue because it is important in the context of London to understand our purpose and how we are proceeding from a policy standpoint to try to address terrorism. To begin with, we all know and understand and are all concerned about the threat to public transportation, specifically mass transportation, in our Nation and in any western culture because of what has happened in Madrid and in London and because the people who have decided to pursue this heinous approach of killing innocent individuals see this opportunity as a soft target, an easy way to kill indiscriminately. It is hard for western cultures to understand that people would do that. Unfortunately, that is what our enemies do.

We as a nation must decide how we can best address protecting ourselves. It is important not to take the attitude that if we just throw money at this, we will solve the problem. That doesn't work. What we need to do is address the risk, the threat, and determine what is the best way to respond to that risk and that threat.

When we were attacked on 9/11, we recognized as a nation that the individuals who seek to harm us are willing to take what we would consider everyday modes of transportation and use those modes of transportation as a weapon against us. Those airplanes were used as missiles. So as a nation, we decided we were not going to allow that to happen. We have committed vast resources—no question about it—to making sure that our aircraft are secure from being used as missiles. Have we secured them from being able to be blown up or destroyed in the air? No, we have not, quite honestly. We have had test after test that has shown that regrettably, even though we have this massive structure of the TSA and even though we have committed literally billions of dollars, we are still unable

to essentially protect aircraft, a high percentage of the time, from someone who wishes to bring on that aircraft a destructive weapon such as a bomb. In fact, we are having trouble keeping out individual types of weapons such as knives and guns. The percentage of those going through the security systems has been shown to be, in some instances, unreasonably high.

The reason is because a committed professional terrorist—and that is what we are dealing with—has the capacity to use weapons systems which can go undetected, going through this massive system that we have set up known as the TSA. That is something we are trying to address. We are trying to develop new technologies. There are new technologies emerging which will hopefully allow us to detect explosives that might go on an aircraft. But as of now, our capacity is not overwhelmingly good, even though we have spent billions of dollars.

What we have been able to accomplish is that it will be very difficult for a terrorist to actually take control of an aircraft again and use it as a weapon. That was our priority.

Now we have seen what has happened in London. The simple fact is, even though we spent billions of dollars at very confined ports of entry—in other words, an airport is a pretty confined place, pretty easily managed compared to other places when it comes to the movement of people in and out, everything has a fairly focused place—we have not yet been able to adequately or fully secure aircraft from a variety of potential attacks. It has to be obvious to anyone who is honest about it that our capacity to fully secure transit in New York City, where you have literally factors of a hundred more people using aircraft as entering and exiting—the number is something like 10 million people a day use that system. We have tracks that go on continually through populated areas that could be where IEDs could be put under the tracks, where you have innumerable places where people can jump on and jump off, thousands of different entry points—anybody who has any intellectual honesty about how we pursue terrorism must be ready to say: There isn't enough money in the Federal Treasury to effectively address securing the entire transit system in the manner which is being proposed in these amendments, which is that you put more police officers on trains, more bomb dogs on trains, more detection facilities in the entryways, more electronic surveillance.

We wish it could be done, but we haven't been able to do it in the aircraft area where we have spent billions, and the ability to do it in the transit area is a factor of complication 1,000 times more difficult with which to deal.

Thus these dollars which are being proposed today are not going to dramatically increase safety. They well may have some visual impact, and they will give people personal confidence. But as the mayor of New York said a couple days ago, a committed professional terrorist who is willing to give their life in order to kill other people is going to be able to attack that train, to attack that bus system.

How do you address this? The key to addressing it is as Secretary Chertoff has made very clear. It is unfortunate that his words have been hyperbolized so much on the floor of the Senate and have been used in a political manner. This is a sincere man who is trying to do a good job. He is just getting started as Secretary. For him to be subjected to politicization in the Senate is not constructive to the process of the defense of our country from terrorists, but he has been, as so often happens around here. What he has pointed out in his review is the way we protect our transit systems is to get better intelligence. It is intelligence that is the key. You have to find these people before they find us. You have to catch them before they get to our systems, and then you deal with them.

How do you increase intelligence? First, you go to where the breeding ground is for the people who are most likely to attack you—Iraq, Afghanistan. Most of the good intelligence we are generating today comes from the fact that we are in Iraq fighting these terrorists over there rather than fighting them over here. We are in Afghanistan finding these terrorists before they can find us. And then we either get intelligence from them there or, if they are really bad people who are fundamentally evil, we take them to Guantanamo Bay and we lock them up. Then, under very strict regimes which meet all the responsibilities of a civilized society, we interrogate them and find out information, intelligence.

A large percentage of our intelligence comes out of Guantanamo Bay. So you aggressively pursue the intelligence efforts, and that means you aggressively pursue the war in Iraq, in Afghanistan, and you use places such as Guantanamo Bay.

In addition, you use our laws effectively. The PATRIOT Act, which has been so aggressively maligned from some of the Members actually offering this amendment, is a key element in developing the intelligence necessary to find out through electronic means what is up with the people who might want to attack us before they do so.

Some of the same people who want to put a billion dollars into initiatives which we know cannot significantly impact our capacity to secure the transit systems are so resistant to allowing the PATRIOT Act to be reauthorized, which provides the tools that will give our people at the FBI and other intelligence sources the capacity to find out what these people are doing by electronic means.

And then, of course, there are issues like profiling. The simple fact is there are certain people coming from the Middle East whom we know are going to be the type of folks who are going to potentially attack us. Profiling is a necessary element of finding them and getting them before they can attack us. Most of that activity—intelligence gathering—does not fall under this bill.

What does fall under this bill is border security. That is a big part of this whole question of how you protect the transit systems and everything else in America. It is not just transit systems; this doesn't stop with transit systems. If you are a terrorist—if you follow the logic of the Senator from Rhode Island—you are going to just move on to the next site of soft opportunity, which may be a sporting event or a utility system where they are transmitting power or maybe some other facility where people gather.

We are an open society and a massive democracy. We simply cannot lock ourselves down completely. So that is why the intel exercise is so important. Part of that is securing our borders, which is critical. Putting more money into securing our borders is what the bill does. Putting more money to making sure we are able to detect a weapon of mass destruction before it is used against us is what this bill does. Those are threats we can handle with more dollars. Those are the threats we can have an immediate impact on with more dollars—with a lot more dollars. This bill moves a lot more dollars into these accounts—over $600 million in the Border Patrol, and hundreds of millions in weapons of mass destruction issues. But to simply throw another billion dollars on the table because there is a political element behind the implications of doing that is not going to resolve the problem.

In fact, in the end, that will probably aggravate the issue because we will be taking scarce resources—which we have to allocate because we live under a philosophy that we only have so many funds—and putting them into an account where we cannot, A, use it; or, B, if we use it, it might be wasted, and if we use it ineffectively, its impact might be at the margin versus if you move the funds into areas where we get a response that produces results, such as in the intelligence area, Border Patrol area, weapons of mass destruction area. That is why this bill has been set up the way it has been set up.

So, yes, I don't deny that we can spend another billion dollars on mass transit. I am sure every mass transit authority in the country will be happy to replace their local spending with new Federal dollars, or even add it onto their spending. But will it dramatically impact the security of those transit systems, other than a visual impact? No. Let's be honest, it will not.

The only way we are going to secure transit systems or sports events or other major gathering sites is to find these people before they find us. That is why the war in Iraq is so important and the war in Afghanistan is so important, and that is why maintaining a vibrant facility in Guantanamo where we

can incarcerate and interrogate these people in an appropriate way, aggressively, is important. It is why the PATRIOT Act and profiling and border security are important.

Those are the priorities on which we should be focused. So I have to oppose both amendments by Mr. SHELBY and Mr. BYRD. I respect them both, and I understand where they are coming from. I respect their initiatives to try to do something here. Within the context of the budget, we have put the money where we think we can most effectively use it, which, as I have outlined, has been weapons of mass destruction, border security, and airlines.

So I will be opposing both of these and making a point of order that they will exceed the budget allocation and exceed our allocation within the Appropriations Committee, and that both amendments would add a billion dollars to the deficit.

I have, however, listened to my colleagues saying we need more money in mass transit. We have offered an amendment which would move $100 million out of first responders into mass transit. It would mean we would be $50 million above last year's spending in those accounts. If Members wish to pursue that course, I hope they will vote for that amendment because it is a responsible amendment and an affordable one, done within the context of the bill, which has a structure built around addressing threat first.

I reserve the remainder of my time.

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. GREGG. 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. GREGG. Mr. President, how are the quorum calls being charged?

The PRESIDING OFFICER. The quorum calls are charged to the Senator who controls time.

Mr. GREGG. Mr. President, I am fairly confident that earlier, at the beginning of this section, I asked that all quorum calls be charged equally in relationship to the time allocated. In fact, I am absolutely confident that I made that unanimous consent request. However, I will renew that unanimous consent request at this time.

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

Mr. GREGG. Mr. President, I ask unanimous consent that the time be restored in the context of that request, and I suggest the absence of a quorum.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1205

Mr. SHELBY. Mr. President, I rise today to speak on amendment No. 1205 on which we will soon be voting. This is an amendment I offered yesterday to the Department of Homeland Security appropriations bill. I am joined by several cosponsors, including the ranking member on the Banking Committee, Senator SARBANES, and also Senator REED and many others.

As chairman of the Senate Banking Committee, which has jurisdiction over transit security, I can tell you that the committee has a long history of interest in this issue, and many of my colleagues on the Banking Committee join me in supporting this amendment.

This issue has been on our radar screen for some time. In fact, last year, the Banking Committee reported the Public Transportation Terrorism Prevention Act of 2004. The Senate passed it unanimously. This was a thoughtfully considered bill, written with significant input from the industry and terrorism experts alike. The amendment I am here to speak on today is consistent with that Senate-passed authorization bill.

The amendment before us provides $1.166 billion for public transportation security. This provides $790 million for capital improvement grants, $333 million for operating grants, and $43 million in research. I am the first to admit this is a large sum and that we must balance our spending on public transportation with other priorities to defend our homeland. I am more than willing to work with Chairman GREGG to identify appropriate ways to do that.

It is difficult for us to predict where terrorists will strike next, but in order to help prevent or mitigate the severity of attacks, I believe we need to focus on transit security and make some wise and careful investments in this area. To the extent it is possible, I think we must guard against what the world witnessed last week in London and what we have seen in Spain, Israel, Japan, South Korea, Russia, and other countries.

When the GAO surveyed the transportation security needs of eight transportation agencies in 2002, the GAO estimated these eight alone will need $700 million in order to make basic security enhancements.

In this Nation, there are 6,000 transportation agencies. The needs are significant. Americans are proud of being an open society with many freedoms, but, unfortunately, it makes us potentially vulnerable. We built many of our subway stations and rail and bus stations in ways which we now realize in a post-9/11 world need some extra reinforcement. The funding in this amendment provides that first step. It is a good first start, and that it is a necessity I do not believe is in question.

The funding made available by this amendment is broken down into three components: No. 1, capital; No. 2, operating; and No. 3, research. The money will provide transportation providers with the ability to provide basic security enhancements. With this amendment, we can build fences so that intruders cannot enter tunnels or plant bombs by walking up to the tracks. We can purchase surveillance equipment in and around transportation centers, which is how the British have been able to find who carried out last week's attacks. The British, I have been told, have over 5,000 surveillance cameras, and they are working. We have very few.

We can provide communications equipment to help passengers, transportation officials, and first responders in the event of an emergency. We can fund fire suppression and decontamination equipment and redundant critical operations control systems, such as a backup computer system so that one well-placed bomb cannot shut down an entire system. As well, this would fund emergency response equipment—which could save hundreds of lives in a terrorist incident—and evacuation improvements, such as emergency routes or escape route signs. Additionally, the amendment would provide money to train and help deploy canine units which can contribute immensely to improved security.

The amendment before us also would provide funding for transportation agencies to carry out drills so they will be better prepared in case of a terrorist attack. It is one thing to know how the plan works on paper, but quite another to see how the plan works in practice.

Finally, the amendment also provides funding for critically important research in determining ways of detecting chemical, biological, or radiological weapons in ways that do not interfere with the ease of passengers using transportation systems. This is one of the greatest obstacles toward providing better security in typical commuter transportation environments.

I seriously believe we must provide resources toward mitigating these security threats, and we must do so as soon as possible.

As I mentioned yesterday on the floor, as an appropriations subcommittee chairman myself, I can certainly appreciate the challenge Senator GREGG, the chairman of the subcommittee, faces as he attempts to address the multitude of security challenges in this appropriations bill. Attempting to find the balance is important and, in the end, we could have infinite resources to spend and still not be totally protected. We know this.

I look forward to working with Chairman GREGG and other Members of the Senate. I commend this amendment to my colleagues and ask for their support a little later this afternoon.

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. BURNS. 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. BURNS. Mr. President, I rise to offer some thoughts on the appropriations bill regarding homeland security. Being the shepherd of one Interior bill a couple of weeks ago, I can understand the problems that arise whenever we start into this business of making the appropriations to make our Government work. I congratulate Chairman GREGG and Senator BYRD and other members of the Homeland Security Appropriations Subcommittee because they have changed direction on this a little bit with regard to our borders.

Every time I go to my home State of Montana the borders are talked about. I know it is probably one of the most difficult areas over which we are given the command to protect. I have said it before, and I will say it again, we have to secure our borders. Particularly, we know about the situation on our southern border, but we have always been understaffed and underfunded and overlooked on the northern border, even after September 11, 2001.

We are faced with the task of patrolling the longest stretch of unprotected international border in the United States, nearly 550 miles of border in Montana. We have the same pressures there from terrorists, drug runners, and criminals. They can cross that border, enter our country, and do harm to our citizens.

Make no mistake, we have made some progress. Again, I congratulate the chairman of the subcommittee on this bill. We were able to gain about 500 new Border Patrol agents along the northern border to relieve some facility overcrowding earlier this year in a new appropriation. Meanwhile, however, we have to look at the numbers. Over 500 million people cross our borders each year, 330 million of whom are not U.S. citizens. Where do these people go?

The committee has recognized we can no longer allow for the gaps in our national security. It has taken the proper steps to ensure that we have a plan in place to secure our borders.

I congratulate the chairman because these bills are difficult at best. But when we start talking about our borders, the security of our country, it takes on a whole new look. So I want to thank the managers of this bill for their work and their recommendations. It is too important to ignore any longer. It is my hope we can get this bill passed with a proper plan in place to secure our borders and get it to the President's desk.

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

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

AMENDMENT NO. 1218

Mr. BYRD. Mr. President, I ask unanimous consent that Senator DODD be added as a cosponsor to my amendment No. 1218.

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

Mr. INOUYE. Mr. President, nearly 4 years have passed since the events of 9/11, yet rail and transit security remain major vulnerabilities.

The warning signs cannot be clearer. Public transportation and rail systems are a primary target for terrorist attacks. Last week's transit bombings in London follow similar attacks in Madrid, Moscow, Tel Aviv, and Seoul, and each attack has produced massive casualties, caused broad economic disruption, and generated widespread fear.

We have already been warned twice publicly by the FBI that al-Qaida may be directly targeting U.S. passenger trains and that their operatives may try to destroy key rail bridges and sections of track to cause derailments.

We know that more than one-third of all worldwide terrorist attacks target transportation systems, with public transit the most frequently targeted transportation mode.

Despite the significant threat to transit and rail systems and the Senate's unanimous approval of the Rail Security Act last year, security funding has remained grossly inadequate. As a result, our Nation's transit and rail systems have been unable to implement necessary security improvements.

I am pleased to join my colleagues this afternoon in supporting an amendment that increases rail security by $265 million in fiscal year 2006.

This funding level is not fictional. It is absolutely justifiable and necessary. Of the total amount proposed in our amendment, $65 million would be for Amtrak security, and Amtrak officials have verified they can obligate that funding amount in fiscal year 2006.

An additional $40 million would be for Amtrak tunnel safety, and Amtrak could obligate this funding in fiscal year 2006 for tunnels in New York, Baltimore, and the District of Columbia.

Of the total amount provided for by the amendment, $120 million would be for passenger and freight rail security grants, similar to the funding level authorized in S. 2273, the Rail Security Act of 2004, which the Senate passed unanimously last year.

Additionally, $35 million would be provided for rail security research and development. Again, the level is similar to the funding that the Senate has previously approved.

Finally, $5 million would be for a Transportation Security Administration, TSA, rail security risk assessment.

Just yesterday, Secretary Chertoff announced his plan to reorganize the Department of Homeland Security. He mentioned two points I would like to close with. First, he noted that increased preparedness should focus on not only risk and threat, but also consequences. We are all aware of the devastation that could result from a London-style attack on our transit and rail systems.

Second, he noted in his prepared materials that the TSA will continue to be the lead agency for intermodal transportation.

I couldn't agree with him more, and this amendment gives him the necessary funding to support his renewed focus on rail and transit security.

Mr. BYRD. Mr. President, my amendment provides an additional $1.3 billion above the underlying bill for needed security funding for our transit systems, intercity rail, freight rail, and intracity buses for a total of $1.4 billion. The funding levels I am proposing in this amendment are based on two bipartisan rail security authorization bills, S. 2273 and S. 2884, which passed the Senate last October.

Public transportation is used nearly 32 million times every day, 365 days a year. Thirty-two million times a day is 16 times more than travel on domestic airlines. How about that. According to the Government Accounting Office, nearly 6,000 agencies provide transit services through buses, subways, ferries, and light rail service to about 14 million Americans every weekday. Amtrak, while serving nearly 500 train stations in 46 States, carried an all-time record of ridership of 25 million passengers in fiscal year 2004.

Freight rail consists of more than 140,000 miles of track over which nearly 28 million carloads move annually, including over 9 million trailers and containers and $1.7 million carloads of hazardous materials and hazardous waste. Yes, only 2 cents—get this now, 2 cents. My colleagues have heard the expression, ''I want to get my 2 cents' worth.'' Well, only 2 cents on every transportation security dollar in this bill—can you believe it? Only 2 cents on every transportation security dollar in this bill goes to transit or rail security. Can you believe that? Two cents.

I remember the days of the 2-cent snack—my, that was a long time ago—and the penny postcard. Two cents. Let me say that again. Someone may not have heard that. Only 2 cents on every transportation security dollar in this bill goes to transit or rail security. The rest, where does it go? To aviation security.

When the terrorists blew up trains last year in Madrid, Spain, the administration had no plan, none, for securing transit and rail systems. The horrific bombings a few days ago in London have raised the same question. Are we prepared? What do my colleagues think? Are we prepared? Are we prepared? According to the RAND Corporation, between 1998 and 2003 there were approximately 181 terrorist attacks on rail targets worldwide. Since 2001, I have offered seven different amendments—think of it, seven different amendments—to fund rail and

transit security. What do my colleagues think of that? What do they think happened? I will give one guess. I offered seven amendments to fund rail and transit security. All seven were opposed by this administration, and all seven were defeated.

Well, Robert Bruce, that great Scotsman, was lying in the loft of the barn, and he saw this spider try to throw its web across the roof on the inside of the barn. He saw that spider try six times, and the spider failed. But the spider then threw once more, seven times, and succeeded. Robert Bruce thought he would try once more. He did, and he succeeded. I offered an amendment seven times that was opposed by the administration.

While we cannot secure every train, every station, and every passenger who uses mass transit or rides on trains from city to city, we can, with the additional funding I am proposing, implement prudent, commonsense actions to reduce the risks and consequences of a terrorist attack.

I ask unanimous consent that I may have an additional 3 minutes.

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

Mr. BYRD. I thank the Chair. We must harden infrastructure, install intrusion and detection systems, and procure cameras, locks, gates, canine teams, and other tools.

The Gregg amendment provides an increase of only $100 million for rail and transit security. That level simply will not be enough. It will help some, but it would not be enough to help transit and rail agencies in their efforts to deter a potential attack. For transit alone the estimate of need is $6 billion.

I am also concerned that the amendment reduces first responder funds by $100 million. This is a $100 million cut on top of the $467 million cut already in the bill. We should not be cutting funds to equip and train our police and our fire and emergency medical personnel by 24 percent.

With regard to the Shelby amendment, I am concerned that it includes only $100 million for securing rail systems. With 25 million passengers riding Amtrak and 1.7 million carloads of hazardous materials being carried on the rails, we must do more. We must do more to secure our rail system. My amendment includes $265 million for rail security.

Our thoughts, our prayers are with the victims of the London bombing. The horrific events the world witnessed a few days ago ought to serve as a call to action, a call to action by this Government, our Government, to protect our citizens from future attacks.

It is time to act. I urge all Senators to support my amendment.

I yield the floor.

Mr. President, I ask unanimous consent that Senator SALAZAR be added as a cosponsor to my amendment numbered 1218.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1220, AS FURTHER MODIFIED

Mr. GREGG. Mr. President, I have a modification of my amendment No. 1220 which I send to the desk and ask be accepted.

The PRESIDING OFFICER. Is there objection to further modification?

Mr. BYRD. Mr. President, reserving the right to object, I ask the question respectfully, would the distinguished Senator wait momentarily, until we can hear from Senator INOUYE? If he could wait a couple of minutes, may I ask?

Mr. GREGG. Yes. I reserve my request and make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. 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. GREGG. I ask again the modification I sent to the desk be accepted.

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

The amendment is as follows:

AMENDMENT NO. 1220, AS FURTHER MODIFIED

On page 77, line 15, strike ''For grants,'' down through and including ''tection plan grants.'' and on page 79, line 6 insert the following:

For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $2,694,300,000, which shall be allocated as follows:

(1) $1,418,000,000 for State and local grants, of which $425,000,000 shall be allocated such that each State and territory shall receive the same dollar amount for the State minimum as was distributed in fiscal year 2005 for formula-based grants: *Provided*, That the balance shall be allocated by the Secretary of Homeland Security to States, urban areas, or regions based on risks; threats; vulnerabilities; and unmet essential capabilities pursuant to Homeland Security Presidential Directive 8 (HSPD–8).

(2) $400,000,000 for law enforcement terrorism prevention grants, of which $155,000,000 shall be allocated such that each State and territory shall receive the same dollar amount for the State minimum as was distributed in fiscal year 2005 for law enforcement terrorism prevention grants: *Provided*, That the balance shall be allocated by the Secretary to States based on risks; threats; vulnerabilities; and unmet essential capabilities pursuant to HSPD–8.

(3) $465,000,000 for discretionary transportation and infrastructure grants, as determined by the Secretary, which shall be based on risks, threats, and vulnerabilities, of which—

(A) $200,000,000 shall be for port security grants pursuant to the purposes of 46 United States Code 70107(a) through (h), which shall be awarded based on threat notwithstanding subsection (a), for eligible costs as defined in subsections (b)(2)–(4);

(B) $5,000,000 shall be for trucking industry security grants;

(C) $15,000,000 shall be for intercity bus security grants;

(D) $195,000,000 shall be for intercity passenger rail transportation (as defined in section 24102 of title 49, United States Code), freight rail, and transit security grants, including grants for electronic surveillance system, explosive canine teams, and overtime during high alert levels; and (E) $50,000,000 shall be for buffer zone protection plan grants.''

Mr. GREGG. Mr. President, I now make a point of order under section 302(f) of the Congressional Budget Act that the amendment provided by Senator BYRD provides spending in excess of the subcommittee's 302(b) allocation.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. I ask all time be yielded back, if the Senator from West Virginia is agreeable.

Mr. BYRD. Yes.

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

The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator is necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

The PRESIDING OFFICER (Mr. COLEMAN). Is there any Senator in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 55, as follows:

[Rollcall Vote No. 184 Leg.]

YEAS—43

Akaka	Feingold	Murray
Baucus	Feinstein	Nelson (FL)
Bayh	Harkin	Nelson (NE)
Biden	Inouye	Obama
Bingaman	Jeffords	Pryor
Boxer	Johnson	Reed
Byrd	Kennedy	Reid
Cantwell	Kerry	Rockefeller
Carper	Kohl	Salazar
Clinton	Landrieu	Sarbanes
Corzine	Lautenberg	Schumer
Dayton	Leahy	Stabenow
Dodd	Levin	Wyden
Dorgan	Lieberman	
Durbin	Lincoln	

NAYS—55

Alexander	Bond	Burr
Allard	Brownback	Chafee
Allen	Bunning	Chambliss
Bennett	Burns	Coburn

Cochran	Grassley	Sessions
Coleman	Gregg	Shelby
Collins	Hagel	Smith
Conrad	Hatch	Snowe
Cornyn	Hutchison	Specter
Craig	Inhofe	Stevens
Crapo	Isakson	Sununu
DeMint	Kyl	Talent
DeWine	Lugar	Thomas
Dole	Martinez	Thune
Domenici	McCain	Vitter
Ensign	McConnell	Voinovich
Enzi	Murkowski	Warner
Frist	Roberts	
Graham	Santorum	

NOT VOTING—2

Lott Mikulski

The PRESIDING OFFICER. On this question, the yeas are 43, and nays are 55. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment falls.

The Senator from New Hampshire.

Mr. GREGG. I ask unanimous consent the next two votes be 10 minutes in duration.

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

Mr. GREGG. I also ask unanimous consent that prior to the next two votes there be 2 minutes equally divided.

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

AMENDMENT NO. 1220, AS MODIFIED

The PRESIDING OFFICER. The next amendment is the Gregg amendment 1220, as modified.

Mr. GREGG. Mr. President, this is an amendment to increase funding in the mass transit area by $100 million which is done by taking that money out of a different account, specifically the State and local first responder account. The reason that account was chosen was, as we discussed before, there is over $7 billion of unspent money in those accounts.

To the extent the States have the capacity to handle that money, we will make sure they get additional moneys, but right now they have more money than they can handle in those accounts.

This will be within the budget. I hope Members support this amendment.

AMENDMENT NO. 1205

Mr. SARBANES. Mr. President, the next amendment we will vote on is the amendment offered by the distinguished chairman of the Banking Committee, Senator SHELBY, which tries to meet the undertaking this body made last year in passing an authorization for transit security money. That tries to address the problem. This amendment makes some small contribution. I intend to vote no on this amendment. I hope Members support the Shelby amendment in due course.

The PRESIDING OFFICER. The question is on agreeing to the Gregg amendment 1220, as modified.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

Mr. MCCONNELL. The following Senator is necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

The result was announced—yeas 46, nays 52, as follows:

[Rollcall Vote No. 185 Leg.]

YEAS—46

Alexander	DeWine	McConnell
Allard	Domenici	Murkowski
Allen	Ensign	Roberts
Bennett	Enzi	Santorum
Bond	Frist	Sessions
Brownback	Graham	Smith
Bunning	Grassley	Snowe
Burns	Gregg	Specter
Burr	Hagel	Stevens
Chambliss	Hatch	Sununu
Coburn	Hutchison	Thomas
Cochran	Isakson	Vitter
Conrad	Kyl	Voinovich
Cornyn	Lugar	Warner
Craig	Martinez	
Crapo	McCain	

NAYS—52

Akaka	Dorgan	Murray
Baucus	Durbin	Nelson (FL)
Bayh	Feingold	Nelson (NE)
Biden	Feinstein	Obama
Bingaman	Harkin	Pryor
Boxer	Inhofe	Reed
Byrd	Inouye	Reid
Cantwell	Jeffords	Rockefeller
Carper	Johnson	Salazar
Chafee	Kennedy	Sarbanes
Clinton	Kerry	Schumer
Coleman	Kohl	Shelby
Collins	Landrieu	Stabenow
Corzine	Lautenberg	Talent
Dayton	Leahy	Thune
DeMint	Levin	Wyden
Dodd	Lieberman	
Dole	Lincoln	

NOT VOTING—2

Lott Mikulski

The amendment (No. 1220), as modified, was rejected.

Mr. GREGG. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. COBURN). The Senator from New Hampshire.

AMENDMENT NO. 1205, AS MODIFIED

Mr. GREGG. Mr. President, I raise a point of order under section 302(f) of the Congressional Budget Act that the amendment offered by Senator SHELBY provides spending in excess of the subcommittee's 302(b) allocation.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I ask that amendment No. 1205 be called up.

The PRESIDING OFFICER. The amendment is pending and a point of order has been raised against the amendment.

Mr. SHELBY. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the purposes of the pending amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is all time for debate yielded back?

Mr. SHELBY. Mr. President, I would like my minute.

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. SHELBY. Mr. President, I realize this is a good bit of money. I am a member of the Appropriations Committee. I serve on the committee with Senator GREGG. I believe, though, we have been spending pennies as far as transit security is concerned—that is subways, buses, and everything else—as opposed to airline security, which both are important.

We know what happened last week in London. They have over 5,000 cameras for surveillance. It helped them a lot. I think we have to ask ourselves, Are we going to make that big downpayment toward security for our people, the millions who ride buses, subways, and trains every day? This is the first step in that direction.

I ask for your support of this amendment.

Mr. LAUTENBERG. Mr. President, I would like to speak about the pending amendments on rail and transit security. One is offered by my colleague and friend from Alabama.

I know firsthand his breadth of knowledge and leadership on transportation issues, as we worked together for many years as leaders on the Transportation Appropriations Subcommittee.

I am confident that his amendment will help address the transit security problem in our country in a necessary and effective way.

One amendment is offered by my colleague from West Virginia, Senator BYRD. His amendment goes beyond the Shelby amendment and includes funding for our national freight and passenger rail transportation systems as well. This funding is crucial for the security needs of Amtrak.

Each year, the Bush administration and Amtrak opponents in the Congress fight to cut funding for Amtrak to provide rail services to 500 stations in 46 States.

So as Congress and the administration bicker, 68,000 daily passengers rely on Amtrak using some of its Federal transportation operating grant for security purposes.

My point is that if we don't fund Amtrak's security needs in this bill, it must come out of the transportation budget, where resources are limited.

Last week's attacks in London—like previous attacks on subway systems in Madrid and Moscow—highlighted the importance of securing our entire transportation system—and especially public transit.

Since 9/11 we have made huge strides in the aviation sector. But the words of the 9/11 Commission still haunt us:

RAIL AND PORT SECURITY—THE NEXT THREAT

Over 90 percent of the Nation's $5.3 billion annual investment in the TSA goes to aviation—to fight the last war . . .

Opportunities to do harm are as great, or greater, in maritime or surface transportation.—9/11 Commission Report, p. 391.

When are we going to start seriously taking the notion that we must secure our homeland from terrorist attack?

Every day, more than a half a million riders in New Jersey get on a bus. Another 340,000 board an Amtrak or commuter train, and another 30,000 a light rail car. That is a total of 870,000 people—as many as the total populations of States served by some of our colleagues.

These citizens depend on public transit to get to their jobs, to school, and to visit family and friends. And they are depending on us to protect our rail and transit systems from terrorists.

Rail and transit systems move people efficiently because they are open systems, but unfortunately that also makes them vulnerable to an attack.

The State Department reports that from 1991 to 1998 violent attacks worldwide against transportation targets went from 20 percent of all those attacks to 40 percent. And a growing number of these are directed at bus and rail systems.

Securing our country will take resources. For every week that we are on orange alert, one New Jersey public transit operator is forced to spend an extra $100,000. That is on top of a security budget that has doubled since 9/11.

As I said earlier, Amtrak spends tens of millions of dollars of its Department of Transportation operating grant on security. This funding will upgrade stations and other critical facilities and will improve security operations of transit systems. It will also help train our frontline employees.

A report by the Mineta Transportation Institute found after studying the events of 9/11 that prompt action by frontline employees can save lives. It goes on to say that ''Transportation employees are also first responders, so they require training and empowerment.''

Transit operators must take effective steps to reduce the risk of terrorist attack. And they need the resources to do it.

In addition to the commuters who rely on transit systems daily, senior citizens, students an disabled persons are especially reliant on transit. For many, it is their only way to get to medical appointments, school and other important destinations.

We can't afford to wait until there is a major terrorist attack on a U.S. transit system. We must act now. Let's do what our responsibilities demand of us and protect our citizens when they travel as well as when they are at home, at work or at school.

Mr. DURBIN. Mr. President, I rise today in support of the Shelby-Sarbanes transit amendment. This amendment increases transit security funding by $1.1 billion. It is endorsed by both the Chicago Transit Authority and Metra, the commuter rail agency serving Chicago and all of northeastern Illinois.

The amendment would provide $790 million for public transportation agencies for capital security improvements, $333 million for operational security improvements, and $43 million for grants to public or private entities to conduct research on terrorist prevention technologies. This money would be doled out to agencies based on risk.

The amendment seeks the funding needed to fund a bill passed by the Senate in 2004 known as the Public Transportation Terrorism Prevention Act.

After the London bombing last week, we became acutely aware of how vulnerable our transit systems are in this country, although some of us have been concerned about these problems for years.

Since the London bombing, transit systems across the Nation have been upgraded to an Orange Alert level, meaning more canine patrols, deployment of explosive detection devices, increased security guard patrols, and increased customer assistance. A significant amount of this has been borne by State and local governments.

I was disappointed today to hear about Homeland Security Secretary Michael Chertoffs remarks that State and local governments should bear much of the burden of protecting transit systems. A bomb in a subway, he says, may kill 30 people, while a fully loaded airplane may kill 3,000 people.

This argument is misleading. A well-orchestrated, multipronged attack on one of Metra's largest trains, which carry up to 1,600 passengers or the equivalent of three fully loaded Boeing 747 aircraft, could produce a similar body count.

I am sure the families of the 50 victims of the London attacks don't think the lives of their loved ones were any less important than those of people who have been killed on airplanes.

Transit systems are an accident waiting to happen. They are a vulnerability we have ignored for far too long, and the terrorists know it.

The Federal Government has a responsibility to protect trains as well as airplanes, for the public good, and it needs to take responsibility.

For CTA, this increased security is costing an estimated extra $60,000 a day, on top of an already massive increase in security spending borne since September 11.

Metra has diverted millions of dollars in funds for police overtime pay, extra outside security police, and bomb-sniffing dogs.

Our rail system covers approximately 16,000 acres, carrying 500 freight and 700 commuter trains each day. More than 2 million passengers travel to or from Chicago on Amtrak, and Chicago's transit systems take 73 million local passenger trips a year. These people and this cargo needs to be secure.

Despite these facts, and other impressive statistics from New York, New Jersey, California, and elsewhere where rail and transit systems are relied on heavily, in the President's budget proposal, nearly 90 percent of Federal transportation security funds have been directed to aviation security. While I don't want to take away from the importance of aviation security improvements, this amendment attempts to diminish that inequity.

In this bill before us, the committee proposes only $100 million for intercity passenger rail transportation, freight rail, and transit security grants. This is one-third less than we appropriated last year and hundreds of millions less than the Senate has authorized for these programs over the years.

While the distinguished Senator from New Hampshire, chairman of the Homeland Security Appropriations Subcommittee, will offer an amendment to boost this funding by an additional $100 million, there are two things wrong with this approach. One, he takes it away from State and local grants. And two, $100 million is not enough, given the risks.

He will talk about the need for fiscal discipline; he will talk about this amendment and other important rail security amendments as busting the budget, but it is a question of priorities. We are busting the budget every day for the priorities of tax cuts and funding the war in Iraq.

Transit operators must take effective steps to reduce the risk of terrorist attack. And they need help to do it. State and local governments are investing their own time and money, and the Federal Government should respond.

We should not wait for terrorists to attack a U.S. transit system to react. We need to take action now.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, we have had substantial debate on the substance of this amendment, the fact that the $1 billion probably will not impact dramatically the security situation. It might actually misallocate funds that could otherwise be used for intelligence and for Border Patrol agents and for other activities that are so critical and that are threat-oriented.

But the practical bottom line is this amendment is $1 billion over the budget and will add to the deficit by $1 billion, if it is adopted. I urge that the motion to waive be defeated.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the motion to waive. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

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

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 186 Leg.]

YEAS—53

Akaka	Dole	Lincoln
Baucus	Dorgan	Murray
Bayh	Durbin	Nelson (FL)
Bennett	Feingold	Nelson (NE)
Biden	Feinstein	Obama
Bingaman	Harkin	Pryor
Boxer	Hatch	Reed
Byrd	Inouye	Reid
Cantwell	Jeffords	Rockefeller
Carper	Johnson	Salazar
Chafee	Kennedy	Sarbanes
Clinton	Kerry	Schumer
Coleman	Kohl	Shelby
Conrad	Landrieu	Specter
Corzine	Lautenberg	Stabenow
Dayton	Leahy	Talent
DeWine	Levin	Wyden
Dodd	Lieberman	

NAYS—45

Alexander	DeMint	McCain
Allard	Domenici	McConnell
Allen	Ensign	Murkowski
Bond	Enzi	Roberts
Brownback	Frist	Santorum
Bunning	Graham	Sessions
Burns	Grassley	Smith
Burr	Gregg	Snowe
Chambliss	Hagel	Stevens
Coburn	Hutchison	Sununu
Cochran	Inhofe	Thomas
Collins	Isakson	Thune
Cornyn	Kyl	Vitter
Craig	Lugar	Voinovich
Crapo	Martinez	Warner

NOT VOTING—2

Lott Mikulski

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

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

Mr. FRIST. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FRIST. Mr. President, 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. FRIST. 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. FRIST. Mr. President, I ask that the pending amendments be set aside.

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

AMENDMENT NO. 1223

Mr. FRIST. Mr. President, I now send an amendment to the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 1223.

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

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

The amendment is as follows:

(Purpose: To protect classified information and to protect our servicemen and women)

At the appropriate place insert the following:

SEC. _____

Any federal officeholder who makes references to a classified Federal Bureau of Investigation report on the floor of the United States Senate, or any federal officeholder that makes a statement based on a FBI agent's comments which is used as propaganda by terrorist organizations thereby putting our servicemen and women at risk, shall not be permitted access to such information or to hold a security clearance for access to such information.

Mr. FRIST. Mr. President, I ask unanimous consent that there now be 90 minutes equally divided between the two leaders or their designees to be used concurrently on the pending amendment and No. 1222; further, that following the use or yielding back of that time, the Senate proceed to a vote in relation to the pending Frist amendment, to be followed immediately by a vote on the Reid amendment No. 1222, and there be no second-degree amendments in order to either amendments prior to the votes.

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

Mr. FRIST. Mr. President, briefly, with the three votes we just completed relating to mass transit, we are on a good glidepath toward finishing tonight. I should say we were on a good glidepath for finishing tonight. The chairman and ranking member of the Homeland Security subcommittee have cleared a large number of amendments, and it does appear we will be able to finish tonight.

Having said that, I am very disappointed that we now have pending before us what is purely a political amendment on which we will be spending the next 90 minutes, plus the votes. We have been working in very good faith on a bill that funds important priorities to this country, to our homeland security, and that has been the focus. We have done very well staying focused on this bill until the Democratic, really political, amendment was offered.

The pending amendment offered by the Democratic leader has nothing to do with funding of our national security. I am disappointed because it is going to slow down the underlying process on the bill.

We will be spending the next 90 minutes on these two amendments, then followed by two votes. Hopefully after that we will put politics aside and attend to the Nation's business.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The minority leader.

AMENDMENT NO. 1222

Mr. REID. Mr. President, I ask that my amendment be read.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

At the appropriate place, insert the following:

SEC. ____. No Federal employee who discloses, or has disclosed, classified information, including the identity of a covert agent of the Central Intelligence Agency, to a person not authorized to receive such information shall be permitted to hold a security clearance for access to such information.

Mr. REID. Mr. President, I ask that my leader time be used now.

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

Mr. REID. Mr. President, I want everyone here today to be clear on what we are talking about. You can call it politics; I call it government. I call it good government. We are talking about a matter of national security. At least one—there could be more—at least one senior White House official disclosed the identity of a CIA intelligence officer to a reporter or reporters, and then this administration proceeded to deny and deflect the truth after it was discovered it had been leaked. It put this agent's life in jeopardy. I repeat, it put this agent's life in jeopardy, plus people she had dealt with from other countries and here in America. It put our intelligence community at risk and, of course, jeopardized our national security.

Even the President's father, my friend, President George Bush, a former Director of the Central Intelligence Agency, recognizes the seriousness of this offense. He said:

I have nothing but contempt and anger for those who betray the trust by exposing the name of our sources. They are, in my view, the most insidious of traitors.

Whoever did this, according to George Bush, the first Bush President, would be an insidious traitor.

But instead of dealing with the problem, this administration, this White House, and the majority in the Senate want to divert attention from this breach of national security. Unfortunately, it is a pattern we are all too familiar with from this White House. When they are on the ropes, they attack. If you do not believe me, you need look no further than yesterday's Washington Post, July 13, 2005, which detailed the Republican strategy for this affair:

The emerging GOP strategy—devised by—

RNC chair

[Ken Mehlman] and other Rove loyalists outside the White House—is to try to undermine those Democrats calling for Rove's ouster, play down Rove's role and wait for President Bush's forthcoming Supreme Court selections to drown out the controversy, according to several high-level Republicans.

This is what is known as a coverup. This is an abuse of power. This is a diversion from what we should be dealing with in the Senate.

No interest in coming clean and being honest with the American people. This afternoon, the majority is bringing this strategy to the Senate floor. Mehlman's strategy is being brought right here, but the American people can see right through this.

This morning, the Wall Street Journal, not a bastion of liberality, had a poll which said only 41 percent of Americans believe the President is being honest and straightforward. That is from the Wall Street Journal this

morning, which confirms and underlines what I have said that this is a coverup. It is an abuse of power. It is diversionary.

It is time to quit playing partisan politics with our national security. It is time for the White House to come clean. It is time to address the pressing issues facing this country. This second-degree amendment—and I have been in the Congress more than two decades—is about as juvenile and as mudslinging as I have seen. We are here to protect the country. We are here with a bill that deals with homeland security. We are here to talk about issues such as leaking information about our CIA agents. Is that not part of our national security? I certainly hope so.

We have pressing issues facing this country. The reason the American people have lost faith in this administration is because we are not dealing with the problems they care about: 45 million Americans with no health insurance, millions of others underinsured; our educational system is wanting; K–12 have big problems; our public educational system is under attack. With college education today it is how much money one has as to where they can go to school and when they can go to school. It is how much money their parents have. Only half of American workers today have pensions, and more than half of those pensions are in distress.

People are worrying—just like those people who worked all of those valiant years at United Airlines—are they going to lose their pensions? Are they going to be cut? Are they going to be whacked?

This administration is obstructing progress. The American people deserve more. The Republicans should stop playing games, come clean, and work on issues to help this country.

What we have today, with this little second-degree amendment, is a diversion. It is an abuse of power, and it is a coverup.

The PRESIDING OFFICER. Who yields time?

The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, if I may, I noticed the Democratic leader had his amendment read. I would like to ask that the Frist amendment be read, and then Senator COLEMAN will be ready to address the Senate.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read as follows:

At the appropriate place, insert the following: Section. Any Federal officeholder who makes reference to a classified Federal Bureau of Investigation report on the floor of the United States Senate, or any federal officeholder that makes a statement based on a FBI agent's comments which is used as propaganda by terrorist organizations thereby putting our servicemen and women at risk, shall not be permitted access to such information or to hold security clearance for access to such information.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, we have had a very productive day dealing with homeland security, which is a $32 billion bill. In the past couple of weeks we passed an energy bill, a highway bill, and a trade agreement. We have a consultation process going on now for a Supreme Court appointment that I think is going fairly well. There has been a pretty good atmosphere in this body. My concern is that the oxygen is being sucked out of that good atmosphere as we get involved in partisan political attacks.

The circumstances that have motivated this statute are ones that are being reviewed right now by special counsel. That is the way it should be. We have somebody, the President, who says he has confidence in that special counsel, and it seems that rather than play partisan political games that we should let the special counsel do his work; that we should cool the rhetoric and we should focus on the business of the people, which I think we have been doing, which is a good thing.

I would really love to ask my colleagues on the other side of the aisle some questions about the statute. There is a reason we do things through committee and we review them. Perhaps one of my colleagues on the other side would yield to a question. There is an existing Federal law that makes it a crime to reveal the identity of agents. There are some very specific intent provisions in that statute. The law states that for a violation to occur, a Government official must have deliberately identified a covert agent.

As I read this statute, I am not sure whether there is an intent requirement. The criminal statute requires that they must have known the agent was undercover and that the Government was trying to keep that agent's identity a secret. That is the criminal law.

As I read this statute, I do not see any indication of intent. So when the amendment says ''no Federal employee who discloses, or has disclosed information,'' does that mean intentionally disclose? Does that mean unintentionally disclosed? Are we mirroring the criminal provisions to then apply them to a security clearance? I am not sure, and I would hope that on the time of my colleagues on the other side they will respond to those questions. If we went through the normal committee process, I think those are the kinds of questions we would sort out.

As I look at the amendment, it talks about ''no Federal employee.'' Does that mean public official? I would hope my colleagues on the other side of the aisle would agree that this amendment should cover public officials. It should cover us. Is the intent of my colleagues to specifically preclude Senators from losing their access to classified information? I think that is the intent.

If one goes back and looks at definitions of Federal employees, that is the conclusion one would come to. If one comes to that conclusion, I think that is a pretty poor conclusion. If we are going to talk about being outraged by the fact that classified information has been revealed—and, again, I think we have to answer this question of intent or not, but I would hope that my colleagues would look at this and say, yes, we mean to include public officials. And if we do include public officials, there is some other construction language we would have to deal with because public officials do not necessarily have clearances, but we have access to classified information. So we would have to work on it.

I know my colleague from Kansas would like to speak.

Mr. MCCONNELL. Will the Senator from Minnesota yield for a question?

Mr. COLEMAN. Absolutely.

Mr. MCCONNELL. Did I understand the Senator from Minnesota correctly that he was posing two questions to the proponents of the Reid amendment, No. 1, whether intent was left out of the amendment on purpose, and No. 2, whether it covered Members of Congress?

I was wondering if anyone on the other side was prepared to answer the questions of the Senator from Minnesota.

Mr. COLEMAN. Those questions that my colleague from Kentucky has raised are what we would like some answers to. Are we intending to cover public officials, U.S. Senators, by the provisions of this amendment, and do we include——

Mr. REID. Absolutely, yes.

Mr. COLEMAN. If that is the case, I suggest then we perhaps take a few minutes to work out the language because there may be some technical problems with definitions of Federal employees. The language in the statute talks about receiving security clearances for access to information. We do not necessarily have security clearances, but we do have access, so there may be some technical provisions.

I am very pleased if in fact my colleagues on the other side intend to include public officials. We might want to clean this up before we finalize it.

The other question I have is, is there an intent element in this statute? Is it intentionally disclosing or unintentionally disclosing? Is it negligently, is it mistakingly, or is there the specific kind of intent one usually needs to have in statutes of this kind?

How much time remains?

The PRESIDING OFFICER. There is 39½ minutes remaining.

Who yields time?

Mr. REID. I yield 6 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, Newsweek magazine reported that on July 11, 2003, a correspondent for Time magazine, Matt Cooper, sent an e-mail to his bureau chief, Michael Duffy: Subject, Rove P&C, and that means for personal and confidential. The e-mail said: Spoke to Rove on double supersecret background for about 2 minutes before he went on vacation.

According to Newsweek, Cooper wrote that Karl Rove offered him a big warning not to get too far out on Joe Wilson. Cooper's e-mail said the following: that it was, Karl Rove said, Wilson's wife who apparently works at the Agency—and that is referring clearly, by the other part of the e-mail, to CIA—on WMD, weapons of mass destruction, issues, who authorized the trip, referring to Joe Wilson's trip.

According to the Newsweek report, Ambassador Wilson's wife is Valerie Plame. Then Cooper finished his e-mail by writing: Please do not source this to Rove or even White House—and suggested that another reporter check with the CIA.

Then in October of 2003, White House spokesman Scott McClellan was asked whether Karl Rove was involved in the leak. These were the questions and answers:

Question: Scott, earlier this week you told us that neither Karl Rove nor two other named persons disclosed any classified information with regard to the leak. I am wondering if you could tell us more specifically whether any of them told any reporter that Valerie Plame worked for the CIA?

Mr. McClellan: Those individuals, now referring to including Rove, I spoke with those individuals, as I pointed out, and those individuals assured me they were not involved in this.

Question of McClellan: So none of them told any reporter that Valerie Plame worked for the CIA?

Mr. McClellan: They assured me they were not involved in this.

Then comes the bombshell, the contemporaneous e-mail which indicated that as a matter of fact Mr. Rove indicated to Mr. Cooper that Joe Wilson's wife apparently worked at the CIA on weapons of mass destruction issues.

It is not good enough to parse words on a matter that is this serious. It is not good enough to say, as both Mr. Rove and his lawyer have said, well, there was no reference to a specific name.

On July 3, Mr. Rove's lawyer said his client did not disclose the identity of the CIA person. A little over a week later, after the release of the Cooper e-mail, Mr. Rove's lawyer parsed the words and said Mr. Rove did not disclose the name.

Well, whether it is the name of a CIA employee or the identity of a CIA employee, that is wrong. It has to be stopped, and the only way to stop it is to adopt a statute which says either it is a criminal offense in case of specific intent, which we already have on the books, but even if one cannot prove a specific intent, even if one identifies a CIA employee, period, without the higher level of proof that is required for a criminal law, the identification of a CIA employee is enough to lose their security clearance. That is what the amendment before us provides: Identify a CIA agent, put that agent in this Nation at risk, and they are going to lose their security clearance.

Now, if someone does it intentionally, and if that can be proven beyond a reasonable doubt, beyond that, then they have committed a crime. So that is the answer to the question of my friend from Minnesota or the question of the Senator from Kentucky as to whether specific intent is required. It is not.

In the criminal statute, it is, but we say the disclosure of the identity of a covert CIA employee is sufficient to lose one's security clearance.

Let us be clear as to what this e-mail said. There was no doubt that Mr. Rove, at least according to the e-mail, knew that the wife of Joe Wilson was a CIA employee because she was so identified as a CIA employee. So there is no question in the fact situation which has brought this matter to such dramatic light that the facts are there to provide this basis that there was, indeed, knowledge. But, to answer the question, there is no specific intent which is required.

I wonder if the leader will yield 2 additional minutes?

Mr. REID. I am happy to do that.

Mr. LEVIN. Mr. President, the President has his responsibility. The President has said he knows Karl Rove was not involved. Now there is clear information that Karl Rove identified a CIA employee to a reporter who had no right to that information. Now what? Now that the President does know Mr. Rove is involved, now what?

That is up to the President. That is the President's responsibility; how he exercises it is his judgment. He will exercise it as he sees fit, now that he knows Mr. Rove was involved.

We can all give him suggestions, and we have, that he ought to exercise that responsibility by addressing the issue. Now that you know there was this involvement, now what?

But we have a responsibility. We have a responsibility in Congress to make sure there is no ambiguity in the law, there is no hair splitting, no legal loopholes, no question about—well, wait a minute, I didn't name a name, I only named an identity. No higher standard of proof is required by criminal law beyond a reasonable doubt. You identify a covert agent of the CIA, you lose your security clearance. It is as clear as that and as important as that to the security of this Nation.

Mr. COLEMAN. I wonder if my colleague from Michigan will yield for a question.

Mr. REID. He yields on your time.

Mr. LEVIN. I am happy to. I do not control the time.

Mr. COLEMAN. Is the Democratic leader aware of the executive order issued by President Clinton in 1995 on this issue, on security clearances?

Mr. REID. My friend from Michigan is answering the question.

Mr. COLEMAN. Because in that order—again, I am looking at the standard, and I appreciate my colleague's words about going beyond the intent. In the executive order the standard is knowingly, willfully, or negligently. Is that the standard that is intended by this statute? Or is this amendment changing that standard?

Mr. LEVIN. The amendment speaks for itself. If you identify a covert CIA agent, and you have a security clearance, and the person to whom you identify that covert CIA agent does not have the right to receive that information, you lose your clearance. Period. I think it is pretty clear.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, who has the floor?

Mr. LEVIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. COLEMAN. How much time do we have left, Mr. President?

The PRESIDING OFFICER. There is 38½ minutes.

Mr. COLEMAN. Is that on both amendments?

The PRESIDING OFFICER. On both amendments.

Mr. COLEMAN. To be split between both sides?

The PRESIDING OFFICER. There is 38 minutes for the majority on two amendments.

Mr. COLEMAN. Thank you, Mr. President. I yield to the Senator from Alabama such time as he needs.

Mr. SESSIONS. Mr. President, I am very disappointed that we would have such an amendment offered at this time in our American process of passing a Homeland Security bill.

Karl Rove has served this country exceedingly well. One reason people do not want to involve themselves in public service is they go out and try to do something and somebody accuses them of a crime. He had no intent whatsoever to do anything wrong, to violate any law or out any undercover agent. And if the reports in the paper are so, and I assume they are, those are the facts.

Victoria Toensing, the former Assistant Attorney General of the United States, was quoted this morning on television. I happened to catch it. She is a skilled lawyer and articulate person. Asked: Was this statement that allegedly had been made that Wilson's wife worked at the CIA, did that violate the law—a law she wrote; she was involved in writing the bill to deal with the deliberate outing of undercover operatives of the United States—she answered in one word, ''No.''

So what we have on the floor of this Senate is an attempt to pass an ex post facto law to remove the security clearance of one of America's finest public servants.

Look here. ''No Federal employee who discloses or has disclosed.'' We are going to change the law now? After somebody has done something that was not a violation of the law? What kind of principle of justice is that? This is a political charade. It is a game to embarrass the President of the United States, who is attempting to conduct a

war on behalf of the American people, a war this Congress has voted to support, overwhelmingly, by three-fourths vote. And I do not appreciate it. I think it is beneath this Senate's dignity. It is contrary to the quality of debate and effort to amend the laws we ought to have in this country.

I am shocked by it. I prosecuted for over 15 years in Federal court. You don't pass a law to go back and grab somebody who did something that was not a violation of the law in order to embarrass the President of the United States over nothing. He intended no harm here. He had no intention to out an undercover agent of the CIA—if these allegations are true, and I haven't talked to him about it.

I say this: Mr. Rove has served in the center of this Government since the President took office. He has conducted himself, I believe, with high standards. Yes, the colleagues on the other side probably have not been happy with the success he has had in helping President Bush in his campaign and other efforts. But he has not been accused of corruption or deceit or dishonesty, or certainly not anybody would suggest he would ever do anything to intentionally harm an agent of the United States who is out serving our country.

I say, this language is unacceptable. We ought to vote it down flatly. It is not proper and we ought not to be doing that at this time.

I yield the floor.

Mr. REID. Mr. President, I yield 8 minutes to the Senator from West Virginia, Mr. ROCKEFELLER.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, as vice chairman of the Senate Select Committee on Intelligence, I strongly support the Reid amendment. Senator REID is addressing a problem that has become endemic in recent years. It is something of which I have become acutely aware since I was appointed to that position 4½ years ago, the leaking of classified information.

Barely a day goes by, frankly, when you don't read or watch press reports that contain classified information. The country is the lesser for it. I tell my colleagues, these leaks do real damage to our national security. When individuals with access to our Nation's secrets disclose those secrets to the public, they are telling our enemies about our intelligence capabilities and potentially how to defeat them. When intelligence sources and methods are exposed, we lose the ability to collect the information that will keep America safe. Good intelligence is the foundation of national security. We know that. It guides our foreign policy, it helps us determine what weapons systems to build, and how to shape and deploy our military forces. It is critical to our efforts to stop terrorists before they attack.

Intelligence that is compromised, therefore, makes America less secure. There is no excuse when individuals entrusted with these secrets leak them. It is not just careless or unfortunate, it is dangerous. Among the secrets we guard the most closely are the identity of our spies. Revealing the identity of a covert agent not only ends the effectiveness of that individual, it puts that person in grave personal danger, and such disclosure also puts at risk all of the agent's colleagues and the people the agent has recruited around the world over the years. In other words, when you expose the name of a covert agent, people can die.

The consequences of such exposure are so severe that in 1982 the Congress passed the Identities Protection Act, to criminalize this behavior. But apparently that is not enough. Last year, someone with access to classified information told members of the press the identity of a covert CIA operative. They did this not to expose some wrongdoing, but because they wanted to embarrass her husband. Someone calculated that our national security was less important than scoring points in the press for the administration's policy regarding Iraq. The act was deplorable.

Over the past 2 years the special prosecutor appointed to investigate this crime has pursued it aggressively. He may now be making headway, we don't know, but it is unclear whether he will ever accumulate enough evidence to bring the guilty party or parties to justice. If he is unsuccessful, we should not let that be the end of this sorry episode. We can and should make it clear that people entrusted with classified information cannot carelessly disclose that information without consequence.

Federal employees are bound to protect classified information. If they do not, the very least sanction they should face is to lose the privilege of holding a security clearance. We have to make clear to those in the Federal workforce entrusted with protecting highly sensitive information that there are consequences for these disclosures.

The amendment by Senator REID does exactly that. It is straightforward and is common sense. If you disclose classified information to somebody not authorized to receive it, you are no longer allowed to hold a security clearance. The FBI and the Justice Department may not be able to gather sufficient evidence to prosecute leakers, but the Director of National Intelligence should be able to use this administrative tool to help stem the tide of unauthorized disclosures. We need to get serious about this problem and this is a good place to start.

The Frist amendment attempts to equate the unauthorized disclosure of classified information with unclassified remarks regarding an FBI report that some object to on political grounds. There is nothing inherently improper or illegal about making ''reference'' to an FBI report, or making a ''statement'' based on some unidentified FBI agent's comments. The law is clear about the importance of protecting highly sensitive national security secrets, including the identity of a covert agent. The Frist amendment makes a mockery of the gravity associated with leaking classified information by suggesting that any unclassified reference to any FBI report anyone believes is being used as propaganda is somehow as serious an offense.

Under the twisted logic contained in the Frist amendment, the remarks of FBI Director Mueller himself, if used by a purported terrorist group to discredit the United States, would cause the Director to lose access to classified information. It is absurd. This is absurd. The Frist amendment seeks to rewrite the freedom of speech clause of the Constitution and should be dismissed by this body out of hand.

The Reid amendment, on the other hand, is clear and measured. If you disclose classified information without authorization, your security clearance should be revoked.

I end by asking my colleagues, what is wrong with this?

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I yield up to 10 minutes to the Senator from Kansas.

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

Mr. ROBERTS. Mr. President, I am still a little unclear in regard to the Reid amendment. I understand from three Senators—Senator LEVIN, Senator DURBIN, Senator REID—that this also applies to public employees, i.e., Senators. If that is the case, if Members are included, one of the things we have to determine is that '' . . . to a person not authorized to receive such information shall be permitted to hold a security clearance for access to such information''—well, we don't have security clearances.

By our election, we are deemed to be cleared for all security, and so we are not losing anything. If in fact somebody unintentionally came to the floor and in a public statement basically said or disclosed or has disclosed classified information including the identity of a covert agent of the Central Intelligence Agency, the answer to this is meaningless because we don't have a security clearance. They don't exist for Members. We are deemed to have a total clearance. And so I don't know what the remedy is.

Again, if you do it unintentionally, I can tell you that is a slippery slope. There have been Members basically inadvertently saying things in the Chamber and in the public that could match this amendment. I am not going to get into names, but I think that has happened in the past without question. I know it happened in the Intelligence Committee, probably the Armed Services Committee, probably many other committees.

This is just not very clear, and what we have here is a Special Prosecutor with a lot of leaks; we have a reporter in jail for a story she did not write; we have a steady stream of leaks about every aspect of this case; we have the Washington press corps in full attack mode; and, finally, before we have all the facts known, we have my colleagues across the aisle calling for Karl Rove's resignation, if not incarceration. So much for the presumption of innocence.

Don't get me wrong; we must protect the identities without any question, as my distinguished vice chairman of the committee, Senator ROCKEFELLER, has said, but that obligation also extends to the Agency for which they work. I just think here we have a tempest, to characterize the newest revelations in the Valerie Plame case as a stunning turn of events demanding immediate action by the President, the special prosecutor, and now the Congress of the United States. I am not a big advocate of the ''shoot now, ask questions later'' approach. I certainly prefer to know the facts and then make a judgment.

My preference notwithstanding, the judgment of the current deluge of media coverage seems to be based on the premise that the White House—i.e., Karl Rove—was trying to discredit Ambassador Wilson for his much-publicized opposition to the war. It is important to remember that there is already a record on this point, and I urge Members to really pay attention to the record.

More than a year ago, the Senate Intelligence Committee issued its unanimous report on prewar intelligence assessments on Iraq. We have a 511-page report explaining in detail how our intelligence agencies got it wrong.

Now to the subject at hand, this so-called tempest. Included in that report was a recitation of the facts that surround the now infamous travels of the former Ambassador Joe Wilson, who can best be described as a bit player in the Iraq story, notwithstanding his substantial efforts to embellish the significance of his role.

Mr. Wilson became quite a celebrity and questioned the President's veracity as he carefully crafted his public persona as a ''truthteller.'' He went on a media blitz, Mr. President. He appeared on more than 30 television shows including, ironically, ''The Daily Show,'' a fake news show. Time and time again, he told anybody who would listen that the President had lied to the American people, the Vice President had lied, and that he had debunked the claim that Iraq was seeking uranium from Africa.

However, the committee found not only did he not debunk the claim, he actually gave some intelligence analysts even more reason to believe it may be true. In an interview with committee staff, the same committee staff that interviewed over 250 analysts to prove that we had systemic problems in the intelligence community, he was asked how he knew some of the things he was stating publicly with such confidence. On at least two occasions, he admitted that he had no direct knowledge to support some of his claims and he was drawing on either unrelated past experiences or no information at all. For example, when asked how he knew that the intelligence community had rejected the possibility of a Niger-Iraq uranium deal as he wrote in his book, he told committee staff that his assertion may have involved ''a little literary flair.''

I urge my colleagues to read the 511-page report that was voted out 17 to nothing.

The former Ambassador, either by design or through ignorance, gave the American people or, for that matter, the world, a version of events that was inaccurate, unsubstantiated, and misleading. What is more disturbing, he continues to do so today.

Now that the Washington press corps is in a full-attack mode over the recent revelations in the Valerie Plame case, Ambassador Wilson is back on the circuit. He is continuing his self-proclaimed quest to have Karl Rove, in his words, ''frog marched in handcuffs'' out of the White House. And basically that is what we are trying to do with this amendment, if you follow the partisan line of thinking as put forth by Ambassador Joe Wilson. And before all the facts are known, he has been joined by a chorus of colleagues and liberal action groups calling for Karl Rove's resignation and in some cases even incarceration. So much for the presumption of innocence.

Now, don't get me wrong. If someone willfully or knowingly outs an undercover intelligence officer, they should be punished. Senator ROCKEFELLER is exactly right about that. Punishment should be reserved, however, for those who have actually committed a crime. The law requires knowledge. And if Mr. Rove didn't know and no one told him that Valerie Plame was undercover, then, pardon me, he did not break any laws. The mere fact that one works for the CIA is not in and of itself classified.

As important, the law presumes the Government is taking ''affirmative measures to conceal'' the officer's intelligence relationship to the United States. I am just not convinced that a serious effort to conceal an undercover officer's intelligence relationship includes driving to CIA headquarters every day for work.

The Intelligence Committee has examined with staff the issue of cover before and identified a number of serious problems, and we are currently examining the issue of cover once again because some of these problems do persist. While we should leave the criminal investigation to the Special Prosecutor, we will continue our work to ensure that those who are actually undercover get the protection they need and deserve.

Again, as for the former Ambassador, no one needed to discredit him. He took care of that himself.

Now, before I close, I would like to say something in response to the gray picture painted by the distinguished minority leader. Much has been said about the grave damage that was done to our Nation's security when Valerie Plame's name was revealed to the press. There has also been speculation that Ms. Plame, although nominally undercover, really wasn't undercover at all. So as part of the Intelligence Committee's ongoing oversight of the issue of cover, we will examine this case and see where the truth lies.

Basically, I think we are on the wrong track here, and again I urge my colleagues, if you put in law that if anybody reveals classified information unintentionally, including the Members of this Senate, that is a slippery road we will go down where current Members who I see sitting in the Chamber would fit into that category, and it is unwarranted, unneeded. It is not the way to do it according to the act that was cited by my distinguished colleague from Minnesota.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. REID. I yield 5 minutes to the distinguished Senator from Connecticut, Mr. DODD.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I thank my colleague and leader, Senator REID. Let me respond to a couple of points. I had not intended to get involved deeply in this debate, but a couple things strike me, Mr. President, as this debate evolves.

First of all, this is an appropriate discussion on this bill. On what more appropriate piece of legislation could you have discussion than this one regarding intelligence matters that deal with the very issue of homeland security. So I don't understand the objection. You may object to the amendment, but the idea that on the Homeland Security bill where security plays a critical role, it seems to me discussing this matter has relevancy.

Secondly, it is our responsibility as Members of Congress to draft legislation to try to deal with these matters. Certainly what the Senator from Nevada has raised is responding to what is a national story, one that has been around now for the last several years, a matter, I might add, that could have been resolved probably a couple of years ago had Mr. Rove at the time said, Look, I am the person who spoke to Matt Cooper. I am the one who used Mr. Wilson's wife, describing her in those terms, and maybe explained at the time he didn't intend to do it. We might not be talking about this matter as extensively as we are today. But the fact is they covered it up for the last 2 years rather than coming clean and saying, I had that conversation.

I am perplexed at what the response of this is. Are my colleagues on the

other side suggesting as the alternative to what Senator REID proposes a better suggestion that people who do reveal highly classified information, the names of covert agents, should be allowed to continue to keep their secret classification? I don't think so.

That is really what the point of this is, to make the case that when anyone reveals, including Members of this body, highly classified information, the names of covert agents, you lose the privilege of having a security clearance. It is not a criminal indictment. It just says if you do that, you don't have the privilege of having that kind of a classification. I don't know why there is such a protest. This ought to be adopted unanimously.

Where is the objection? This does not mention Karl Rove, although certainly his actions have provoked this discussion. If in fact it turns out that he is indicted, then he will have to face those allegations. But to suggest that somehow we should do nothing about this, despite the fact that everyone is talking about it across the country—it has been a serious problem, it needs to be addressed, an investigation is ongoing—that should not deprive this body of responding to a situation where classified information, the name of a CIA agent, has been revealed and we ought to say something about it.

So, Mr. President, I think what Senator REID has proposed is eminently reasonable. It is applying to everyone here. And Senator ROCKEFELLER, our friend from West Virginia, is absolutely correct. It is an ongoing problem, almost on a daily basis, and we need to speak loudly and clearly, it has got to stop. If we are going to be more secure as a people, then we need to stop revealing important information and the identities of people who we depend upon to make us more secure. That is what the Reid amendment does.

My hope is we would have 100 Members supporting this amendment instead of a divisive debate over whether this is about an employee at the White House who, in my opinion, probably ought to voluntarily step aside pending the investigation and voluntarily give up his security clearance.

If he were a police officer in any department in the United States who had been accused of such a transgression, the chief of police would ask him to step aside temporarily, not to resign, not to retire but to step aside pending the investigation to determine whether the allegations were true.

That is what ought to happen here. But Mr. Rove is not directly the subject of this amendment. It is simply a response to a problem that exists in our country and one that needs to be addressed. Senator REID is right, and if our colleagues were smart, they would endorse this amendment and support it unanimously at the appropriate time when the vote occurs.

Mr. President, I yield the floor.

Mr. COLEMAN. Mr. President, once again, let's be very clear. It is about politics. That is all this is about—politics. We have an Executive order that has been in place for 10 years that talks about dealing with classified information, talks about what happens when classified information is revealed. An Executive order, by the way, has a standard, deals with a situation: knowingly, willfully or negligently. We have a standard.

My colleagues on the other side talk about a coverup. We have a matter that is being investigated by special counsel. The President of the United States says: I have confidence in the special counsel. Let's see what he does. We have Karl Rove, who is cooperating with the special counsel, who openly said: Whoever I talked to, talk to them.

There is no cover. This is about politics. I just came from a press conference a little while ago with the head of the campaign committee of the Democratic Party about this issue with Joe Wilson.

It is about politics. We have an amendment in which on the first blush it talks about Federal employees, and then after questioning they say: Well, yes, it means public officials. It is not in there.

But what happened to the greatest deliberative body in the world?

This is about politics. We have an amendment crafted as an ex post facto. Will that pass muster? I don't know. I have questions about it.

Again, I go back to the Executive order. It is very clear. It talks about knowingly, willfully, negligently. That makes sense. If you are an individual with your wallet stolen with a piece of information in there that led to the agent being uncovered, you are impacted by this. What about if your office is in a secure facility, somehow it was burglarized; are you covered? There is a reason you have an Executive order that has been in place 10 years that provides a knowing standard, a logical standard, an effective standard.

This is a poorly crafted piece of political propaganda. That is all it is.

Listen to the facts. They are based on what I read in Newsweek.

Instead of doing what you would think we do in this deliberative body, we wait to see what the special counsel has to say. We wait to get the facts before the Senate. If, in fact, we find this Executive order is lacking in scope, is lacking in effect, is somehow not doing the job it needs to do, we can provide some legislation to deal with it.

We have none of that. What we have is ''gotcha politics'' in Washington in 2005. So we are dealing with something that is hastily crafted, poorly crafted, that does not explicitly say who it covers, that does not have a clear standard of intent, that is simply unnecessary—unnecessary when the conduct that was supposed to be concerned about, or should be concerned about is already covered by Executive order.

Mr. SESSIONS. Will the Senator yield?

Mr. COLEMAN. I yield.

Mr. SESSIONS. The Senator from Minnesota is an experienced prosecutor and understands these things.

It also, as I read it, says, if you reveal the identity of a covert agent without an intent—you might not even know that person was a covert agent, isn't that right?—you would be in violation of the statute.

Mr. COLEMAN. The Senator from Alabama, based on my reading of this, is correct.

Mr. SESSIONS. That is another example of the poor drafting of this statute, to hold somebody accountable for a perfectly innocent mistake—a strict liability statute that requires only the revealing of information that somebody happened to be a covert agent when the person did not even know it.

Mr. COLEMAN. I suggest to my friend from Alabama that is the reason, in the Executive order, we have a standard of knowing. In fact, if you do something negligently, there is a standard and you can be held accountable. But there is no such standard, whatever, in this hastily crafted political amendment and, as such, my colleagues should reject it.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. This amendment is an amendment that deals with the following:

> No Federal employee who discloses, or has disclosed, classified information, including the identity of a covert agent of the Central Intelligence Agency, to a person not authorized to receive such information shall be permitted to hold a security clearance for access to such information.

How in the world can anyone in this Senate vote against this? The only reason I can figure out is that there is an attempt to divert attention, an attempt to cover up. It is an abuse of power. This is absolutely something that everyone should vote for.

There have been wails of concern from the other side but very little discussion of this amendment. I simply say, when they talk about the Executive order, I learned in law school that a Federal law would supersede any Executive order.

I yield 4 minutes to the Senator from California, Mrs. FEINSTEIN.

Mrs. FEINSTEIN. Mr. President, there are some who may disagree with the proposition at the heart of Senator REID's amendment; that is, that U.S. Government officials who violate the laws governing safeguarding sources should not be permitted to have continued access to that information. I happen to agree with that. I happen to think it is a fair point to discuss. As the Senator from Connecticut said, it is appropriate for this discussion.

In fact, there is a document that every employee signs. It is entitled ''Department of Defense Secrecy Agreement.'' The second part of it reads:

> I agree that I will never divulge, publish or reveal, either by word, conduct, or by any

other means, any classified information, intelligence, or knowledge, except in the performance of my official duties and in accordance with the laws of the United States, unless specifically authorized in writing in each case by the Secretary of Defense.

It is my understanding Senators do not sign it, Members of Congress do not sign it, but members of the administration and staff do sign this document.

All the Reid amendment does, essentially, is codify what has been carried out informally by regulation.

The second-degree amendment is not fair or honorable. It is clearly designed to threaten a Member's unquestionably lawful conduct. It is venal. I believe it is unprecedented.

We have asked the historian of the Senate if this has ever been done before. He said, no, never in the Senate. Once, in the House of Representatives, from 1836 to 1844, the House had a gag rule on all motions pertaining to abolition of slavery. They were immediately tabled. Otherwise, there never has been an effort like this.

The problem with the substitute amendment, and let me read it, is this.

It says strike all that follows and add the following:

Any federal office holder who makes reference to a classified Federal Bureau of Investigation report on the floor of the Senate, or any federal officeholder that makes a statement based on an FBI agent's comments which is used as propaganda by terrorist organizations thereby putting our servicemen and women at risk, shall not be permitted access to such information or to hold a security clearance for access to this information.

Yesterday, I had a meeting with the Director of the FBI. We discussed many aspects of the PATRIOT Act. Supposing I had come to the Senate and discussed those aspects and Al-Jazeera picked it up and used it as propaganda. I am within my rights to discuss that. It is unclassified. I know of no Senator that has come to the Senate and used any information that was classified.

Now, there have been accusations. I got that FBI report. I have it right here. It has a big X through secret and has written on it:

All information contained herein is unclassified except where shown otherwise.

What this amendment aims to get at is clearly a venal retribution. Candidly, I object to it. It has never happened in the Senate before. And it should not happen today.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. I appreciate very much the statement of the Senator from California. No one works harder in the Senate than this Senator. She serves on the Committee on Appropriations, the Committee on Energy and Natural Resources, Judiciary, Rules and Administration, and Intelligence. She has served honorably on the Intelligence Committee and spent days of her life in the Intelligence Committee. I very much appreciate her statement.

How much time remains with the majority and the minority?

The PRESIDING OFFICER. The majority has 20½ minutes and the minority has 20½ minutes.

Mr. REID. I yield 4 minutes to the Senator from California, Mrs. BOXER.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, the Reid-Levin Rockefeller-Biden amendment is very clear. I will read it again so that, hopefully, the American people know what we are debating. This is what we are debating:

No Federal employee who discloses, or has disclosed, classified information, including the identity of a covert agent of the Central Intelligence Agency, to a person not authorized to receive such information shall be permitted to hold a security clearance for access to such information.

Why is this important? It is important because when this story broke, CIA agents and folks at the CIA were absolutely horrified that the name of a covert agent had been leaked, putting that covert agent in grave danger.

Now who could vote against this? I don't know. We are going to find out. But let me state what I think it is about. Either you stand on the side of these brave undercover operatives who risk their lives every day, without people with a political agenda going after them to reveal them, or you stand on the side of those who would play politics and have played politics with their identity.

Why did it happen in this particular case? Because this particular administration did not like what they heard from a particular gentleman, and to punish him, they went after his wife. And they didn't care. You cannot tell me because you didn't use her everyday name that it was hard to find out who she was.

If somebody says Senator BOXER's husband did thus and so, even if he had a different last name, it would not be too hard to find out who my husband is.

So here we had a political agenda and Senator COLEMAN talks about how horrible it is to play politics on the floor of the Senate. Publishing an ''enemy's list'' is the worst form, and the lowest form, of politics you can have. This took it to a whole other level when it involved someone who was an undercover agent.

I want to say a word about the second-degree amendment, which is unbelievable. Under the second-degree amendment, if this passes, every single Member in the Senate will lose their security clearance. Anyone in this Senate who ever came down to the floor and said anything about the pictures at Abu Ghraib will lose their clearance. Anyone who ever came to the floor and said, I think it is important, when the President makes a nomination, we get all the information, including reading an FBI report. Let me say, and I guess I will lose my clearance, but I will say it right now, up against this amendment, this ridiculous second-degree amendment—I say right now, whenever the President nominates someone for a high position and there is an FBI file, I say to my friends, you are not doing your job if you do not read it.

Under this, I guess I lose my security clearance.

So be it. But I think everyone in this Senate has lost their security clearance because every one of us has spoken about the Iraqi war.

Now my colleague says we don't have a security clearance. You have read this. You have written this. So there you go.

Your side wrote, can't have a security clearance. So all I can say is, one side can say you are playing politics, the other side can. Put that aside. Read this amendment. It is the right thing to do. Either you stand on the side of the brave men and women who risk their lives undercover every day or you stand on the side of politics. You make up your mind.

I yield the floor.

Mr. COLEMAN. Mr. President, I yield 2 minutes to the Senator from Kansas.

Mr. ROBERTS. Mr. President, for the record, my good friend, my colleague from California, does not have a security clearance. None of us do. We are deemed by the electorate to be cleared from the lowest to the highest. We do not have a security clearance to lose.

So that is not accurate. And I don't court the venal part of this.

In terms of the second-degree amendment, unless I was hearing something different and somebody raised the issue, as Congress included in this—the Senate—along with Federal employees who either intentionally or unintentionally reveal classified information, Senator LEVIN, Senator DURBIN, Senator REID said ''yes.'' So that is reflective of the second-degree amendment.

If that is not the case, we have a double standard for Members of Congress or other public officials as opposed to Federal employees. We ought to get that straight, which is why I think the suggestion from the Senator from——

Mrs. BOXER. Will my friend yield for a question?

Mr. ROBERTS. No. I only have 2 minutes. But perhaps on down the road.

That is why I think the suggestion of the Senator from Minnesota is a good one, that we ought to go into a quorum call to try to figure out what this means.

Read the language in detail. Intentionally or unintentionally reveal classified information—I have news for you, we have people in the intelligence community who make mistakes, inadvertently make mistakes. This is going to end the career of many young people who will make mistakes down the road and lose their security clearance.

Security clearances are an administrative process, not a statutory process. The Reid amendment strips all distinction from employees in regard to their home agency and in regard to any discretion.

Mr. President, could I have one more minute?

Mr. COLEMAN. Mr. President, I yield another minute to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized for one additional minute.

Mr. ROBERTS. So in your zeal to hang Karl Rove—and that is what this is about—you are going to put a stake in the careers of national security professionals from here on in.

During the administrative procedure by that home agency or that person's superior officer, they can be counseled, they can be admonished, but they do not lose their security clearances. They do make mistakes. I don't know how many that is going to be, but that is going to be a bunch.

That is going to send a chilling effect throughout our entire intelligence community. This is poorly written. We ought to go into a quorum call and work it together so we at least know what the outcome is going to be.

Mrs. BOXER. Could you yield now on your time?

Mr. ROBERTS. I don't have any time. It is his time.

Mr. REID. Mr. President, I yield 5 minutes to the distinguished Senator from New York, Mr. SCHUMER.

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

Mr. SCHUMER. Thank you, Mr. President. I would like to compliment my friend from Kansas for his remarks. While I am not sure he is right, he is doing what we should be doing on this floor. We presented an amendment on a serious issue, and he is debating that amendment. He is saying: Here is a place in the amendment that I think is wrong, and maybe you ought to change it.

That is how a debate ought to go. But the response of my colleagues who have cosponsored the other amendment is not that at all. It is not to debate a serious issue that involves national security. It is, rather, to create a smokescreen—''You stick it to us, we will stick it to you''—when we all know that the issue of who leaked this information is a serious issue. We did not say it is a serious issue. President Bush did. George Tenet did. The original investigation I was involved in creating because I called George Tenet and said: This is an affront to all CIA agents. He agreed, and called the Justice Department and said: Do an investigation. It is serious stuff.

What do we get in response? A smokescreen. It is almost sort of the childish sticking out your tongue back at somebody. Debate the issue. I can understand why you do not want to debate the issue. Somebody in the White House did something seriously wrong. Does anyone have any doubt that if this occurred under a Democratic President that you would want to debate it, as you should? The opposition party is intended in this Republic to be a check.

As I said, I originally called for this investigation. I worked with Deputy Attorney General Comey to get an independent counsel who was above reproach. I never mentioned a word about any individual. Because there was none. There was all this swirl about Karl Rove. You did not hear the senior Senator from New York talking about it. You, rather, heard me say: Let's get to the bottom of this.

But in the last 2 or 3 weeks, we have seen some serious and indisputable evidence. We do not know if it meets the criminal standard. That is why I have not called for Karl Rove to step down. But we do know, without any doubt, that security was compromised. You cannot hide behind the argument: Well, I mentioned the husband and not the wife and, therefore, I didn't breach some kind of security.

While the criminal law standard says you had to know whether that wife was classified, whether Ms. Plame, Agent Plame was classified, that is not the standard in terms of entitling someone with the privilege of hearing national security secrets.

If you cannot keep those secrets, if you disclose those secrets, for whatever motivation, and particularly a venal one, if that was the case, political retribution, you do not deserve to continue to hear those secrets. That is what the amendment offered by my colleagues from Nevada and Michigan and West Virginia simply says. It is the right thing to do.

The President should have done it without any amendment. If someone leaks a name—and it looks more and more as though it was Karl Rove; and we know for an undisputed fact—his lawyer admitted it—he stepped right up to the line—we don't know if criminally he stepped over it or not; that will be for Mr. Fitzgerald to determine, not for us—then he should not have that security clearance.

You are right, my colleagues, we should not have to be here today. The President should have done this on his own. And if you think the amendment is poorly drafted, as my good friend from Kansas does, that is what this place is all about. Come and tell us why and how we can change it and make it better.

But if the response is simply to say, ''Oh, we're going to try to create a smokescreen or maybe intimidate you on the other side,'' that is not worthy of what this body is about, at least in its better and finer moments.

So, my colleagues, I would hope we could have a 100-to-nothing vote on the amendment by the Senator from Nevada. Yes, it is embarrassing that it happened in the White House, and they are Members of your party. But it happened. No one disputes it happened. I do not think a single American thinks that nothing should be done.

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

Mr. SCHUMER. I urge support of the Reid amendment and rejection of the amendment offered by the Senator from Minnesota.

Mr. REID. What time remains on both sides, Mr. President?

The PRESIDING OFFICER. The majority has 17½ minutes. The minority has 10 minutes 49 seconds.

Mr. REID. Mr. President, I would ask, under the usual status here, under the usual procedure, that I would have the close here. But we have more time than you have, as I understand it—17½ minutes—and you have 10; is that right?

The PRESIDING OFFICER. The majority has 17½ minutes. The minority has 10 minutes 49 seconds.

Mr. REID. I was just thinking we were in the majority, but I guess we are not.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I yield such time to the majority whip as he needs.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. MCCONNELL. Mr. President, I rise to speak on the Frist amendment, which is one of the two votes we will have shortly.

First, let me say, I regret we are spending an hour and a half of the Senate's time, when we should be debating and completing the Homeland Security bill, engaged in extensive political sparring.

The Karl Rove amendment—and that is exactly what it is—richly deserves to be defeated. I certainly would encourage all of our colleagues to vote against that amendment when it is before us shortly.

But with regard to the Frist amendment, Senators ought to be especially careful when they repeat unproven allegations about the conduct of our troops, particularly during a time of war. Our enemies can make use of such statements. And their propaganda puts at risk our service men and women who are, of course, out there protecting us every day.

Unfortunately, this very thing happened last month when one of our colleagues repeated unproven allegations about our service men and women who were interrogating suspected terrorists. It was reported in the Middle East. It would be hard to believe that it did not do damage to our troops while we continue to fight in the war on terror in that region.

It seems to me if we are going to impose strict liability on Federal employees who act indiscreetly, then we should not have a different standard for ourselves. I know our colleagues on the other side of the aisle have indicated that the Reid amendment intends to include Senators, but it seems not to be drafted that way. If Senators disclose classified information or repeat unproven allegations that endanger our troops, then it seems to me we ought to lose our access to classified information as well.

The Reid amendment does not do that because it talks about Federal employees, which seems to mean only

civil servants. Again, I acknowledge and recognize that those on the other side of the aisle have said it means to include us. However, it does not seem to in the plain meaning of the amendment.

The Frist amendment makes it clear that we, as Federal officeholders, also lose our access to confidential information if we act rashly, intemperately, and thereby put our troops at risk. What the Frist amendment is about is the security of our servicemen and our servicewomen.

Statements on the Senate floor—out here on the Senate floor—comparing our service men and women to tyrannical regimes that result in risking their safety must not and should not stand. I hope when the Senate has an opportunity to address both of these amendments shortly, the Reid amendment will be defeated and the Frist amendment will be adopted.

Mr. President, I yield the floor.

Mr. REID. Mr. President, I yield 4 minutes to the Senator from New Jersey, Mr. LAUTENBERG.

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

Mr. LAUTENBERG. Mr. President, I rise to support the Reid amendment. It is something we have to do, given the White House inaction on Mr. Rove's behavior. We hear nitpicking about words. What was the intention? Is it ex post facto law? No, it is not ex post facto law. We are not just writing a law here. What we are doing is trying to curtail a situation that enables someone at the White House level to make a statement that, frankly, sounds as if it is traitorous, as defined in April of 1999, when former President George H. W. Bush said, speaking about the outing of a CIA agent and sources: ''I have nothing but contempt and anger for those who betray the trust by exposing the name of our sources. They are in my view the most insidious of traitors.'' That is right: traitors.

So now we know who leaked the information, revealed publicly, Mr. Rove. Where is the appropriate action? Well, here is a quote from a White House press briefing with Scott McClellan on September 29, 2003.

> Q: You said this morning, quote, ''The President knows that Karl Rove wasn't involved.'' How does he know that?
>
> A: Well, I've made it very clear that it was a ridiculous suggestion in the first place. . . . I've said that it's not true. . . . And I have spoken with Karl Rove. . . .
>
> Q: When you talked to Mr. Rove, did you discuss, ''Did you ever have this information?''
>
> A: I've made it very clear, he was not involved, that there's no truth to the suggestion that he was.

We go to the next episode. This is Scott McClellan on September 29, 2003:

> If anyone in this administration was involved in it, they would no longer be in this administration.

I guess it takes a long time to terminate somebody. That was over a year and a half ago.

President George W. Bush said on September 30, 2003:

> If somebody did leak classified information, I'd like to know it, and will take appropriate action.

It is pretty clear what is intended here. He violated the rules of the White House here. Why shouldn't the public be aware of the fact that, as they try to distribute guilt all over the place, it comes from the President's very senior assistant? That is what we are talking about. The rest of this is trivial. It is getting even. It is recrimination: I will get you if you get me.

So we ought to move on positively on the Reid vote. Let's see how everybody stands on this, whether they want the public to know the truth; and that is: Karl Rove, did he violate the rules? Did he violate the regulations when he went ahead and revealed something that never should have been made public, the identification of a CIA employee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I yield 2 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, last week we saw the terrorist attack on an ally. Our country faces very important homeland security challenges. We have been in the midst of debating important public policy issues—how best to secure mass transit or to prepare our first responders. I cannot believe the Senate has diverted from that important debate—a debate important to Americans all across this country—and instead of finishing up the Homeland Security bill, we have diverted to debate these issues.

We should not be doing this. This is exactly why the American public holds Congress in such low esteem right now.

We should be focusing on the national security and homeland security challenges facing this Nation. We should not be engaging in this debate. I, for one, am going to vote no on both of the amendments.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Minnesota.

Mr. COLEMAN. Madam President, I understand the frustration of my colleague from Maine. I urge that we lower the rhetoric here and go about doing our business. There is a special counsel looking at this. Contrary to what my colleague from New Jersey said—he said we are not writing the law here—that is what we are doing. We are writing a law here. I have worked with my colleagues across the aisle. I have worked with them on the permanent subcommittee, on the Foreign Relations Committee. I know how studious they are. I know how focused they are in doing the right thing. I know how when they want to do something, they want to make sure it is complete. They want to make sure they have examined it.

They can all see what we are doing here. It is about politics. We are writing a law here. We are writing it on the run. We are writing it without clarifying the definition of who is covered. We are writing it without clarifying what the standard of intent is, whether it is beyond negligent conduct. We are writing it without reflection on an existing Executive order that covers the conduct we all want to deal with.

My colleague from California was right. Whose side are you on? Are you on the side of the agents who risk their lives to protect the American dream and the American ideal, things this body is supposed to stand for, or are you for politics? Today we are about politics. Today we are diverting from a $31 billion bill to protect America's security, and we are debating politics.

We don't know the facts. We have a special counsel whose job it is to get the facts. The President is committed to act on that. Instead we are playing politics. This is not a shining moment for the Senate. I have to believe my colleagues on the other side of the aisle know that. I urge my colleagues to defeat the Reid amendment.

I reserve the remainder of my time.

Mr. REID. Madam President, I yield 2 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I have two quick points. First, the current law which has been referred to by my good friend from Minnesota is a discretionary law. Whether someone does this intentionally or negligently, the violation may or may not lead to the loss of one's clearance. That is simply too loose. It is too discretionary. It has resulted in leak after leak after leak. It is long overdue that we tighten this law, and that is the effort of the amendment before us. It relates directly to the national security of the United States.

I agree with my dear friend from Maine when she says we have to address national security issues. Protection of the classified identity of CIA agents is essential to the national security of the United States. If one identifies an agent, a CIA agent, it seems to me that person should lose their clearance, no ifs, no ands, no buts. That is not something which should be left to a ''may'' lose one's clearance. It should be a ''shall'' lose one's clearance.

On the second-degree amendment, the amendment of the majority leader, when it states that . . . ''Any Federal officerholder that makes a statement based on an FBI agent's comments which is used as propaganda'' shall lead to the loss of clearance, we had a whole hearing yesterday about FBI agents' statements. Those statements were highly critical of the Department of Defense employees at Guantanamo. These included a number of FBI agents' e-mails that were critical. Those were the subject of a hearing of the Armed Services Committee yesterday. Many

members of the Armed Services Committee were highly critical of the conduct of some of the people at Guantanamo as reflected in those FBI e-mails.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. REID. I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the minority leader.

Madam President, I want to raise this point: If you can't discuss the issue of intelligence and security on a bill about homeland security, where would you raise the issue? What we are talking about here are men and women who are the first line of defense against terrorism. These are intelligence agents who literally, many of them, risk their lives every day to protect Americans.

What happened here? There was a decision made by some people in the White House—that is what Mr. Novak said—to disclose the identity of a covert CIA agent, the wife of former Ambassador Joe Wilson, for the purpose of political retribution. That is what it was all about. They were angry with Ambassador Wilson, and so they were going to disclose his wife's identity, a woman who had put her life on the line for the United States. That disclosure endangered her life and the lives of everyone she worked with. It was political.

The Senator from Minnesota is right. At the heart of this is politics: a decision by someone in the White House at the highest level for political revenge to go after the identity of this woman.

Let me tell you what other CIA officers had to say about it. They all happen to be Republicans. After this happened, this is what they said, those who were contemporaries of hers:

> My classmates and I have been betrayed. Together, we have kept the secret of each other's identities for over 18 years. . . . This issue is not just about a blown cover. It is about the destruction of the very essence, the core, of human intelligence collection activities—plausible deniability—apparently for partisan domestic reasons.

We have heard people come to the floor on the Republican side who have said this is all political and it is not that important and why don't we get back to the bill. It is important. What Senator REID has offered—an amendment which I am proud to cosponsor—basically says, if you disclose the identity of a covert CIA agent, you lose your security clearance. Why? Because why should we continue to give information to people about those who are risking their lives for America if they are going to misuse it, in this case, for political purposes? That is what this is all about. It is fundamental and basic.

For those who say: I am going to vote against that, think about what you are saying. You are saying a person can disclose the identity of a CIA agent and still keep their security clearance, gathering more information and the identity of more agents. How can that give the men and women in our intelligence community any confidence that we stand behind them? I don't believe it can.

There is a second-degree amendment that has been offered and referred to by the Senator from Kentucky. In the time I have been on Capitol Hill, it may be the worst drawn amendment I have ever seen. I don't think those who put it together sat down and read it very carefully. Because if they did, they would understand that the language they put in it is so broad and so expansive that it draws together many innocent people and many people they didn't intend.

Listen to this: Any Federal officerholder who makes reference to a classified Federal Bureau of Investigation report on the floor of the Senate shall lose their security clearance.

We did a quick check. I am sorry to say to the Senator from Kentucky, you are going to be stunned to know that many chairmen and former chairmen of the Senate Judiciary Committee have done just that. They have disclosed a classified reference to a classified Federal Bureau of Investigation report on the floor of the Senate. I won't read all the names of my colleagues into the RECORD—I guess I could—who have come to the floor and have already violated this provision in the second-degree amendment.

One of my colleagues was on the floor. I went to him and said: I am not going to read your name into the RECORD. You did it. You may not have known you did it, but you did.

This amendment was so poorly drafted that it has brought all of them under this prohibition where they can't have a security clearance.

Let me tell you the second part on which the Senator from Kentucky continues to make reference. If the standard is, whatever we say on the floor may be used by an organization such as Al-Jazeera against the United States, we are in trouble. These are the clippings from Al-Jazeera's Internet site where they have cited Senator after Senator for things they have said on the floor. Be careful on the second-degree amendment. It goes far beyond what they intended.

Mr. REID. I yield 1 more minute to the Senator from Illinois.

Mr. DURBIN. The Senate Armed Services Committee had a meeting yesterday. They discussed FBI reports about Abu Ghraib, about Guantanamo. They have no control—the members of that committee—about how those reports will be used by others. Here is the Al-Jazeera Web site which referred to Senators on that committee who were using those reports. Under the language of the amendment being offered by the Senator from Kentucky and the majority leader, these Senators, who believed they were doing their job, would lose their security clearance. I know they are trying to come back and attack us and say, if you are going to say something negative about Karl Rove, we are going to say something negative about you. But this amendment was so poorly drawn that they have drawn into their net of suspicion and accusation many of their own colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. I yield 2 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, there might be a contest between which of these amendments is most poorly drafted. The Reid amendment that kicked off this event, that surprised me when it came up in this last minute, says that ''No Federal employee who discloses, or has disclosed classified information . . . '' And goodness, that has already been disclosed. It is something that has already happened. Apparently, it is not a violation of the law. Now we are going to reach back and make it a violation of law. That is ex post facto law. It would come back from the Supreme Court, if anybody were ever charged and convicted under it, like a rubber ball off the wall.

Mr. LEVIN. Will my friend yield for a question on that?

Mr. SESSIONS. No, 2 minutes is all I have.

It also says ''no Federal employee,'' and the Senator says that includes Senators. He can say it includes turnips, but it doesn't include Senators. It says Federal employees, and that does not cover Senators. It also says a covert agent, and there is no intent or knowledge required. So a person could mention a name not knowing they were a covert agent and be subject to this punishment. Frankly, I don't think the other amendment is much better. Both should be voted down.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. How much time do we have left?

The PRESIDING OFFICER. There is 9 minutes 31 seconds remaining.

Mr. COLEMAN. I yield 2 minutes to the majority whip.

Mr. MCCONNELL. Madam President, I thank my friend from Minnesota.

While we are talking about poorly drafted amendments, listen to this. Under the Reid amendment, it imposes a standard of strict liability so that a civil servant who loses his wallet would lose his security clearance. A civil servant who loses his wallet under the Reid amendment would lose his security clearance. What is the point of all this? We ought not to be, as Senator COLLINS pointed out, having these political debates on this bill. But if our colleagues on the other side insist on trying to offer these kinds of amendments, I think the point needs to be made clearly that there will be amendments offered on this side. In other words, this kind of political gamesmanship on the Senate floor will not

stand, will not be yielded to, will not succeed. In the end, the public will only get the impression that we are playing games here when we should be dealing with their business. Their business, the underlying bill, is the Homeland Security bill, of extraordinary importance to our country. Hopefully, shortly the time will run out, and we will get back to doing the people's business.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Madam President, before we close, I do want to get back to perhaps some of the underlying facts that motivated this amendment. By the way, we don't know the facts. We just know what we have read. The Democratic leader cited a poll that appeared in the Wall Street Journal. I have an editorial that appeared in the Wall Street Journal yesterday, July 13. I ask unanimous consent to print it in the RECORD.

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

[From the Wall Street Journal, July 13, 2005]

KARL ROVE, WHISTLEBLOWER

Democrats and most of the Beltway press corps are baying for Karl Rove's head over his role in exposing a case of CIA nepotism involving Joe Wilson and his wife, Valerie Plame. On the contrary, we'd say the White House political guru deserves a prize—perhaps the next iteration of the ''Truth-Telling'' award that The Nation magazine bestowed upon Mr. Wilson before the Senate Intelligence Committee exposed him as a fraud.

For Mr. Rove is turning out to be the real ''whistleblower'' in this whole sorry pseudoscandal. He's the one who warned Time's Matthew Cooper and other reporters to be wary of Mr. Wilson's credibility. He's the one who told the press the truth that Mr. Wilson had been recommended for the CIA consulting gig by his wife, not by Vice President Dick Cheney as Mr. Wilson was asserting on the airwaves. In short, Mr. Rove provided important background so Americans could understand that Mr. Wilson wasn't a whistleblower but was a partisan trying to discredit the Iraq War in an election campaign. Thank you, Mr. Rove.

Media chants aside, there's no evidence that Mr. Rove broke any laws in telling reporters that Ms. Plame may have played a role in her husband's selection for a 2002 mission to investigate reports that Iraq was seeking uranium ore in Niger. To be prosecuted under the 1982 Intelligence Identities Protection Act, Mr. Rove would had to have deliberately and maliciously exposed Ms. Plame knowing that she was an undercover agent and using information he'd obtained in an official capacity. But it appears Mr. Rove didn't even know Ms. Plame's name and had only heard bout her work at Langley from other Journalists.

On the ''no underlying crime'' point, moreover, no less than the New York Times and Washington Post now agree. So do the 136 major news organizations that filed a legal brief in March aimed at keeping Mr. Cooper and the New York Times's Judith Miller out of jail.

''While an investigation of the leak was justified, it is far from clear—at least on the public record—that a crime took place,'' the Post noted the other day. Granted the media have come a bit late to this understanding, and then only to protect their own, but the logic of their argument is that Mr. Rove did nothing wrong either.

The same can't be said for Mr. Wilson, who first ''outed'' himself as a CIA consultant in a melodramatic New York Times op-ed in July 2003. At the time he claimed to have thoroughly debunked the Iraq-Niger yellowcake uranium connection that President Bush had mentioned in his now famous ''16 words'' on the subject in that year's State of the Union address.

Mr. Wilson also vehemently denied it when columnist Robert Novak first reported that his wife had played a role in selecting him for the Niger mission. He promptly signed up as adviser to the Kerry campaign and was feted almost everywhere in the media, including repeat appearances on NBC's ''Meet the Press'' and a photo spread (with Valerie) in Vanity Fair.

But his day in the political sun was short-lived. The bipartisan Senate Intelligence Committee report last July cited the note that Ms. Plame had sent recommending her

* * * * *

Mr. COLEMAN. It talks about Karl Rove the ''whistleblower.'' I don't want to read all of it, but in part it reads:

For Mr. Rove is turning out to be the real ''whistleblower'' in this whole sorry pseudoscandal. He's the one who warned Time's Matthew Cooper and other reporters to be wary of Mr. Wilson's credibility. He's the one who told the press the truth that Mr. Wilson had been recommended for the CIA consulting gig by his wife, not by Vice President Dick Cheney as Mr. Wilson was asserting on the airwaves. In short, Mr. Rove provided important background so Americans could understand that Mr. Wilson wasn't a whistleblower but was a partisan trying to discredit the Iraq War in an election campaign.

I believe what I have read, that Mr. Rove may have said it was Wilson's wife who worked at the CIA. We don't know that. Did he know she was a covert agent. We don't know.

It goes on and on to talk about the 1982 law:

. . . Mr. Rove would had to have deliberately and maliciously exposed Ms. Plame knowing that she was an undercover agent and using information he'd obtained in an official capacity. But it appears Mr. Rove didn't even know Ms. Plame's name and had only heard about her work at Langley from other journalists.

We don't know what he knows, Madam President. That is why there is a special counsel, and we should wait to find out what he finds. Nobody is arguing about debating these issues, but we are arguing about passing legislation. Contrary to what my friend from New Jersey says, we are writing a law. I want to remind my colleagues that we are writing a law that doesn't, on its face, in the language of it, cover us. As my friend from Alabama said, they say it covers us, but it doesn't. We don't come under the definition of Federal employees. So we are not covered by this hastily crafted, politically motivated amendment. This covers inadvertent, accidental, an act of God, anything, and your career is going to be impacted.

There is a reason we have an Executive order that has been in effect for 10 years, which has a standard of knowingly, willfully, and negligently. It covers the kind of conduct that you want to have covered.

The bottom line is this is about politics, that we have wasted a lot of the time of this body—the greatest deliberative body in the world—and this is not a shining moment. Let's get about doing our business and passing appropriations, shoring up homeland defense. Let's put the politics aside and let the special counsel do his work. Let's lower the level of the rhetoric and move on and keep doing the business of the people.

With that, I yield the floor and yield back the remainder of my time.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. REID. Madam President, I will use my leader time. I believe this is a shining moment. It is shining the spotlight on what is going on in this country—abuse of power, diversion, and, of course, a coverup.

The analogy my dear friend from Kentucky used about the wallet is, for lack of a better description, without foundation. Anybody who thinks what we are doing is unimportant, I invite them to travel with me—as I did a number of years ago—to the CIA. When you walk into that facility at Langley, the first thing you see are the stars up on the wall for each CIA agent who has been slain, killed in the line of duty. I have never forgotten that. That is what this is all about.

We have someone who has obviously disclosed a name. We read it in the paper. Whether it is Karl Rove, I don't know. Someone did. This amendment says if someone does that, they should not have a security clearance. My friend, who I care a great deal about, the chairman of the homeland security authorizing committee, came to the floor and said the American people are fed up with what happened. She is right about that, too, because not much happens on issues they care about—issues like this staggering deficit. There was a celebration at the White House yesterday because the deficit was only the third largest in the history of the country. Education is failing. We know we have all kinds of problems in health care. Those are the issues we should be dealing with. Gas prices—maybe people care about that. We know they do.

So this is important. But when my friends on the other side are on the ropes, they attack. Just like in the Washington Post yesterday, I quote again:

The emerging GOP strategy, devised by RNC Chairman Ken Mehlman, is to try to undermine those Democrats calling for Rove's ouster, play down Rove's role, and wait for President Bush's forthcoming Supreme Court selection to drown out the controversy.

This is a coverup, an abuse of power, and it is a diversion. They have no interest in coming clean and being honest with the American people. The American people are seeing through

this. When I mentioned the Wall Street Journal, I say to my friend from Minnesota, I wasn't vouching for the editorial policy. I don't read them. I was vouching for a news story that had a poll they conducted with NBC. The poll showed that only 41 percent of Americans believe the President is being honest and straightforward. That is what this is about. It is a coverup, an abuse of power, and a diversion.

It is time to quit playing partisan politics and do some legislating for the American people. It is time for the White House to come clean. Everyone should support this amendment.

I yield the floor.

The PRESIDING OFFICER. All time has expired. The majority leader is recognized.

Mr. FRIST. Madam President, I will speak in leader time. For nearly 2 weeks, we have been working in a bipartisan manner for the goal of passing the Homeland Security bill, which spends almost $32 billion for homeland security, all of which is one of our most basic responsibilities, and that is to keep the American people safe and secure.

That is what the Senate, this body, was hard at work doing—up until about 2 hours ago, when the Democratic leadership chose raw, partisan party politics over protecting American lives. They filed their political amendments.

You know, the American people want better from their leaders than petty politics. Through their votes, they have put their trust in us, and they have elected us to serve their interests and, thus, this is a sad and a disappointing afternoon in the Senate.

Madam President, there is a special counsel who has been appointed to look at the whole issue of the CIA leak case. He is doing his job and he is investigating this whole matter. Do my colleagues on the other side of the aisle think that without any of the facts, the hundreds of hours of manpower, and interviews, and the investigation that the special counsel has done, they are better equipped to judge the facts of this case?

We should let the special counsel do his job, and we should focus on our jobs as Senators, which is, first and foremost, protecting the American people.

Lastly, I want to say that I think the first speech I gave in this Congress was an olive branch to reach out and say let's focus on civility. I thought the bitterly contested elections that we saw—once they were behind us, I thought we could focus on doing the Nation's business, moving America forward, governing.

Unfortunately, even on an issue that we should all agree on—homeland security—my colleagues prefer to score political points rather than focusing on the Nation's business. It is this kind of political stunt that causes many Americans watching to lose faith in this body, in elected officials. Let's get back to serving our constituents and get back to the issues that really matter to the American people, such as homeland security, protecting our country from terrorist attacks, strengthening our highways and transportation infrastructure, and pursuing a national energy policy.

I urge my colleagues to let civility and duty to the American people prevail. Oppose the Reid amendment; support the Frist amendment.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the Frist amendment.

Mr. REID. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from South Carolina (Mr. DEMINT), and the Senator from Mississippi (Mr. LOTT).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

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

The result was announced—yeas 33, nays 64, as follows:

[Rollcall Vote No. 187 Leg.]

YEAS—33

Alexander	Craig	Inhofe
Allard	Crapo	Isakson
Bennett	Dole	Kyl
Bond	Domenici	Martinez
Bunning	Ensign	McConnell
Burns	Enzi	Santorum
Burr	Frist	Shelby
Coburn	Grassley	Smith
Cochran	Gregg	Specter
Coleman	Hatch	Stevens
Cornyn	Hutchison	Vitter

NAYS—64

Akaka	Feingold	Nelson (NE)
Allen	Feinstein	Obama
Baucus	Graham	Pryor
Bayh	Hagel	Reed
Biden	Harkin	Reid
Bingaman	Inouye	Roberts
Boxer	Jeffords	Rockefeller
Brownback	Johnson	Salazar
Byrd	Kennedy	Sarbanes
Cantwell	Kerry	Schumer
Carper	Kohl	Sessions
Chafee	Landrieu	Snowe
Chambliss	Lautenberg	Stabenow
Clinton	Leahy	Sununu
Collins	Levin	Talent
Conrad	Lieberman	Thomas
Corzine	Lincoln	Thune
Dayton	Lugar	Voinovich
DeWine	McCain	Warner
Dodd	Murkowski	Wyden
Dorgan	Murray	
Durbin	Nelson (FL)	

NOT VOTING—3

DeMint	Lott	Mikulski

The amendment was rejected.

VOTE ON AMENDMENT NO. 1222

The PRESIDING OFFICER. The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT), and the Senator from Mississippi (Mr. LOTT).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted ''no.''

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

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

The result was announced—yeas 44, nays 53, as follows:

[Rollcall Vote No. 188 Leg.]

YEAS—44

Akaka	Durbin	Lincoln
Baucus	Feingold	Murray
Bayh	Feinstein	Nelson (FL)
Biden	Harkin	Nelson (NE)
Bingaman	Inouye	Obama
Boxer	Jeffords	Pryor
Byrd	Johnson	Reed
Cantwell	Kennedy	Reid
Carper	Kerry	Rockefeller
Clinton	Kohl	Salazar
Conrad	Landrieu	Sarbanes
Corzine	Lautenberg	Schumer
Dayton	Leahy	Stabenow
Dodd	Levin	Wyden
Dorgan	Lieberman	

NAYS—53

Alexander	DeWine	McConnell
Allard	Dole	Murkowski
Allen	Domenici	Roberts
Bennett	Ensign	Santorum
Bond	Enzi	Sessions
Brownback	Frist	Shelby
Bunning	Graham	Smith
Burns	Grassley	Snowe
Burr	Gregg	Specter
Chafee	Hagel	Stevens
Chambliss	Hatch	Sununu
Coburn	Hutchison	Talent
Cochran	Inhofe	Thomas
Coleman	Isakson	Thune
Collins	Kyl	Vitter
Cornyn	Lugar	Voinovich
Craig	Martinez	Warner
Crapo	McCain	

NOT VOTING—3

DeMint	Lott	Mikulski

The amendment (No. 1222) was rejected.

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

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, we are getting close to the end here. We hope there will be one vote left and that will be on final passage.

AMENDMENTS NOS. 1160, 1206, AND 1110, EN BLOC

I do, however, initially ask unanimous consent that the following amendments be called up: No. 1160, Mr. REID; No. 1206, Mr. SARBANES; No. 1110, Ms. LANDRIEU; and that they be agreed to by unanimous consent, en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I object.

Mr. GREGG. We will hold off and reserve the right on that.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. I withdraw amendment No. 1200.

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

AMENDMENT NO. 1224

Mr. REID. I send an amendment to the desk for Senators BYRD and STABENOW.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. REID), for Mr. BYRD, for himself, and Ms. STABENOW, proposes an amendment numbered 1224.

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

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

The amendment is as follows:

On page 81, line 24, increase the first amount by $50,000,000.

On page 82, line 4, after ''tion'' insert ''*Provided further*, That an additional $50,000,000 shall be available to carry out section 33 (15 U.S.C. 2229)''.

On page 77, line 20, increase the amount by $20,000,000.

On page 77, line 24, after ''grants'' insert '', and of which at least $20,000,000 shall be available for interoperable communications grants''.

On page 85, line 18, after ''expended'' insert '': *Provided*, That the aforementioned sum shall be reduced by $70,000,000''.

On page 82, line 21, strike ''$5,000,000'' and insert ''3,000,000''.

Mr. REID. Mr. President, does anyone want to speak on this issue?

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. MCCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN. I have to see the amendment. I object.

Mr. President, may I be recognized?

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. I tell my colleagues we are about to have final passage, and they are trying to run several amendments through I have haven't seen. I object to it. I would like to see the amendments. I think I have that right as a Member of this body. So I object to any amendment that I have not seen.

Mr. GREGG. Is the Senator comfortable with the three we just sent over?

I would ask the Chair if the Senator has seen the three I mentioned for unanimous consent.

Mr. MCCAIN. I am looking at them now.

I do not object to 1110 now that I have seen it.

Mr. GREGG. The three that we just sent up?

Mr. MCCAIN. I haven't seen the other two.

The PRESIDING OFFICER. The Senator from New Hampshire Mr. GREGG. I will reserve on all three of these until the Senator—

Mr. REID. Mr. President, with the permission of the Senator from Arizona, I would ask that a quorum be called.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GREGG. Mr. President, I would ask unanimous consent that amendments Nos. 1206 and 1110, Senator SARBANES and Senator LANDRIEU, and the Reid amendment, I think it is 1160, which I raised prior to this, be agreed to, as modified.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendments (Nos. 1206, 1110, and 1160, as modified) were agreed to, as follows:

AMENDMENT NO. 1206

(Purpose: To require that funds be made available for the United States Fire Administration)

On page 83, line 26, strike the period at the end and insert '': *Provided further*, That of the total amount made available under this heading, $52,600,000 shall be for the United States Fire Administration.''.

AMENDMENT NO. 1110

(Purpose: To give priority for port security grants to ports with high impact targets, including ports that accommodate liquified petroleum vessels or are close to liquified natural gas facilities)

On page 78, line 19, insert ''or the proximity of existing or planned high impact targets, including liquified natural gas facilities and liquified petroleum vessels,'' after ''threat''.

AMENDMENT NO. 1160

On page 100, between lines 11 and 12, insert the following:

SEC. 519.(a) Congress makes the following findings:

(1) The Homeland Security Advisory System had been raised to threat level Code Orange, a level which indicates a high risk of terrorist attack, on six occasions since the Advisory System was created in March 2002, prior to the rasing of the threat level to Code Orange following the bombings that occurred in London on July 7, 2005.

(2) The Code Orange threat level remained in place for an average of 13 days on each of the first five occasions that it was raised to that level.

(3) The sixth elevation of the threat level to Code Orange occurred in August 2004 and ended 98 days later, making it four times longer than any other such alert and constituting half of the days that the United States has been under a high risk of terrorist attack.

(4) The Conference of Mayors estimates that cities in the United States spend some $70,000,000 per week to implement security measures associated with the Code Orange threat level.

(5) The recommendation to elevate the threat level is made by the Homeland Security Council, a group of Cabinet officials and senior advisors to the President and Vice President, (in this section referred to as the ''Council'').

(6) In May 2005, Secretary of Homeland Security Tom Ridge revealed that there was often considerable disagreement among the members of the Council as to whether or not the threat level should be raised.

(7) There remains considerable confusion among the public and State and local government officials as to the decision-making process and criteria used by the Council in deciding whether the threat level should be raised to Code Orange.

(b) Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study examining the six occasions in which the Homeland Security Advisory System was raised to Code Orange prior to July 2005 and submit to Congress a report on such study.

(c) The report required by subsection (b) shall include an explanation and analysis of the decision-making process used by the Council to raise the threat level to Code Orange in each of the six instances prior to July 2005, including—

(1) the criteria and standards used by the Council in reaching its decision;

(2) a description of deliberations and votes of the Council were conducted, and whether any of the deliberations and votes have been transcribed or were otherwise recorded in some manner;

(4) an explanation for the decision, on the sixth occasion, for the threat level to remain elevated for 98 days, and what role, if any, staff of the White House played in the decision to raise the level on that occasion;

(5) a description of the direct and indirect costs incurred by cities, States, or the Federal Government after the threat level was raised to Code Orange on each of the six occasions; and

(6) the recommendations of the Comptroller General of the United States, if any, for improving the Homeland Security Advisory System, including recommendations regarding—

(A) measures that could be carried out to build greater public awareness and confidence in the work of the Council;

(B) whether the Council and the Secretary of Homeland Security could benefit from greater transparency and the development of more clearly articulated public standards in the threat level decision-making process;

(C) whether the current composition of the Council should be modified to include representatives from the States; and

(D) the measures that could be carried out to minimize the costs to States and municipalities during periods when the Homeland Security Advisory System is raised to level to Code Orange.

(d) The report required by subsection (b) shall be submitted in an unclassified form.

AMENDMENT NO. 1206

Mr. SARBANES. Mr. President, I offered an amendment that would ensure the continued funding and operation of the United States Fire Administration. I offered this amendment on behalf of myself and the three other Cochairmen of the Congressional Fire Services Caucus, Senators DEWINE, BIDEN, and MCCAIN, as well as Senators MIKULSKI, MURRAY, FEINGOLD, CORZINE, and STABENOW.

This amendment simply designates $52.6 million in funds for the United States Fire Administration, USFA. This amount is equal to the Administration's fiscal year 2006 budget request, and represents a slight increase

of $1.3 million over last year's funding level.

The amendment calls for no additional funding in the underlying bill, and thus requires no offset. USFA has traditionally been funded through the Department's preparation, mitigation, response, and recovery account. However, without a congressional allocation or line item for USFA in the Department's annual appropriations bill, Congress has failed to adequately acknowledge its continued support for the use of these funds. As a result, there is annual confusion and uncertainty regarding the level of funding USFA will ultimately receive. This amendment is therefore simply an exercise in good government, providing transparency and accountability in how we allocate our limited homeland security funds.

This amendment is also quite modest. In 2003, the Senate unanimously approved legislation to reauthorize USFA through fiscal year 2008. This legislation, which was signed into law by the President on December 6, 2003, calls for $64.85 million in the coming fiscal year for USFA's operations. While I believe USFA should ideally receive funding at this fully authorized level, this amendment is a bipartisan compromise that will ensure that, at a minimum, the agency will be able to maintain its essential functions.

At a time when there are sharp disagreements over our homeland security priorities, the U.S. Fire Administration remains a proven investment, providing critical training and resources to our Nation's first responders. In this regard, I was pleased that Homeland Security Secretary Michael Chertoff, in his remarks yesterday unveiling the Department's Second Stage Review Results, affirmed USFA's important role in the transformed Department. In designating USFA as a constituent element of the Department's new Preparedness Directorate, Secretary Chertoff noted the Fire Administration's expertise, declaring that this move would ''strengthen our linkages and our preparation within the fire services.''

In 1973, a landmark report entitled America Burning was produced by the National Commission on Fire Prevention and Control. Among many other findings and recommendations, America Burning called for the creation of a national agency dedicated to serving and improving the fire services. In response to that report, Congress created such an agency in 1974, which would later become what we now know as the United States Fire Administration. USFA provides training, guidance, and support to firehouses around the country from those who understand them best—fire service professionals themselves. USFA's current Administrator, R. David Paulison, is a terrific example of the agency's expertise. Chief Paulison, who has ably led the agency for the past 4 years, is a 30-year veteran of the fire services and former chief of the Miami-Dade County Fire Department.

Among USFA's most vital functions is its role as the Nation's premier training center for our fire service leaders. The National Fire Academy is the centerpiece of USFA's training programs and has educated an estimated 1.4 million fire leaders since its first class was held in 1975. Although headquartered in Emmitsburg, Maryland, the Academy conducts courses all over the Nation in order to maximize the number of fire leaders who can benefit from its instructors' expertise. Significantly, the Academy now offers training and coursework in the National Incident Management System, NIMS, and the National Response Plan, NRP, two critical elements of our overall homeland security strategy. USFA also houses the Emergency Management Institute, EMI, which offers a full complement of courses and programs for state, local, and tribal emergency management officials from across the country.

Since the creation of the Department of Homeland Security 3 years ago, there have been grave concerns in the first responder community that efforts were underway in the Department to reduce the role of USFA, as well as its support, perhaps culminating in the agency's eventual demise. This past February, the International Association of Fire Chiefs held a summit meeting of 17 major fire service organizations to address concerns about USFA's funding, and its future within the Department of Homeland Security.

On April 8, 2005, the findings of that summit were unanimously endorsed by the 45 national fire groups that comprise the National Advisory Committee of the Congressional Fire Services Institute. Among the goals in this agreement was the following:

> [T]he fire service recommends that both the President's budget and the DHS's appropriations bills have a separate line item for the USFA. Currently, the USFA funding is included in the ''Preparedness, Mitigation, Response, and Recovery'' account, and it is hard to determine exactly how much money has been appropriated for the USFA. Since Congress specifically authorizes funding for the USFA in a separate bill, there also should be a line item in the president's budget and appropriations bills to hold the President and Congress accountable to the authorization levels that they approved.

This amendment would achieve this reasonable and modest goal, which was unanimously and vigorously supported by our Nation's major fire service groups.

This amendment is endorsed by the International Association of Fire Chiefs and the Congressional Fire Services Institute. I ask unanimous consent that a letter from IAFC President Bob DiPoli be printed in the RECORD.

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

INTERNATIONAL ASSOCIATION OF FIRE CHIEFS,
Fairfax, VA, July 11, 2005.

Hon. PAUL S. SARBANES,
U.S. Senate,
Washington, DC.

DEAR SENATOR SARBANES: Thank you for offering an amendment to the fiscal year (FY) 2006 homeland security appropriations bill to ensure that the U.S. Fire Administration (USFA) is funded at $52.6 million. The International Association of Fire Chiefs (IAFC) endorses this amendment. We believe that specific, dedicated funding for the USFA will shine a light on the agency's critical role in preparing firefighters to respond to all hazards, from the everyday house fire to a terrorist attack. An appropriation of $52.6 million will allow the USFA to fulfill this important mission.

Established in 1873, the IAFC is a network of more than 12,000 chief fire and emergency officers. Our members are the nation's experts in responding to structural and wildland fires, hazardous materials incidents (including chemical, biological, radiological, and nuclear events), technical rescues (including swiftwater rescues, confined-space rescues, and auto extrication), and emergency medical situations.

In late 2004, many fire service leaders began to express concern that the USFA and its training arm, the National Fire Academy (NFA), were suffering a diminished role within the U.S. Department of Homeland Security (DHS), as well as diminished funding. On February 24, 2005, representatives of 17 major fire service organizations met in Washington, DC to examine USFA's funding and decide upon a course of action. U.S. Fire Administrator R. David Paulison and Acting FEMA Director of Operations Kenneth O. Burris briefed the attendees on the status of funding at USFA and NFA and addressed the future of those agencies.

With regard to USFA funding, the results of the summit can be boiled down to this: America's fire and emergency services are the first to respond to—and the last to leave—any incident, large or small. The U.S. Fire Administration serves as the lead federal agency in addressing the federal government's role vis-à-vis our nation's fire and emergency services, and training America's fire service leaders on everyday fire fighting as well as new national preparedness requirements such as the National Response Plan (NRP) and the National Incident Management System (NIMS). The USFA also plays a key role in coordinating critical infrastructure protection awareness and information-sharing activities for the emergency management and response sector. Because of its unique role, USFA must have adequate resources to fulfill its mandated mission.

The fire service organizations believe that USFA is under-funded. In 2003, Congress passed the United States Fire Administration Reauthorization Act of 2003 (P.L. 108–169), which authorized funding for USFA from FY 2004 through FY 2009. Congress authorized $63 million for USFA in FY 2005 and $64.9 million in FY 2006. By contrast, the estimated USFA funding for FY 2005 is $51.3 million, of which $9.6 million will fund the NFA. At the February 24th summit, the U.S. Fire Administrator informed the fire service representatives that the president intends to fund the USFA at $52.6 million in FY 2006.

If funded at $52.6 million, USFA will be able to expand its training capabilities and enhance its course development, ensuring that the NRP and the NIMS were included in every course. It would allow the USFA to add more courses and hire staff to replace retirees. USFA could streamline two-week courses into one-week courses by adding a more robust and interactive online component, thereby allowing more students to

take classes at the NFA. The USFA could use the increased funding to improve and expand other online courses. Finally, the USFA could expand national prevention, public education, research, and data collection programs to more effectively address fire and life safety challenges that threaten lives and the national infrastructure.

According to a December 30, 2004 editorial in Fire Chief magazine, current USFA funding levels are putting on hold new course development, course revisions and contract reviewers for applied research projects. The budget for the Executive Fire Officer Program, which trains senior officers and others in key leadership positions with graduate-level courses in transforming the fire service, has been cut from $233,000 to $65,000. According to a high-ranking USFA official who recently retired, the NFA's role in the prevention of fires, injuries, and now terrorism is rapidly diminishing. Finally, at current funding levels, it will be difficult for USFA to train as many firefighters, and to incorporate the NIMS and NRP into all of its courses, as it could do with higher funding levels. As of FY 2006, the DHS Office of State and Local Government Coordination and Preparedness will begin to tie compliance with the NRP and NIMS to the receipt of federal homeland security funding. Clearly, funding USFA at $52.6 million will benefit America's fire service and public safety generally.

The need for a line item for the USFA budget in the homeland security appropriations bill stems from the fact that the USFA has suffered an unjustly diminished role within DHS. Before the department was established in 2003, only the director of the Federal Emergency Management Agency (FEMA) stood between the U.S. Fire Administrator and the president. Because FEMA was the lead federal emergency response agency, the fire service could influence the development of response policies and conduct training for national emergencies. Those policies and that training had the benefit of real-world, on-the-ground experience. However, when the DHS was created, the Emergency Preparedness and Response (EP&R) Directorate absorbed both FEMA and the USFA. Now, the USFA reports through FEMA, which reports through the EP&R Directorate, which reports through the Secretary of Homeland Security to the president.

A line item would increase the accountability that the USFA, the EP&R Directorate, and the DHS have to Congress. Good government principles dictate that an agency having its own authorization bill should have an individual appropriation. A line item would allow Congress—which deemed the USFA important enough to have its own authorization—the ability to judge for itself whether the USFA is using appropriated funds to the maximum public benefit.

For these reasons, the IAFC is pleased to endorse your amendment. I applaud you for taking a leadership role on this very important national safety issue.

Sincerely,

CHIEF ROBERT A. DIPOLI, RET.,
President.

Mr. SARBANES. I urge my colleagues to support this amendment.

AMENDMENT NO. 1224

Mr. GREGG. Mr. President, I now ask unanimous consent that the amendment that Senator REID called up on behalf of Senator BYRD, 1224, be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1224) was agreed to.

AMENDMENT NO. 1216, AS MODIFIED

Mr. GREGG. Mr. President, I now ask unanimous consent that we turn to the Boxer amendment and she be recognized for 2 minutes on that amendment.

The PRESIDING OFFICER. The Senator from California is recognized for a period of 2 minutes.

Mrs. BOXER. I thank the Chair so much. I call up amendment No. 1216, on behalf of myself and Senator INHOFE.

The PRESIDING OFFICER. The amendment is pending.

Mrs. BOXER. Mr. President, since 9/11, those of us on the Environment and Public Works Committee, in a very bipartisan way, have attempted to bring legislation to the Senate to begin the process whereby we can protect our nuclear power plants, first by making sure that there is an assessment made on each power plant, what are their vulnerability needs, and then making sure that these plants are protected from terrorists.

We know that on September 10, 2002, in a taped interview on Al-Jazeera, it included a statement that al-Qaida initially wanted to include a powerplant in its attacks on the United States. And we on the committee passed out a bill and passed another one last month. This amendment says it is the sense of the Senate it should pass bipartisan legislation to address nuclear powerplant security prior to the August recess.

Colleagues, we have a limited time. We need to move forward.

I would accept a voice vote, if that is OK with Senator GREGG, and I think he would prefer that. But we would like to have a clear voice vote if we could at this time.

Mr. GREGG. I believe we are ready to vote.

Mrs. BOXER. I send up a modification.

The PRESIDING OFFICER. Is there objection to the modification of the amendment? Without objection, the amendment is so modified.

The question is on agreeing to the amendment, as modified.

The amendment (No. 1216), as modified, was agreed to, as follows:

At the appropriate place, insert the following:

SEC. . STRENGTHENING SECURITY AT NUCLEAR POWER PLANTS.

(a) FINDINGS.—The Senate finds that—

(1) A taped interview shown on al-Jazeera television on September 10, 2002, included a statement that al Qaeda initially planned to include a nuclear power plant in its 2001 attacks on the United States.

(2) In the 108th Congress, the Senate Environment and Public Works Committee approved bipartisan legislation to improve nuclear plant security. No action was taken by the full Senate.

(3) Last month, the Senate Environment and Public Works Committee again approved bipartisan legislation to improve nuclear plant security.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Congress should pass bipartisan legislation to address nuclear power plant security prior to the August recess.

Mrs. BOXER. Mr. President, I ask unanimous consent that Senators JEFFORDS, VOINOVICH, and CARPER be added as cosponsors.

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

Mrs. BOXER. I thank my colleagues.

AMENDMENTS NOS. 1140 AND 1144, AS MODIFIED, EN BLOC

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I call up amendments 1144 and 1140 at the desk. I send modifications to those amendments to the desk. I ask that they be agreed to en bloc.

The PRESIDING OFFICER. The clerk will please report.

The assistant legislative clerk read as follows.

The Senator from New Hampshire [Mr. GREGG], for Mr. SESSIONS, proposes an amendment numbered 1140, as modified.

The Senator from New Hampshire [Mr. GREGG], for Mr. MARTINEZ, proposes an amendment numbered 1144, as modified.

Mr. GREGG. I ask unanimous consent they be agreed to.

The PRESIDING OFFICER. Without objection, the amendments are so modified and agreed to.

The amendments were agreed to, as follows:

AMENDMENT NO. 1140

On page 66, line 17, after ''Alert;'' insert the following:

'', of which not less than $5,000,000 may be used to facilitate agreements consistent with 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) and the training required under those agreements;''

AMENDMENT NO. 1144

At the appropriate place insert the following:

SEC. Senate of the Senate Regarding Threat Assessment of Major Tourist Attractions.

(a) FINDINGS.—Congress finds the following:

(1) Whereas terrorists target areas of high population and national significance in order to inflict the most damage to a free society.

(2) Whereas preparedness is vital in emergency planning, prevention and response to a terrorist attack.

(3) Whereas first responders in cities with nationally significant tourist populations face increased strain in training and preparation for terrorism.

(4) Whereas cities with nationally significant tourist populations have been previously targeted by terrorist groups in an effort to disrupt the economy and spread fear and anxiety.

(5) Whereas tens of millions of Americans travel to tourist destinations annually and many of those destinations lie outside of major cities and therefore are not adequately addressed by threat assessments that only include permanent city residents.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that in the assessment of threat as it relates to the dispersal of Department of Homeland Security funding the Secretary should consider tourism destinations that attract tens of millions of visitors annually as potentially high risk targets.

Mr. GREGG. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion was agreed to.

AMENDMENTS NOS. 1139, AS MODIFIED, AND 1225, EN BLOC

Mr. GREGG. I call up amendment 1139 and send a modification to the

desk on behalf of Senator SESSIONS. I send to the desk a second degree to that amendment proposed by Senator KENNEDY. I ask they be agreed to en bloc.

The PRESIDING OFFICER. The clerk will please report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for Mr. SESSIONS, proposes an amendment numbered 1139.

The PRESIDING OFFICER. The clerk will please report the second-degree amendment.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for Mr. KENNEDY, proposes an amendment numbered 1225 to amendment numbered 1139.

Mr. GREGG. I ask unanimous consent the amendments be agreed to.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments were agreed to, as follows:

AMENDMENT NO. 1139

On page 66, line 6, strike ''$3,050,416,000'' and insert ''$3,052,416,000.''

On page 66, line 17 after ''Alert;'' insert the following:

''of which no less than $1,000,000 may be used for increasing the speed, accuracy and efficiency of the information currently being entered into the National Crime Information Center database;''

AMENDMENT NO. 1225

On page 1, line 8 of the amendment, after the word ''database,'' insert ''of which no less than $2,000,000 may be for the Legal Orientation Program.''

Mr. GREGG. I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion was agreed to.

AMENDMENTS NOS. 1150 AND 1200, WITHDRAWN

Mr. GREGG. Mr. President, I ask unanimous consent that amendment No. 1150, amendment No. 1200 be withdrawn.

The PRESIDING OFFICER. Without objection, the amendments are withdrawn.

REIGNING IN GOVERNMENT CONTRACTORS

Mr. COLEMAN. Mr. President, I rise today to engage in a colloquy with my good friend and colleague Senator BOND, the Chairman of the Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies Appropriations Subcommittee.

I had intended to offer an amendment to the Homeland Security Appropriations bill today. However, I understand that Senator BOND has agreed to work with me on the issues contained in my amendment in order to address tax cheats in the Transportation, Treasury Appropriations bill instead. I appreciate Senator BOND's interest in this important issue and I also appreciate his willingness to work with me to ensure that this common sense, bipartisan amendment is included in his appropriations bill.

This is a commonsense, bipartisan amendment that will address two problems the Permanent Subcommittee on Investigations identified in separate hearings. First is the issue of Federal contractors who continue to get new contracts even though they owe millions of dollars in unpaid taxes. And second is the Government's inability to monitor the unnecessary expenditure of millions of dollars by DOD personnel on first and business class airline tickets.

I am pleased to be joined by my good friends and colleagues, Senator LEVIN, the ranking Democrat on the Permanent Subcommittee on Investigations, Senator WYDEN, Senator AKAKA and Senator COBURN.

If my colleagues are concerned about the deficit, concerned about saving the taxpayer money, then our amendment should be an easy one to support. Who doesn't support making certain that those who do business, with the Government pay the taxes they admittedly owe? And who doesn't think that Government employees like those at DOD should fly coach rather than first or business class? This is common sense.

Let me get into the specifics.

On June 16, 2005, the Permanent Subcommittee on Investigations, which I chair, learned there are problems that prevent the Government from collecting unpaid taxes from Federal contractors. Even more troubling is the fact that these contractors who have not paid their taxes continue to receive new contracts from the Government.

When the Government pays a Federal contractor, it has the option of paying directly from the Treasury or by using a credit card. Last year, the Government paid $10 billion to Federal contractors using credit cards. One of the problems we identified is that the Financial Management Service, which is responsible for collecting unpaid taxes from Federal contractors, cannot collect these owed taxes unless the contractor is paid directly from the Treasury. When the Government makes purchases with a credit card, the bank that issued the card acts as a middle man between the Treasury and the contractor. Thus, the contractor is only known to the bank. For the Government to collect unpaid taxes, we need to know which contractors are being paid.

For example, a NASA contractor who owes nearly $200,000 in unpaid taxes was paid $570,000 last year. Because they were paid directly from the Treasury, this contractor had $6,600 withheld from their contract payments to reduce their tax debt. This same contractor also received an additional $30,000 but the Government was unable to withhold money from this payment for tax debt because the contractor was paid with a credit card.

To fix this problem, the first section of my amendment would require the Government to develop procedures for collecting unpaid taxes when credit cards are used to pay Federal contractors. Again, this is not rocket science. This is commonsense, smart government that I think our constituents just expect from us.

At a second hearing on November 6, 2003, the subcommittee heard testimony that the Department of Defense had spent $123.8 million on first and business class travel in 2001 and 2002 and that 73 percent of this travel was not properly authorized or justified. This resulted in a loss of millions of dollars. The Office of Management and Budget requires all Federal agencies to annually report their first class travel to the General Services Administration in order to monitor travel for potential abuse. However, $120.9 million of the $123.8 million that DOD spent was for business class travel. For example, one DOD traveler spent $9,500 on a business class ticket which could have been purchased for $2,500 in coach class. Because this traveler used business class it would not have been reported. Given that the preponderance of DOD's abusive travel was business class, the abuse at DOD could not have been identified from DOD's annual travel report. The second section of my amendment corrects this for all Federal agencies by requiring the annual travel report to include both first and business class airline travel and further requires that the report be furnished to the Homeland Security and Governmental Affairs Committee and the House Government Reform Committee so we can more closely monitor Federal travel for potential abuse.

So, we have an opportunity to do some smart savings to reduce the deficit and that is simply to make sure that contractors doing business with Uncle Sam pay the taxes they owe, and that DOD personnel travel coach when it is on the Government's dime rather than high on the hog as has been the case.

I appreciate the strong bipartisan support we have for this amendment, and particularly for the good work of Senators LEVIN, WYDEN, AKAKA, and COBURN.

I hope this commonsense, good Government amendment that will help reduce our deficit can be adopted by the Senate as part of the Transportation, Treasury Appropriations Bill.

Mr. BOND. The Senator from Minnesota is correct. This is an important issue and I am committed on addressing with Senator COLEMAN on the Transportation-Treasury appropriations bill for fiscal year 2006, and I look forwarding to working with Senator COLEMAN in ensuring that this is done.

Mr. COLEMAN. I am happy to work with Senator BOND on these issues with, a goal of including these reforms on the Transportation, Treasury Appropriations bill for fiscal year 2006, I will not offer the amendment I filed and intended to offer to the Homeland Security Appropriations bill. I thank Senator BOND for his strong leadership on the Appropriations Committee and his support of this important amendment.

EXPLOSIVE DETECTION EQUIPMENT

Mr. LIEBERMAN. Mr. President, I rise to engage in a brief colloquy with the chairman and ranking member of the Homeland Security Appropriations Subcommittee, the Senators from New Hampshire and West Virginia, respectively.

It is my understanding the Senate Homeland Security; Appropriations Report includes language designating $50 million for ''Next Generation'' Explosive Detection Equipment, EDS, that ''have been tested, certified and are being piloted.''

Mr. GREGG. That is correct.

Mr. LIEBERMAN. I wholeheartedly support the need to encourage new technologies. However, I think it is important we further clarify the purpose of this funding stream.

I ask the Chairman ''Is it true the Transportation Security Administration, TSA, the agency responsible for issuing Letters of Intent, LOIs, that provides the funding to airports for the installation of EDS equipment, has only made less than a dozen LOIs available to the major airports? And is it not also correct smaller and medium hub airports have not received any of the LOIs issued to date?''

Mr. GREGG. The Senator from Connecticut is right. All the LOIs issued to date have gone to the larger hub airports.

Mr. BYRD. Mr. President, as I understand it, the Senator from Connecticut is concerned the Committee report language could be interpreted to limit the $50 million, which is almost a full third of the funding for EDS procurement, to only technologies currently being piloted.

Mr. GREGG. The committee has set aside the funding to encourage new technologies in the area of explosives detection systems and is not necessarily limited to one or two companies. TSA has assured the committee this language does not restrict them only to technologies already being piloted, and that additional technologies which may become certified and piloted in Fiscal Year 2006 would also be eligible for this funding for next-generation technologies.

Mr. LIEBERMAN. Therefore, is my understanding correct that the objective of this set aside was to aid in the development and deployment of next generation explosive detection equipment?

Mr. GREGG. The Senator from Connecticut is correct.

Mr. LIEBERMAN. I further hope the procurement and deployment of EDS machines will be based on acquiring the best technology for the particular airport in question.

Mr. BYRD. One of the lessons we learned from 9/11 was the aviation transportation system is only as strong as its weakest link. We know terrorists boarded planes at smaller, mid-sized airports, as well as larger airports. It is important the Department encourage development of technologies that can be used at different airports, and that are being made more effective and efficient.

Mr GREGG. I think this is everyone's objective.

Mr. LIEBERMAN. I applaud the leadership of both the Senator from New Hampshire and the Senator from West Virginia in helping to ensure TSA has the necessary funding to meet the critical missions of the agency and I appreciate their hard work on this issue.

Mr. BYRD. I thank the Senator from Connecticut for his interest in this matter.

Mr. GREGG. I also thank the Senator from Connecticut for his remarks and I look forward to working with him in the future on these issues.

ILLEGAL IMMIGRATION

Mr. HATCH. Would the gentleman from New Hampshire yield for a question?

Mr. GREGG. I would be happy to yield to the Senator from Utah for a question.

Mr. HATCH. As the chairman knows, one of the greatest roles entrusted to the hardworking employees of the Department of Homeland Security is to protect our Nation's borders and curb the growing tide of illegal immigration in this country. I thank my friend and colleague from New Hampshire for doing his best to address this great need with increased funding for, and greater attention to, this problem. As I travel around the State of Utah, there is not a single place I go where I do not have citizens come up to me and ask me to do something about the illegal immigration problems in their area. They are upset that our country continues to be unable to enforce our immigration laws and I do not blame them. I feel the same frustration.

For example, Mayor Toni Turk of Blanding recently informed me that his police department has made several arrests of illegal aliens and seized nearly 7 kilos of cocaine in the process. It would seem drug smugglers—most of whom are in the country illegally—are taking advantage of the de minimis level of immigration enforcement in remote areas of southeastern Utah. Incidents such as this one formed the basis of my request for the creation of an ICE/CBP office in Blanding, UT and I am grateful to the chairman for addressing my request in his committee report.

I have heard it said many times that the objective of illegal immigrants coming through the southern border of the country is to get as far north as possible as fast as he or she can. This comes from the either perceived or real concern that immigration enforcement is much tougher in the southern portion of the U.S. than it is in the northern portion. For a State located directly above some of the most porous borders in the country, this is a real concern. U.S. Interstate 70 and U.S. Interstate 15 in Utah have become large conduits for the smuggling of illegal immigrants and illegal substances as these foreigners flee from the southern states as fast as possible in order to get north where they believe enforcement is less stringent.

With two major arteries for illegal immigration running through the southern portion of Utah, citizens in that beautiful area have grown tired of the strain and difficulties presented by the flood of illegal immigrants.

Is the distinguished Senator aware of the significant immigration-related problems facing Utah, especially in the southern portion of the state including St. George and Blanding, UT.

Mr. GREGG. I assure you, I understand problems such as those being faced by the citizens of southern Utah.

Mr. HATCH. I thank the Chairman for recognizing what so many people do not; namely, that immigration problems are not limited to the border States.

One of the greatest concerns we Utahns have with the immigration enforcement in our State is the fact that the field office director overseeing Utah is located in San Francisco, CA. I hope my colleague will agree with me that having the oversight for a major illegal immigration artery located over 650 miles away from the area is disconcerting.

The immigration problems facing San Francisco are very different from the problems facing St. George, Blanding, Richfield, Cedar City, Provo, and Salt Lake and that is precisely why I would like to see a new field officer director located in Utah. It is my hope that the chairman will work with me to remedy these issues.

GREGG. I thank the Senator for his comments. I am pleased to say that we have included significant increases in immigration funding in this bill. It is my desire to see those funds spent in the most crucial areas of concern to this Nation and I believe they will help us make significant progress in the fight against illegal immigration.

While the issue of establishing new field office directors is properly that of the Secretary of Homeland Security, I will work with my colleague from Utah to address the issues troubling his State as I have done with all of my colleagues. I recognize that Utah faces certain unique challenges and I am confident they can be addressed.

I thank my colleague from Utah for his support in our efforts to secure the homeland, and I appreciate his bringing the problems facing southern Utah to the attention of the Senate.

Mrs. CLINTON. Mr. President, I rise today to express my concern over comments made by the Secretary of Homeland Security, Michael Chertoff. As several of my colleagues have already noted, Secretary Chertoff today made some very unfortunate comments about who is responsible for the safety of the tens of millions of people who use our mass transit systems every day. Secretary Chertoff said, and I quote, ''The truth of the matter is, a fully loaded airplane with jet fuel, a

commercial airliner, has the capacity to kill 3,000 people. A bomb in a subway car may kill 30 people. When you start to think about your priorities, you're going to think about making sure you don't have a catastrophic thing first.'' He further added that he believes that States and localities should bear primary responsibility in ensuring the safety of their mass transit systems.

The millions of New Yorkers who use the subways, buses, and ferries each day would be shocked and angered to hear that their Secretary of Homeland Security, Secretary Michael Chertoff, has declared that local governments are left to fend for themselves when it comes to paying for improved subway, train, and bus security.

The reality is that Americans should not be forced to choose between a safe airplane trip or a safe subway ride. They should both be priorities. Unfortunately, this administration has presented us with a false choice they would like us to believe that resources are so scarce that we can't afford to fully protect all of our transportation systems. For the last few days, my colleagues and I have been on the Senate floor, forced to debate whether we should fund rail safety or bus safety, secure our borders or fund more airline screeners. This debate is necessary because this administration has made the judgment that cutting taxes for the wealthiest Americans is more important than fully meeting our Nation's security needs. This administration's priorities are clear: $1.5 trillion in tax cuts and only $30 billion for homeland security.

So while I am outraged by Secretary Chertoff's comments belittling the threats posed to our subways and buses, I am not surprised. He is simply giving voice to this administration's misguided and indefensible priorities. If the London bombings didn't serve as a wakeup call to this administration that they need to reevaluate their priorities, I am hard pressed to understand what will make them understand the gravity of the threat millions and millions of Americans face every single day when they step onto a bus or a subway or a ferry to go about their daily lives.

Mr. McCAIN. Mr. President, before discussing the Homeland Security appropriations bill, I would like to take a moment to express my deepest condolences to our British friends as they deal with the aftermath of the terrorist bombings in London. Once again the world has seen the stark contrast between brutal terrorism, with its lust for violence, and liberal democracy, with its love for freedom. The British people knew, after September 11, 2001, that there could be no accommodation with this brand of fanaticism, and under the visionary leadership of Prime Minister Tony Blair, Britain stood with America in our time of need. Now, in Britain's time of need, we stand with our brothers and sisters across the Atlantic. Our bond, always strong, is even firmer.

I believe I can speak for many Americans when I say that I felt the attack in London as if it were an attack on the United States; the hurt of our British friends is like that of our own countrymen. The relationship between American and the United Kingdom is unlike any other, and the world is better off for it. At this tragic time, all people in that great country must know that America is with them, as allies, as friends, as brothers and sisters. They are not alone, for they must know that they remain in our hearts, in our minds, and in our prayers, as we have experienced a similar sense of loss and pain on September 11, 2001. Together we will not allow terrorists to destroy the way of life that our two great nations have endeavored over centuries to build.

The four bombings in London have now lead many of us to take a second look at the Homeland Security appropriations bill to ensure that we are adequately securing our Nation's rail and transit systems. In addition to appropriating funds, however, we must also act on authorizing measures to promote the security of our nation's transportation system. Earlier this week, I introduced the Rail Security Act of 2005, which is nearly identical to legislation passed unanimously by the Senate last year. I hope that the bombings in Madrid and London will spur this Congress to take needed action and pass this important authorizing legislation.

I commend the chairman and subcommittee chairman, and the ranking members, on their efforts to produce a funding measure that best meets our Nation's security objectives. For the third consecutive year, the committee has reported out a Homeland Security bill with minimal earmarks. As evidenced by the recent bombings in London, this bill is too important to the security of the American people to be bogged down with unreasonable earmarks and no essential policy changes and directives.

The Department of Homeland Security plays a crucial role in our Nation's defense, particularly during these uncertain times as our country continues to be engaged in fighting a war against terror. We must be vigilant in ensuring that the Department has the right tools to protect our Nation's air space, borders, ports of entry, and travel infrastructure. We also must ensure that our first responders are adequately funded to protect citizens in the event of a national emergency. At the same time, resources are limited and this bill recognizes that and seeks to ensure that the Department optimizes all received funds.

The Department of Homeland Security's most vital function is protecting our Nation's borders. The committee's bill does provide for an increased focus on border security efforts and I commend them for their attention to these critical funding needs. However, more remains to be done. While I strongly believe this bill needs to provide for the level of border patrol agents and detention beds as we authorized in the Intelligence Reform Act just 7 months ago, our amendments on these critical needs were unsuccessful.

Another area of concern is the committee's decision to not fund the President's request for accelerated deployment of the United States Visitor and Immigrant Status Indicator Technology, US VISIT, Program, which was a key recommendation of the 9/11 Commission. Although US VISIT has much room for improvement, funding to expedite the full implementation of the program will be essential to our ability to adequately monitor the flow of individuals into and out of our country. I hope that this issue will be carefully reconsidered as this measure continues through the legislative process.

As encouraged as I am to see additional resources directed to the border, enforcement alone will never fully secure our border. Over the last 12 years, the Federal Government has tripled spending on technology and infrastructure to secure the border and tripled the number of border patrol personnel. Yet during that same time, illegal immigration is estimated to have doubled. The lesson here is important: as long as there is a need for workers in this country that goes unmet by the domestic workforce, and as long as there are workers in other countries willing to risk their lives for the opportunity to take those jobs, they will find a way in.

The simple fact is this: our Nation's borders are extremely porous. For the last several years the volatile conditions at our Nation's southwestern border have grown unsustainable. The cost of our broken immigration system is increasingly borne by local communities and State governments through uncompensated health care, unreimbursed law enforcement costs, environmental degradation, and an increased sense of lawlessness. As these conditions have worsened, several Members of this body, including myself, have put forth proposals to reform our Nation's immigration laws and improve security along the border and in the interior. Immigration reform is one of the most critical issues facing our Nation today, and I hope the Senate will soon turn to this issue. Funding for additional manpower and technology improvements must continue, but our borders will never be fully secure without comprehensive immigration reform.

I support provisions in the bill and accompanying report which encourage the Department, specifically the Transportation Security Administration, TSA, and ICE, to invest in improved technology. The report finds that the Department, ''should not be operating on stovepipped, disconnected, inherited information technology systems,'' but rather the Department should be equipped with the best technology systems available in order to reduce reliance on personnel and improve security. In particular, I am encouraged to

see funding for the deployment of new equipment and technology to the border, including to Arizona, which in recent years has become a leading gateway for illegal immigration.

Additionally, I am pleased that the Appropriations Committee has encouraged the TSA to consistently implement a risk management approach to decisionmaking to prioritize security improvements as recommended by the General Accountability Office earlier this year. The GAO report stated that ''TSA has not consistently implemented a risk management approach or conducted the systematic analysis needed to inform its decision-making processes and to prioritize security improvements . . . a risk management approach can help inform decision makers in allocating finite resources to the areas of greatest need.''

Although I find a great deal to support in this bill, I would be remiss if I did not point out the serious unrequested spending and the few earmarks contained in this bill and the report. There is over $2 billion in unauthorized and unrequested spending in the bill and the report. Examples include: $47 million above the President's request for the acquisition and maintenance of facilities for the Federal law enforcement and training centers; $68 million for two maritime patrol aircraft under the Coast Guard's integrated deepwater system; $65 million to fund the Adequate Fire and Emergency Response Act; and $59 million for critical infrastructure outreach and partnerships. Since such spending was not requested or isn't authorized, I have no way of knowing if such expenditures are needed. Needless expenditures are unacceptable, particularly while our country is running a deficit of $368 billion this year and a 10-year projected deficit of $1.35 trillion, according to the Congressional Budget Office. When are we going to tighten the belt? While I concede that it is very difficult to reduce spending while attempting to protect the Nation's homeland, I can only hope that Congress's belt tightens elsewhere.

Examples of earmarks and directive language include: language limiting overtime pay to $35,000 for Customs and Border Patrol and Immigration and Customs Enforcement employees, $55 million for the completion of the Tucson tactical infrastructure around the border and $15 million for the Coast Guard's bridge alteration program. Although many of these are important programs and worthy of funding, they were not specifically authorized by Congress and not requested by the President, and they should be.

Lastly, I am also disappointed that the bill once again this year contains a Departmentwide ''Buy America'' requirement, and specific language directing the Secret Service to purchase American-made motorcycles. I firmly object to all ''Buy America'' restrictions, as they represent gross examples of protectionist trade policy. From a philosophical point of view, I oppose such policies because free trade is an important element in improving relations among all nations, which then improves the security of our Nation. Furthermore, as a fiscal conservative, I want to ensure our Government gets the best deal for taxpayers and with a ''Buy American'' restriction that cannot be guaranteed. Such provisions cost the Department of Defense over $5.5 billion each year and I am fearful that we will see the same unnecessary expense arise at the Department of Homeland Security, a new agency.

Once again, I thank the appropriators for their diligence in passing a relatively clean Homeland Security appropriations bill devoid of numerous earmarks. While much work remains to be done to secure our homeland, including comprehensive immigration reform and further action on 9/11 Commission recommendations, specifically more spectrum for first responders, we can take another important step by passing this legislation and providing the Department with adequate resources to protect our Nation's air space, borders, ports of entry, and travel infrastructure.

AMENDMENT NO. 1161

Mr. KENNEDY. Mr. President, last evening, an amendment proposed by Senator REID, which calls on the Secretary of Defense to stop delaying the report required to be submitted to Congress on the progress being made to train the Iraqi security forces, was approved unanimously by the Senate. I was pleased to cosponsor the amendment, along with Senators DURBIN and BIDEN.

The report was required in the recent Iraq Supplemental Appropriations Act, Public Law 109–13, which became law on May 11. The first report was to have been provided by July 11. Additional reports are due every 90 days after that until the end of fiscal year 2006.

This is not a bureaucratic dispute. The information requested in the report goes to the heart of our ability to succeed in Iraq. It is vital to identifying when the Iraqi forces will be able to assume responsibility for security. It is essential to estimating of the level of U.S.troops that will be necessary in Iraq in the future.

Twice in the last month, President Bush has assured us that training Iraqi security forces is central to our strategy for success.

On June 28, President Bush said:

> Our strategy can be summed up this way: As the Iraqis stand up, we will stand down.

On July 11, President Bush again said:

> Our plan can be summed up this way: As the Iraqis stand up, we will stand down.

Unfortunately, the administration has not been willing to give the American people a straight answer about the number of Iraqi security forces, who are adequately trained and equipped. We are obviously making some progress, but it is far from clear how much. The American people deserve an honest assessment that provides the basic facts.

But that is not what we are being given. According to a GAO report in March, ''U.S. government agencies do not report reliable data on the extent to which Iraqi security forces are trained and equipped.''

The report goes on to say:

> The Departments of State and Defense no longer report on the extent to which Iraqi security forces are equipped with their required weapons, vehicles, communications, equipment, and body armor.

It is clear from the administration's own statements that they are using the notorious ''fuzzy math'' tactic to avoid an honest appraisal.

In February 2004, Secretary Rumsfeld said:

> We have accelerated the training of Iraqi security forces, now more than 200,000 strong.

In January 2005, Secretary of State Condoleezza Rice said:

> We think the number right now is somewhere over 120,000.

Yet, on February 3, 2005, in response to questions from Senator LEVIN at a Senate Armed Services Committee GEJJ Hearing, GEN Richard Myers, Chairman of the Joint Chiefs of Staff, conceded that only 40,000 Iraqi security forces are actually capable. He said:

> Forty-eight deployable (battalions) around the country, equals about 40,000, which is the number that can go anywhere and do anything.

Obviously, we need a better accounting of how much progress is being made to train and equip effective and capable Iraqi security forces.

The American people want to know. Our men and women in uniform want to know.

Congress has been seeking information on this issue for a long time.

Section 1204 of last year's Defense Authorization Act, Public Law 108–375, required the President to submit an unclassified report on a stabilization strategy for Iraq and an effective plan to train the Iraqi security forces. The report was due 120 days after enactment. The law was enacted on October 28, 2004, and the report should have been provided by the end of February.

We have still not received it from the White House. The administration has been AWOL on the report.

Given the high priority the President has placed on the training of Iraqi security forces, it is unconscionable that the administration has failed to give the American people a straight answer about how many Iraqi security forces are adequately trained and equipped and able to defend Iraq's security on their own. It is time to put facts behind our policy.

President Bush has not leveled with our troops and the American people and offered an effective strategy for success.

He has spoken about the importance of training Iraqi security forces, but he has failed to outline a clear strategy to

achieve their training and improve their capability.

The American people and our soldiers deserve to know what progress is being made in training Iraqis to protect their own security.

We all hope for the best in Iraq. We all want democracy to take root firmly and irrevocably. We need to train the Iraqis for the stability of Iraq. But we also need to train them because our current level of deployment is not sustainable. Our military has been stretched to the breaking point. Threats in other parts of the world are ever present. Our men and women in uniform and the American people deserve this report, because they deserve to know when the President has a strategy for success.

The President says our troops in Iraq will stand down as Iraqi security forces stand up, but the administration has failed to provide a realistic assessment of the progress being made in training the Iraqi forces.

The American people deserve to know when the Iraqis will be able to take over responsibility for their own security, and what impact it will have on our military presence in Iraq.

It is time for the stonewalling to end and for accountability to begin.

Mr. LIEBERMAN. Mr. President, I rise to discuss the pending appropriations bill for the Department of Homeland Security and my grave concern that it does not provide the tools we need to meet the threat of terrorism. This is not to criticize the appropriators who, as always, have done a thoughtful job in sorting through the many competing needs of the Department. But I feel strongly that neither the President nor the congressional leadership was willing to allocate sufficient funds for homeland security at the outset of this process and that, as a consequence, this bill comes up short on too many critical homeland programs.

I speak with a sense of caution in the wake of last week's terrorist attacks on London. I agree with Secretary Chertoff's statement that we can't base our national homeland defense policies on a single attack especially since the specifics of the London attack are not known.

Yet experts in and out of government keep warning us that nearly 4 years after 9/11 we are still vulnerable and will remain vulnerable unless we begin to seriously and strategically start investing in our own security.

CIA Director Porter Goss this year told the Senate Intelligence Committee that ''it may only be a matter of time'' before terrorists try to attack the United States with weapons of mass destruction.

At the same hearing, FBI Director Robert Mueller also warned of possible terrorist operations within the United States, and called finding such terrorists ''one of the most difficult challenges'' his organization faces.

Experts have identified billions of dollars in urgent homeland security needs, ranging from communications equipment for first responders, to transportation security, to securing our borders.

Yet this year, the President proposed only modest increases for the Department of Homeland Security. And even those proposed increases were illusory based on a controversial proposed airline ticket fee that congressional budget leaders and appropriators have rejected.

In letters to the Appropriations and Budget Committees earlier this year, I identified about $8.4 billion in critical homeland security needs above and beyond the President's proposed budget, with more than $6 billion of that for programs within the Department of Homeland Security. Yet the House and Senate Appropriations Committees have both approved bills that actually provide even less for DHS programs than the President proposed.

It may be tempting to think we do not need to make these investments because we have already increased spending on homeland security since 9/11, and because we face difficult budget constraints. But when we focus on the new threat confronting us, it becomes clear that these investments are an urgent necessity.

Let me highlight some of the most serious shortfalls, starting with transportation and mass transit.

We know from last week's attack on London and last year's attacks in Moscow and Madrid that transit and rail systems are appealing targets for terrorists. And we also know we have far to go in making this country's transit and rail systems as secure as they should be. Experts have identified billions in unmet security needs for this array of critical assets.

For mass transit alone, the American Public Transportation Association has identified more than $6 billion in security needs, and a committee-approved Senate bill last Congress would have authorized $5.2 billion for transit security over 3 years.

These funds are needed to conduct security assessments, install sensors and other surveillance equipment, and train transit employees to cope with a terror attack.

In the area of rail security, the Senate last session passed legislation authorizing $1.2 billion in Federal spending over 4 years, nearly half of it in the first year, for measures such as upgrading aging rail tunnels and other security measures, and increased R&D to reduce the vulnerability of passenger and freight trains.

Unfortunately, the administration has shown little interest in funding rail or transit security measures and our systems remain dangerously exposed.

Last year, Congress provided $150 million for rail and transit grants—and only because lawmakers pushed for this dedicated funding. This year, the President proposed no dedicated funding for rail and transit—just an unspecified share of an overall infrastructure protection grant fund—and the Senate Appropriations bill proposes only $100 million. We simply cannot make the progress we need at this rate. Rather, a dramatic new infusion is needed to harden these potential targets for terrorist mayhem.

But mass transit and transportation security is just one example of the critical security needs that not receiving the investments they need to make the American homeland more secure.

Under this legislation, terrorism preparedness funding for first responders would drop for the second straight year.

In June 2003, a nonpartisan, independent task force sponsored by the Council on Foreign Relations and chaired by our former colleague Senator Warren Rudman, issued a report entitled ''Emergency Responders: Drastically Underfunded, Dangerously Unprepared.''

The report listed a number of urgent needs left unmet due to a lack of funding—including obtaining interoperable communications equipment, enhancing urban search and rescue capabilities, and providing protective gear and weapons of mass destruction remediation.

The task force concluded that, at then-current funding levels, our Nation, over the course of 5 years, would fall nearly $100 billion short of meeting the needs of our first responders.

Incredibly, though, the administration's response to this sobering analysis has been to cut funding for first responders—2 years running.

Even taking into account proposed increases in two grant programs, the administration's proposed budget would slash overall DHS grants to first responders by $565 million.

To my dismay, the Senate's DHS funding bill goes even further and cuts $587 million below last year's appropriation. This marks the second year these programs have been decreased, following a massive 32-percent reduction in the core homeland security grant programs in fiscal year 2005.

None of these proposed cuts make sense given our pressing homeland security needs and the Senate voted 63 to 37 on a bipartisan basis for a Collins-Lieberman amendment to the budget resolution to restore the administration's proposed cuts to first responder programs at DHS.

Unfortunately, that consensus was not reflected in the final budget resolution, nor in the pending appropriations bill does not reflect that consensus.

To hold these programs at current levels is the very least we can and should do.

In truth, we need significantly more funds to dramatically improve our abilities to prevent and respond to possible terror attacks. We especially need an infusion of new funds to help State and local communities develop interoperable communications systems that will allow officials and first responders to speak to one another during a crisis.

Senator COLLINS and I have introduced legislation that would provide dedicated funding for interoperability, strengthen Federal leadership on this issue, fortify outreach and technical assistance to state and local first responders, promote greater regional cooperation and ensure research and development to achieve interoperability for first responders. The legislation would authorize $3.3 billion over 5 years for short and long-term interoperability initiatives.

Another key concern is critical infrastructure protection.

Damage to one or more key ports could wreak economic havoc, while the tens of thousands of containers streaming through those ports could also serve as conduits for a weapon of mass destruction.

We have made important first steps toward securing our ports—including through the Marine Transportation Security Act—but we know that much more remains to be done.

We must also devote more resources and attention to safeguarding critical infrastructure sites such as chemical plants. As security expert Stephen Flynn testified before the Homeland Security and Governmental Affairs Committee earlier this year, ''the [A]dministration must acknowledge that its assumption that the private sector would invest in meaningful security for the 85 percent of the nation's critical infrastructure that it owns—and upon which our way of life and quality of life depends—has not been borne out.''

Even in the area of aviation security, where the government has invested significant resources since 9/11, pressing needs remain.

Many have pointed out the glaring weakness regarding air cargo. Passengers may be subject to exhaustive searches of their luggage and persons, yet air cargo loaded into the belly of the very same plane may undergo little or no scrutiny.

Following a 9/11 Commission recommendation that steps be taken to improve air cargo security, the Intelligence Reform and Terrorism Prevention Act included several provisions to enhance and augment existing programs. It authorized $2 million for the development of a pilot program to develop blast resistant cargo containers, which could be used on passenger planes to provide an additional layer of security. The bill also authorized an additional $300 million for fiscal year 2006 for ongoing air cargo security programs and additional air cargo research and development programs.

Yet the President's budget request only included $40 million for air cargo security, and the Senate bill raises this amount just $10 million. Where is the sense of urgency this problem deserves?

We also must move more quickly to install efficient and effective systems to screen passenger bags. I am concerned that the Senate bill holds funding for the installation of in-line explosives detection equipment at this year's level of about $400 million when it is estimated that more than $5 billion is needed to install the explosives detection equipment at approximately 60 major airports. The Intelligence Reform and Terrorism Prevention Act authorized an additional money for this program, and according to investing in the up-front costs associated with installing this equipment could not only boost security but also provide significant savings to DHS in labor costs.

We are also shortchanging the U.S. Coast Guard and its leadership role in homeland defense. Since 9/11, the Coast Guard has been asked to dramatically increase these security functions even as it continues to perform critical nonsecurity roles in areas such as search and rescue and fisheries enforcement.

Unfortunately, resources have not kept pace with the extraordinary demands being placed upon this service. I am particularly concerned about the deepwater program to modernize the Coast Guard's aged and fast deteriorating fleet—which includes cutters commissioned during World War II and aircraft as much as 30 years old.

Although the Senate bill does provide a modest increase for the deepwater program, it is less than the President's budget and will not speed up the modernization program. Indeed, the Coast Guard has estimated that $240 million—virtually the entire proposed increase for the program—will be needed in fiscal year 2006 just to maintain its legacy assets. At the current rate, it will take more than 20 years to finish the fleet and systems overhaul—hardly the pace associated with true ''modernization.''

Accelerating the deepwater project is not only good for our security, it makes good financial sense. Last year, a RAND report concluded that accelerating the deepwater program to 10 years would provide the Coast Guard with almost one million additional mission hours which could be used for homeland security, saving the Federal Government approximately $4 billion in the long term.

This is hardly an exhaustive list of the unmet homeland security needs, but it should serve to illustrate that we are not doing all that we could or should to meet the homeland threat.

At a January 26, 2005 hearing before the Homeland Security and Governmental Affairs Committee, homeland security expert Flynn stated: ''Any honest appraisal of the department as it approaches its 2nd anniversary would acknowledge that while there have been significant accomplishments in some areas, we are a very long ways from where we need to be.'' Flynn describes our predicament well in his recent book, America the Vulnerable:

''Homeland security has entered our post-9/11 lexicon, but homeland insecurity remains the abiding reality. With the exception of airports, much of what is critical to our way of life remains unprotected . . . From water and food supplies, refineries, energy grids and pipelines; bridges, tunnels, trains, trucks and cargo containers; to the cyber backbone that underpins the information age in which we live, the measures we have been cobbling together are hardly fit to deter amateur thieves, vandals and hackers, never mind determined terrorists. Worse still, small improvements are often oversold as giant steps forward, lowering the guard of average citizens as they carry on their daily routine with an unwarranted sense of confidence.''

Flynn also rightly points out that homeland security spending is still minuscule in comparison to the overall Pentagon budget, revealing the extent to which our government continues to perceive that the country's primary threats will be found only outside our borders. We must remember how exposed we rightly felt on September 11, 2001, and listen to the security experts who tell us that this threat is one we must live with—and prepare for—for the indefinite future.

I hope we can step back and take stock of what we are doing with respect to homeland security. Experts have warned that, in the absence of new attacks, there is a danger of complacency.

I fear we are losing the urgency and determination we shared immediately after the 9/11 attacks, to do whatever we could to thwart another such assault. The threat is still there—and so must be our commitment to meet it.

Mr. LEVIN. Mr. President, I will support final passage of the Homeland Security appropriations bill today not only because it provides funding for many programs that I support, but also because it contains many provisions that I worked to have included.

I am pleased that the Senate overwhelmingly supported, by a vote of 71 to 26, an amendment that I cosponsored with Senators COLLINS and LIEBERMAN that provides a fairer approach to allocating homeland security grants than was provided in the current law and which the underlying bill would have continued. For the past 3 years, the State homeland security grant program has distributed funds using a funding formula that arbitrarily sets aside a large portion of the funds to be divided equally among the States, regardless of size or need. This ''small state formula'' severely disadvantages states with high populations. Many Federal grant programs provide a minimum State funding level. But the state minimum formula used to allocate state homeland security funds is unusually high as was the base funding level in the underlying homeland security appropriations bill prior to the adoption of our amendment—.75 percent.

This amendment would reduce that guarantee to .55 percent of the total amount appropriated for the threat-based homeland security grant program and added an option for the larger States of selecting a minimum

amount based on a State's relative population and population density. This option for the States will provide additional guaranteed funds to the largest and most densely populated States, which also are probably the most at risk of an attack. For instance, Michigan would receive $17.55 million in guaranteed funding under the Collins/Lieberman amendment, but only $10.86 million in guaranteed funding in the underlying appropriations bill.

I was pleased to be the author of this option, which was added in the Homeland Security and Governmental Affairs Committee. The remainder of the total funds, approximately 60 percent, would go to the States and regions based purely on risk and threat assessment by the Department of Homeland Security using factors set forth in the amendment, with up to half of the remaining funds to be allocated by the Department to metropolitan areas through the Urban Area Security Initiative. The amendment also provides guidance on the factors to be considered in allocating risk-based funding. For example, in prioritizing among State applications for risk-based funds, the Secretary of Homeland Security will now consider whether the State is on an international border. The underlying appropriations bill, on the other hand, would have left all funds above the state base to be allocated without guidance, at the discretion of the Secretary of Homeland Security.

This legislation also includes language that I offered that will assist our first responders by creating demonstration projects at our northern and southern borders. The amendment provides that the Secretary of Homeland Security shall establish at least six international border community interoperable communications demonstration Projects—no fewer than three of these demonstration projects shall be on the northern border, and no fewer than three of these demonstration projects shall be on the southern border. These interoperable communications demonstrations will address the interoperable communications needs of police officers, firefighters, emergency medical technicians, National Guard, and other emergency response providers at our borders because of the location at those borders where there is such a great threat of terrorists entering.

Finally, the bill contains language I proposed that requires the Secretary of Homeland Security to deny entry of any commercial motor vehicle carrying municipal solid waste from Canada until the Secretary certifies that the methods and technology used to inspect the vehicles for potential weapons of mass destruction as well as biological, chemical and nuclear materials are as efficient as the methods and technology used to inspect other commercial vehicles.

I do not think that the funding levels provided in this bill go far enough to strengthen the programs that fund our domestic preparedness and response capabilities, protect our borders and ports and improve our transportation security. We cannot expect our first responders to be well-trained, properly equipped, and fully staffed to protect us if we cut their funding sources. I am hopeful that funding levels will be increased in conference.

Mr. GREGG. Mr. President, as chairman of the Budget Committee, I regularly comment on appropriations bills that are brought to this Senate for consideration and present the financial comparisons and budgetary data. In this instance, I am in the unique position of commenting on my own bill, as I also serve as chairman of the Homeland Security Appropriations Subcommittee. So it will not surprise my colleagues that I note this is a very good bill and that it is in compliance with the 2006 Budget Resolution.

The pending Department of Homeland Security appropriations bill for fiscal year 2006, H.R. 2360, as reported by the Senate Committee on Appropriations, provides $31.777 billion in budget authority and $33.899 billion in outlays in fiscal year 2006 for the Department of Homeland Security and related agencies. Of these totals, $931 million in budget authority and $924 million in outlays are for mandatory programs in fiscal year 2006.

The bill provides total discretionary budget authority in fiscal year 2006 of $30.846 billion. This amount is $1.285 billion more than the President's request, and is equal to the 302(b) allocation adopted by the Senate, and identical to the level in the House-passed bill. The 2006 budget authority provided in this bill is $1.09 billion less than the fiscal year 2005 enacted level because the 2005 level included a one-time $2.528 billion appropriation for bioshield. After adjusting for bioshield this bill is $1.438 billion above the 2005 enacted level.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be inserted in the RECORD.

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

H.R. 2360, 2006 HOMELAND SECURITY APPROPRIATIONS: SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2006, $ millions]

	General Purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	30,846	931	31,777
Outlays	32,975	924	33,899
Senate 302(b) allocation:			
Budget authority	30,846	931	31,777
Outlays	33,233	924	34,157
2005 Enacted:			
Budget authority	[1] 31,936	1,085	33,021
Outlays	29,821	892	30,713
President's request:			
Budget authority	29,561	931	30,492
Outlays	29,404	924	30,328
House-passed bill:			
Budget authority	30,846	931	31,777
Outlays	33,158	924	34,082
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation:			
Budget authority	0	0	0
Outlays	−258	0	−258

H.R. 2360, 2006 HOMELAND SECURITY APPROPRIATIONS: SPENDING COMPARISONS—SENATE-REPORTED BILL—Continued

[Fiscal year 2006, $ millions]

	General Purpose	Mandatory	Total
2005 Enacted:			
Budget authority	−1,090	−154	−1,244
Outlays	3,154	32	3,186
President's request:			
Budget authority	1,285	0	1,285
Outlays	3,571	0	3,571
House-passed bill:			
Budget authority	0	0	0
Outlays	−183	0	−183

[1] Includes $2.528 billion advance appropriation for Bioshield.

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. President, I thank my staff. They have done an incredible job, Rebecca Davis. And I also thank Senator BYRD's staff, Charles Kieffer. I appreciate the courtesy of the membership in moving this bill along. It is good to get it done.

At this time, I ask unanimous consent that the bill be read a third time, the Senate then proceed to a vote on passage of H.R. 1260, as amended. I further ask unanimous consent that following passage the Senate insist on its amendments, request a conference with the House and the chair be authorized to appoint conferees on the part of the Senate.

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

The question is on engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, we are going to start the last vote in a few minutes. The managers faced a few roadblocks this afternoon, but we are going to complete this bill. This will be the last vote of the evening. Tomorrow we are going to begin foreign ops. The two managers will be here for opening statements. We will be voting on Monday, and I anticipate that vote would be in relation to an amendment on the foreign ops bill.

I thank all Senators for the progress during the course of the week; foreign ops tomorrow.

Mr. GREGG. Mr. President, before we proceed to the vote, I do want to once again express my deep appreciation and thanks to the senior Senator in the Senate, the Senator from West Virginia, who has been exceptionally helpful as the ranking member of this committee and we could not have gotten this far without his help.

The PRESIDING OFFICER. The question is on passage of the bill, as amended. The yeas and nays have been ordered. The clerk will please call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT), and the Senator from Mississippi (Mr. LOTT).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

The PRESIDING OFFICER. Are there any Senators in the Chamber who desire to vote?

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 189 Leg.]

YEAS—96

Akaka	Dole	Martinez
Alexander	Domenici	McCain
Allard	Dorgan	McConnell
Allen	Durbin	Murkowski
Baucus	Ensign	Murray
Bayh	Enzi	Nelson (FL)
Bennett	Feingold	Nelson (NE)
Biden	Feinstein	Obama
Bingaman	Frist	Pryor
Bond	Graham	Reed
Boxer	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Rockefeller
Burns	Harkin	Salazar
Burr	Hatch	Santorum
Byrd	Hutchison	Sarbanes
Cantwell	Inhofe	Schumer
Carper	Inouye	Sessions
Chafee	Isakson	Shelby
Chambliss	Jeffords	Smith
Clinton	Johnson	Snowe
Cochran	Kennedy	Specter
Coleman	Kerry	Stabenow
Collins	Kohl	Stevens
Conrad	Kyl	Sununu
Cornyn	Landrieu	Talent
Corzine	Lautenberg	Thomas
Craig	Leahy	Thune
Crapo	Levin	Vitter
Dayton	Lieberman	Voinovich
DeWine	Lincoln	Warner
Dodd	Lugar	Wyden

NAYS—1

Coburn

NOT VOTING—3

DeMint	Lott	Mikulski

The bill (H.R. 2360), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

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

The PRESIDING OFFICER. The clerk will please call the roll.

The legislative clerk proceeded to call the roll.

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

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

APPOINTMENT OF CONFEREES—H.R. 2360

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendments and requests a conference with the House, and the Chair appoints the following conferees: Mr. GREGG, Mr. COCHRAN, Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. SHELBY, Mr. CRAIG, Mr. BENNETT, Mr. ALLARD, Mr. BYRD, Mr. INOUYE, Mr. LEAHY, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Mr. REID of Nevada, and Mrs. FEINSTEIN.

UNANIMOUS CONSENT AGREEMENT—H.R. 3057

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at 10 a.m. on Friday, tomorrow, July 15, the Senate proceed to the immediate consideration of Calendar No. 150, H.R. 3057. I further ask that the committee-reported substitute be agreed to and considered as original text for the purposes of further amendment, and that no points of order be waived by virtue of this agreement.

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

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

THE SUPREME COURT

Mr. CORNYN. Mr. President, I yield myself 15 minutes out of the majority time, the manager's time, to address a different subject, but one that is timely given some developments earlier today.

On July 3, the Washington Post reported that Democrats signaled that whoever the nominee to the U.S. Supreme Court is, their three likely lines of attack will be to assert that the White House did not consult sufficiently, to paint the nominee as ideologically extreme, and to finally assert that the Senate has not received sufficient documents about the candidate.

I will address the second prong of this three-prong attack. That has to do with ideology and the personal views of the nominee, or perhaps asking the nominee to predict how they would likely rule on an issue were it to come before the U.S. Supreme Court.

Over the past few days, some Members on the other side of the aisle have stated their intention to ask whomever the President nominates to the Supreme Court a series of questions on where that nominee stands on controversial political issues. For example, yesterday the senior Senator from Massachusetts said he wants to know whether the nominee supports laws related to the environment, civil rights, and abortion. The senior Senator from New York today said he wants to know what the nominee thinks about any one of a number of things, including the appropriate role of religion in government and how to balance environmental interests against energy interests. Indeed, the senior Senator from New York has said that ''every question is a legitimate question, period.'' These questions must be answered, they say, because they have a right to know what the nominee's so-called ''judicial philosophy'' is.

Let me be clear. Any one of the 100 Senators who has been elected and who serves in this Senate has a right under the First Amendment, if nowhere else, to ask any question they want. However, these statements of the last few days indicating the scope of questions that some Senators intend to ask represents something of a change of heart.

During Justice O'Connor's confirmation hearing, for example, the Senator from Massachusetts declared:

> . . . [i]t is offensive to suggest that a potential Justice of the Supreme Court must pass some presumed test of judicial philosophy. It is even more offensive to suggest that a potential Justice must pass the litmus test of any single-interest group.

The Senator's colleagues have always agreed with him on that. And I agree with the position he took at that time, but not with the position he is taking more recently.

Also during Justice O'Connor's confirmation hearing, the senior Senator from Delaware noted:

> [w]e are not attempting to determine whether or not the nominee agrees with all of us on each and every pressing social or legal issue of the day. Indeed, if that were the test, no one would ever pass by this committee, much less the full Senate.

Similarly, the senior Senator from Vermont declared during the same hearing that:

> Republican or Democrat, a conservative or a liberal. That's not the issue. The issue is one of competence and whether she has a sense of fairness.

The question is, Why the change of heart? I submit that one potential answer is because it has been a long time since the Senate has considered a Supreme Court nominee and perhaps some need to be reminded what the role of a judge in a democracy is.

As a former judge myself, let me share a few observations with my colleagues. Put simply, judges are not politicians. Judges do not vote on cases like politicians vote on legislation. Judges do not vote for or against environmental laws because their constituents demand it or because their consciences tell them to. They are supposed to rule on cases only in accordance with the law as written by the people's representatives. If a judge disagrees with the law as written, then he or she is not supposed to substitute his or her views for the people's views. Any other approach is simply inconsistent with democratic theory, with government by the people, and with respect for the rule of law.

It is worth noting that this has not always been the case. The judicial system in England during and before the American Revolution was one where judges made the law. This is called our common law system or common law heritage. Judges made up the law as they went along, trying to divine the best rules to govern the interaction between citizens. This was a heady power, the common law-making power, to decide what policies best serve mankind.

This is not, however, the judicial system created by our Founding Fathers

or by the Federal Constitution to govern the Federal courts, including the U.S. Supreme Court.

The Founding Fathers did not believe it was consistent with democracy to allow unelected judges to make laws that govern the people. We know this for three reasons. First, we know this because the Constitution says so. The Constitution quite clearly at the very outset says ''all legislative powers''—the power to make the law—''shall be vested in [the] Congress.'' This means no power to make law is vested in our courts, even in the U.S. Supreme Court.

Second, we know this because the Framers told us explicitly this is what they had envisioned. In Federalist Paper No. 47, for example, James Madison noted:

> [W]ere the power of judging joined with the legislative, the life and liberty of the [people] would be exposed to arbitrary control, for the judge would then be the legislator.

Finally, we know this because the Supreme Court has also told us so. In 1938, in the famous case of Erie v. Tompkins, the Supreme Court declared in no uncertain terms that ''[t]here is no federal general common law.''

Judges in our Federal system do not make law, or I should say are not supposed to make law. The laws are made for them and indeed for the entire Nation by the people's representatives in the form of statutes enacted by the Congress and in the form of the Constitution that we the people have ratified to govern our affairs. These are legal texts and they are supposed to tie the hands of judges in our system. Judges in our system are not supposed to make up the law as they go along. They are simply supposed to apply the laws made by the people to the facts at hand.

If the law is to change, it is because the people are the ones who are supposed to change it, not because judges do. Federal judges, again, have no general common law-making power.

Once we remember the role of judges, unelected judges, in our democracy, it is clear why the questions some members of the body intend to propound to the President's nominees are so wrongheaded. So long as we satisfy ourselves that the President's nominee will do what the President has said he wants his nominee to do—which is to not make up the law but to simply implement the law as it has already been enacted by the people's representatives—there is simply no reason to demand answers from the nominee on particular cases. Indeed, the only possible reason a Member would ask these kinds of questions is to try to make political hay out of the nominee's personal views.

Special interest groups, in order to raise money from donors, are pressing members of this Senate to do just that. But I sincerely hope we can resist the temptation to turn the impending confirmation hearings into a political fundraising opportunity. After all, a precedent for the right way to do things exists in the confirmation of Justice Ruth Bader Ginsburg in 1993.

Prior to her service on the Federal bench, Justice Ginsburg, a distinguished jurist and liberal favorite, served as the general counsel for the American Civil Liberties Union, an organization that has championed the abolition of traditional marriage laws and challenged the validity of the Pledge of Allegiance for invoking the phrase ''One nation under God.''

Before becoming a judge, Justice Ginsburg expressed her belief that traditional marriage laws are unconstitutional and that prostitution should be a constitutional right. She had also written that the Boy Scouts and Girl Scouts are discriminatory institutions and the courts must allow the use of taxpayer funds to pay for abortions—hardly views the American people would consider mainstream.

Yet Senate Republicans and Senate Democrats alike did not try to exploit her personal views; rather, they overwhelmingly approved her nomination.

There are other reasons why it is inappropriate to demand answers to questions about particular political issues. The Founding Fathers wanted our judges to be independent from the political branches. It threatens the independence of the judiciary to parade nominees in front of this body and then to ask them to state their views on whether, for example, this body has the constitutional power to enact certain environmental and civil rights laws.

How a nominee can remain independent if his or her confirmation is conditional on whether he or she pledges to uphold legislation from this body is beyond me. A nominee could not remain independent having made such a pledge, so they should not make that pledge nor, I submit, should they be asked to make that pledge.

In addition, judges in our system are supposed to be impartial. That is why Lady Justice has always been blindfolded. It undermines a nominee's ability to remain impartial once he or she becomes a judge if he or she has already taken positions on issues that might come before him or her on the bench. For example, if we force nominees to pledge to uphold certain environmental or civil rights laws enacted by this body in order to win confirmation, how is a litigant, challenging one of those laws in court, supposed to feel when the nominee sits to hear that case? The litigant would certainly not feel as though he or she is receiving equal and open-minded justice, I can promise you that.

It is for this reason the American Bar Association has promulgated a canon of judicial ethics that prohibits a nominee from making ''pledges, promises or commitments that are inconsistent with the impartial performance of the adjudicative duties of the office.'' It is also why, as Justice Ginsburg has recently noted in an opinion she wrote, that, although ''how a prospective nominee for the bench would resolve particular contentious issues would certainly be of interest to the . . . Senate in the exercise of [its] confirmation power[,] . . . in accord with a longstanding norm, every member of [the Supreme] Court declined to furnish such information to the Senate.'' In other words, just because some Members may ask these questions does not mean the President's nominee should answer them. In accordance with long tradition and norms of the Senate in the confirmation process, they should not answer them.

In conclusion, Mr. President, let me say that I hope Members reconsider their intention to condition the confirmation of the President's nominees on their adherence to a particular political platform. Judges are not politicians, and we do a disservice to the judicial branch and its role in our democracy by trying to treat them as such.

Mr. President, I reserve the remainder of our time and yield the floor.

HONORING OUR ARMED FORCES

NAVY SEAL SHANE PATTON

Mr. REID. Mr. President, Boulder City, NV, lies 25 miles east of Las Vegas, near Lake Mead. The city was constructed in 1931 to serve as a home for the workers who built Hoover Dam. It has seen limited growth over the last 70 years and has never lost its smalltown feel.

Every summer, Boulder City holds a Fourth of July celebration. Like most communities, it has fireworks, parades, and barbeques. But what separates Boulder City is its people. Folks who left long ago return to Boulder City on the Fourth of July to reunite with family and friends, and to remember the freedoms that make this country great.

This year, one of Boulder City's sons did not come back. Shane Patton, a lifelong resident and 2000 graduate of Boulder City High, was killed in action last month defending our freedoms in Afghanistan. He was a Navy SEAL and a hero to us all.

I did not know Shane, but I am very familiar with his grandfather Jim and his great-uncle Charlie. We were high school rivals some 50 years ago. They played sports for Boulder City. I played for Basic High. Jim and Charlie were athletes, and we competed against each other in baseball and football.

At that time, anyone who went to Boulder City was an arch enemy of anyone who went to Basic. But eventually we mixed and had friends in common. Jim even took a roadtrip from Nevada to the Panama Canal and another to Mexico with my friend Don Wilson in the 1970s.

Shane's grandfather has a sense of adventure and a commitment to country. It rubbed off on Shane's dad J.J., who was a SEAL, and eventually on Shane, who followed in his father's footsteps by joining the Navy and becoming one of our country's elite SEALs.

Being a Navy SEAL is one of the most physically and mentally difficult jobs in the world. The SEALs' training is legendary for its toughness. Their missions are dangerous and secret. They work in small teams, on the frontlines of war. Only the best of the best can serve as Seals, and Shane Patton did it with honor and distinction.

In Afghanistan, Shane died during a combat mission. He was buried last Saturday at the Southern Nevada Veterans Cemetery in Boulder City. He now rests among other Nevada heroes—brave men and women who dedicated part of their lives to protecting and preserving the freedoms we hold dear. I attended Shane's funeral and extended the appreciation of a grateful Nation.

A year from now Boulder City will again celebrate the Fourth of July. As is tradition, people from all over will journey back to the city they used to call home. Shane Patton will not be there. But he will live on in the hearts and minds of everyone in Boulder City and in everyone who pauses to remember the freedoms we enjoy.

Shane's life's work was keeping us safe. His service was his gift to us all. And his sacrifice will never be forgotten.

LANCE CORPORAL THOMAS WILLIAM FRITSCH

Mr. LIEBERMAN. Mr. President, I rise today to pay tribute to LCpl Thomas William Fritsch, U.S. Marines, of Cromwell, CT. Lance Corporal Fritsch lived as a true patriot and defender of our great Nation's principles of freedom and justice.

While serving during the Vietnam War, a group of marines from Battery D, including Lance Corporal Fritsch, was assigned to search for Sergeant Miller and medic Thomas Perry. The search had become necessary when it was apparent that the medic was missing during the evacuation of the base at Ngok Tavak which had come under enemy attack early on the morning of the 10th of May, 1968. It was during the course of this search when the small group was attacked by enemy fire.

Although it has been 37 years since his loss, his repatriation serves as a testament to our Nation's commitment to our Prisoners of War, those Missing in Action, and their families. I commend the Department of Defense Prisoner of War and Missing Personnel Office for their remarkable and tireless efforts during their numerous investigations which have once again been successful in identifying one of our Nation's heroes. I can only imagine the range of emotions caused by the loss and years of uncertainty experienced by Lance Corporal Fritsch's family, as well as other families of our servicemen missing in action.

In addition to his family, there are many in Connecticut who still remember him fondly. As a 1966 graduate of the EC Goodwin Technical-Vocational School in New Britain, CT, he is remembered as a good friend, a good neighbor, and an active member of the community who enjoyed volunteering for the Portland Fire Department and participating in the Boy Scouts. Perhaps, Lance Corporal Fritsch will most be remembered as an aspiring chef as his former guidance counselor, Jane Rich, vividly recalls.

Lance Corporal Fritsch will soon be laid to rest at Rose Hill Cemetery in Rocky Hill. Lance Corporal Fritsch lives on through his parents, William and Mary, and his siblings, Patricia, Gloria, Bill and Steve whom I thank for his patriotic service.

Our Nation extends its heartfelt condolences to his family. We extend our appreciation for sharing this outstanding marine with us, and hope that they may find peace and closure. They may be justifiably proud of his contributions.

CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT OF 2005

Mr. HATCH. Mr. President, I rise to speak of the Controlled Substances Export Reform Act of 2005. This bill would make a minor, but long overdue, change to the Controlled Substances Act to reflect the reality of commerce in the 21st Century and to protect high-paying American jobs, while maintaining strong safeguards on exports.

Before I discuss this bill, I want to thank Senator BIDEN for working with me on this important legislation. Senator BIDEN has long been recognized as a national leader on drug-related measures, and we have a history of working together on a bipartisan basis to enact sensible reforms in this area, as evidenced by the recent enactment of our steroid precursor bill. I respect his thoughtful collaboration, and I thank him for his work on this proposal.

I would also like to thank Chairman SPECTER for his critical work on this legislation. We would not be able to move this important bill without his efforts. Furthermore, I would like to thank the majority leader for moving this legislation during the last Congress. We were able to pass the measure last fall, and I hope that we may do so again in the near future.

This Hatch-Biden bill has been my priority for a number of years. The need for this legislation was first brought to my attention by a number of Utah companies, who had experienced significant difficulties in exporting their pharmaceutical products.

Under current law, there are two differing regulatory schemes governing export of U.S.-manufactured pharmaceutical products. One system, adopted by the Congress 10 years ago, governs products regulated under the Federal Food, Drug and Cosmetic Act. The other, which we are today proposing to harmonize with the food and drug law, governs pharmaceuticals with abuse potential regulated under the Controlled Substances Act. In sum, our proposed legislation amends the Controlled Substances Act to allow greater opportunities for U.S. manufacturers to send their products abroad, still retaining full Drug Enforcement Administration authority over those exports.

At present, U.S. pharmaceutical manufacturers are permitted to export most controlled substances only to the immediate country where the products will be consumed. Shipments to centralized sites for further distribution across national boundaries are prohibited, even though this same system is allowed under the Federal Food, Drug and Cosmetic Act for products which are not controlled substances. The current system for export of controlled substances should be contrasted with the freedom of pharmaceutical manufacturers throughout the rest of the world to readily move approved medical products among and between international drug control treaty countries without limitation or restriction.

The unique prohibitions imposed on domestic manufacturers disadvantage U.S. businesses by requiring smaller, more frequent and costly shipments to each country of use without any demonstrable benefit to public health or safety. By imposing significant logistical challenges and financial burdens on U.S. companies, the law creates a strong incentive for domestic pharmaceutical manufacturers to move production operations overseas, threatening high-wage American jobs.

The Controlled Substances Act of 1970 permits U.S. manufacturers of Schedule I and II substances and Schedule III and IV narcotics to export their products from U.S. manufacturing sites only to the receiving country where the drug will be used. The law prohibits export of these products if the drugs are to be distributed outside the country to which they are initially sent. The effect of this restriction is to prevent American businesses from using cost-effective, centralized foreign distribution facilities. In addition, under the current regime, unexpected cross-border demands or surges in patient needs cannot be met. Likewise, complex and time-sensitive export licensing procedures prevent the shipment of pharmaceuticals on a real time basis.

European drug manufacturers face no such constraints. They are able to freely move their exported products from one nation to another while complying with host country laws. This is entirely consistent with the scheme of regulation imposed by international drug control treaties. Only the United States imposes the additional limitation of prohibiting the further transfer of controlled substances. Thus, while a French or British company can ship its products to a central warehouse in Germany for subsequent distribution across the European Union, an American company must incur the added costs of shipping its products separately to each individual country.

S. 1395, the Controlled Substances Export Reform Act, would correct this imbalance and permit the highly-regulated transshipment of exported pharmaceuticals placing American businesses on an equal footing with the

rest of the world. Importantly, however, DEA's authority to control U.S. exports would not be diminished.

The legislation authorizes the Attorney General, or his designee, the DEA, to permit the re-export of Schedule I and II substances and Schedule III and IV narcotics to countries that are parties to the Single Convention on Narcotic Drugs and the Convention on Psychotropic Substances under tightly controlled circumstances: First, each country is required to have an established system of controls deemed adequate by the DEA. Next, only permit or license holders in those countries may receive regulated products. Third, re-exports are limited to one single cross-border transfer. Then the DEA must be satisfied by substantial evidence that the exported substance will be used to meet an actual medical, scientific or other legitimate need, and that the second country of receipt will hold or issue appropriate import licenses or permits. Fifth, in addition, the exporter must notify the DEA in writing within 30 days of a re-export. And finally, an export permit must have been issued by the DEA.

These safeguards are rigorous but fair, and represent a much-needed modernization of the law. The current restrictions on U.S. exports of controlled substances have remained essentially unchanged for more than 30 years. In that time, the global economy has changed dramatically. For those among us who express concerns about the outsourcing of American jobs and the competitiveness of U.S. companies, this modest change represents an opportunity to address such problems head-on.

The Controlled Substance Act's limitation on U.S. pharmaceutical exports imposes unique, unnecessary, and significant logistical and financial burdens on American businesses. The effect of this outdated policy is to create a strong incentive for domestic pharmaceutical companies to move production overseas, threatening American jobs and eliminating DEA jurisdiction over the manufacture and shipment of their products. The Controlled Substances Export Reform Act removes this unwarranted barrier to U.S. manufacturers' use of cost-effective distribution techniques while retaining full DEA control of U.S. exports and re-exports. Accordingly, I urge my colleagues to join Senator BIDEN and myself in support of this bill.

RULES OF THE SENATE COMMITTEE ON THE JUDICIARY

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee Rules approved by the Senate Committee on the Judiciary be included in the RECORD for today, July 14, 2005.

RULES OF THE SENATE COMMITTEE ON THE JUDICIARY

I. MEETINGS OF THE COMMITTEE

1. Meetings of the Committee may be called by the Chairman as he may deem necessary on three days' notice of the date, time, place and subject matter of the meeting, or in the alternative with the consent of the Ranking Minority Member, or pursuant to the provision of the Standing Rules of the Senate, as amended.

2. Unless otherwise called pursuant to (1) of this section, Committee meetings shall take place promptly at 9:30 AM each Thursday the Senate is in session.

3. At the request of any Member, or by action of the Chairman, a bill, matter, or nomination on the agenda of the Committee may be held over until the next meeting of the Committee or for one week, whichever occurs later.

II. HEARINGS OF THE COMMITTEE

1. The Committee shall provide a public announcement of the date, time, place and subject matter of any hearing to be conducted by the Committee or any Subcommittee at least seven calendar days prior to the commencement of that hearing, unless the Chairman with the consent of the Ranking Minority Member determines that good cause exists to begin such hearing at an earlier date. Witnesses shall provide a written statement of their testimony and curriculum vitae to the Committee at least 24 hours preceding the hearing testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

2. In the event 14 calendar days' notice of a hearing has been made, any witness appearing before the Committee, including any witness representing a Government agency, must file with the Committee at least 48 hours preceding her appearance a written statement of her testimony and curriculum vitae in as many copies as the Chairman of the Committee or Subcommittee prescribes. In the event the witness fails to file a written statement in accordance with this rule, the Chairman may permit the witness to testify, or deny the witness the privilege of testifying before the Committee, or permit the witness to testify in response to questions from Senators without the benefit of giving an opening statement.

III. QUORUMS

1. One-third of the membership of the Committee, actually present, shall constitute a quorum for the purpose of discussing business. Eight members of the Committee, including at least two members of the minority, must be present to transact business. No bill, matter, or nomination shall be ordered reported from the Committee, however, unless a majority of the Committee is actually present at the time such action is taken and a majority of those present support the action taken.

2. For the purpose of taking sworn testimony, a quorum of the Committee and each Subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

IV. BRINGING A MATTER TO A VOTE

1. The Chairman shall entertain a non-debatable motion to bring a matter before the Committee to a vote. If there is objection to bring the matter to a vote without further debate, a roll call vote of the Committee shall be taken, and debate shall be terminated if the motion to bring the matter to a vote without further debate passes with ten votes in the affirmative, one of which must be cast by the minority.

V. AMENDMENTS

1. Provided at least seven calendar days' notice of the agenda is given, and the text of the proposed bill or resolution has been made available at least seven calendar days in advance, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless such amendment has been delivered to the office of the Committee and circulated via e-mail to each of the offices by at least 5:00 PM the day prior to the scheduled start of the meeting.

2. It shall be in order, without prior notice, for a Member to offer a motion to strike a single section of any bill, resolution, or amendment under consideration.

3. The time limit imposed on the filing of amendments shall apply to no more than three bills identified by the Chairman and included on the Committee's legislative agenda.

4. This section of the rule may be waived by agreement of the Chairman and the Ranking Minority Member.

VI. PROXY VOTING

1. When a recorded vote is taken in the Committee on any bill, resolution, amendment, or any other question, a quorum being present, a Member who is unable to attend the meeting may submit her vote by proxy, in writing or by telephone, or through personal instructions. A proxy must be specific with respect to the matters it addresses and may not be counted either in reporting a matter, bill, or nomination to the floor, or in preventing any of the same from being reported to the floor.

VII. SUBCOMMITTEES

1. Any Member of the Committee may sit with any Subcommittee during its hearings or any other meeting, but shall not have the authority to vote on any matter before the Subcommittee unless she is a Member of such Subcommittee.

2. Subcommittees shall be considered de novo whenever there is a change in the Subcommittee chairmanship and seniority on the particular Subcommittee shall not necessarily apply.

3. Except for matters retained at the full Committee, matters shall be referred to the appropriate Subcommittee or Subcommittees by the Chairman, except as agreed by a majority vote of the Committee or by the agreement of the Chairman and the Ranking Minority Member.

4. Provided all Members of the Subcommittee consent, a bill or other matter may be polled out of the Subcommittee. In order to be polled out of a Subcommittee, a majority of the Members of the Subcommittee who vote, must vote in favor of reporting the bill or matter to the Committee.

VIII. ATTENDANCE RULES

1. Official attendance at all Committee markups and executive sessions of the Committee shall be kept by the Committee Clerk. Official attendance at all Subcommittee markups and executive sessions shall be kept by the Subcommittee Clerk.

2. Official attendance at all hearings shall be kept, provided that Senators are notified by the Committee Chairman and Ranking Minority Member, in the case of Committee hearings, and by the Subcommittee Chairman and Ranking Minority Member, in the case of Subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken; otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2005

Mr. AKAKA. Mr. President, for the past 6 years, I have worked with my colleagues in Hawaii's congressional delegation to enact legislation to extend the Federal policy of self-governance and self-determination to Native

Hawaiians. On July 12, 2005, The New York Times published an editorial piece that captures the essence of what we have been trying to do for the people of Hawaii.

Our bill, S. 147, the Native Hawaiian Government Reorganization Act of 2005, provides a process for Native Hawaiians to reorganize their governing entity for the purposes of a federally recognized government-to-government relationship with the United States. Following recognition, the bill provides for a negotiations process between the governing entity and the State and Federal governments to determine how the Native Hawaiian governing entity will exercise its governmental authority. The negotiations process is intended to represent all interested parties through the State, Federal and native governments; and provides the structure that has been missing since 1893 for Hawaii's people to address the longstanding issue resulting from the overthrow of the Kingdom of Hawaii. This bill provides the people of Hawaii with an opportunity for reconciliation and healing so that we can move forward as a State.

Opponents of the legislation have characterized its effect as divisive. The purpose of my bill, however, is to bring unity in the State by providing an inclusive process for all of us, Native Hawaiian and non-Native Hawaiian, to finally address the consequences of our painful history. Lawrence Downes, The New York Times editorial writer who authored the article, captured this in his piece. I ask unanimous consent that the article entitled, ''In Hawaii, A Chance to Heal, Long Delayed,'' be printed in today's RECORD in its entirety.

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

[From the New York Times, July 12, 2005]

IN HAWAII, A CHANCE TO HEAL, LONG DELAYED

(By Lawrence Downes)

Less than a month after 9/11, with terrorism fears threatening to put jet travel and thus the Hawaiian economy into a death spiral, tourism officials there announced an emergency marketing campaign to promote the State as a place of rest, solace and healing. Anyone who has ever stepped off a plane in Honolulu, trading the brittle staleness of the aircraft cabin for the liquid Hawaiian breeze, warm and heavy with the scent of flowers, knows exactly what they meant.

The selling of Hawaii as a land of gracious welcome works so well because it happens to be true. But for the members of one group, that has always evoked a bitter taste: native Hawaiians, the descendants of Polynesian voyagers who settled the islands in antiquity and lived there in isolation until the late 1700's. Ever since Captain Cook, the native Hawaiian story has been a litany of loss: loss of land and of a way of life, of population through sickness and disease, and of self-determination when United States marines toppled the monarchy in 1893.

Over decades, the islands emerged as a vibrant multiracial society and the proud 50th State. Hawaiian culture—language and art, religion and music—has undergone a profound rebirth since the 1970's. But underneath this modern history remains a deep sense of dispossession among native Hawaiians, who make up about 20 percent of the population.

Into the void has stepped Senator Daniel Akaka, the first native Hawaiian in Congress, who is the lead sponsor of a bill to extend federal recognition to native Hawaiians, giving them the rights of self-government as indigenous people that only American Indians and native Alaskans now enjoy. The Akaka bill has the support of Hawaii's Congressional delegation, the State Legislature and even its Republican governor, Linda Lingle. It will go before the Senate for a vote as soon as next week.

The bill would allow native Hawaiians—defined, in part, as anyone with indigenous ancestors living in the islands before the kingdom fell—to elect a governing body that would negotiate with the Federal Government over land and other natural resources and assets. There is a lot of money and property at stake, including nearly two million acres of ''ceded lands,'' once owned by the monarchy; hundreds of thousands of acres set aside long ago for Hawaiian homesteaders; and hundreds of millions of dollars in entitlement programs.

Much of what is now the responsibility of two State agencies, the Office of Hawaiian Affairs and the Department of Hawaiian Home Lands, would become the purview of the new government.

There are many jurisdictional and procedural details to work out, but Mr. Akaka and others insist that the bill precludes radical outcomes.

There would be no cash reparations, no new entitlements, no land grabs and especially no Indian-style casinos, which are a hot topic in Hawaii, one of only two states that outlaw all gambling.

The bill's critics include those who see it as a race-based scheme to balkanize a racial paradise. On the other flank, radical Hawaiian groups say the bill undercuts their real dream: to take the 50th star off the flag and to create a government that does its negotiating with the State Department, not Interior.

Mr. Akaka argues, convincingly, that beyond the bill's practical benefits in streamlining the management of assets and the flow of money, it is a crucial step in a long, slow process of reconciliation. As he sees it, Hawaii's cultural renaissance has exposed the unhealed wound in the native psyche. He has witnessed it in young people, more radical than their elders, as they adopt a tone of uncharacteristic hostility and resentment in sovereignty marches. He has noted a wariness that is at odds with the conciliatory mood struck in 1993, when President Bill Clinton signed a resolution apologizing for the kingdom's overthrow.

Mr. Akaka says his bill offers vital encouragement to a group that makes up a disproportionate share of the islands' poor, sick, homeless and imprisoned, while steering a moderate course between extremes of agitation and apathy.

The spirit of aloha, of gentle welcome, is the direct legacy of native culture and an incalculable gift the Hawaiian people have made to everyone who has ever traveled there—wobbly-legged sailors and missionaries, dogged immigrants and sun-scorched tourists. The Akaka bill, with its first steps at long-deferred Hawaiian self-determination, seems like an obvious thing to give in return, an overdue measure of simple gratitude.

MASSACRE AT SREBRENICA

Mr. BOND. Mr. President, I rise today in support of the recently passed S. Res. 134, a resolution expressing the sense of the Senate regarding the massacre at Srebrenica in July 1995, the largest single mass execution in Europe since World War II.

In has been 10 years since the war in the Balkans has dominated international headlines. The September 11, 2001 attacks in the United States and the resulting war on terror have taken center stage and rightly dominated our foreign policy. But the 40,000 Bosnians living in the St. Louis area saw the ugly face of terrorism in Srebrenica in July 1995, when approximately 8,000 Muslim men and boys were massacred, and hundreds of women and children were tortured and raped in an area that was supposedly under the protection of the United States. Tens of thousands were evicted from their homes and forced to flee their homeland.

As a direct result of the war in Bosnia-Herzegovina, more than 40,000 Bosnian immigrants now live in the St. Louis area. In fact, it is a privilege for the City of St. Louis to be the home of more Bosnians than anywhere in the world outside Bosnia. Our Bosnian immigrants are productive, peaceful citizens who are making vital contributions to the revitalization of the city and adding ethnic diversity that enriches our community. But as they rebuild their lives, they still bear the emotional scars as victims of genocide and the evils of ethnic cleansing.

It is a solemn 10 year anniversary the world will commemorate in July. As we remember the victims of Srebrenica with this resolution, we also reiterate our support for efforts to identify victims of this massacre through DNA matching and allow families a sense of closure that comes with the opportunity to appropriately commemorate and bury their loved ones. The victims of this genocide also deserve our efforts to put international pressure on those responsible for this terrible tragedy, including Serbian political leader, Radovan Karadzic and General Ratko Mladic, and bring them to justice.

As we join with our new Bosnian immigrants to commemorate the Srebrenica massacre, it is my hope that we will commit ourselves once again to oppose the evil of ethnic cleansing and genocide.

HEARING HEALTH

Mr. JOHNSON. Mr. President, today I want to address this body in order to help raise awareness about an important health problem in our society. Hearing loss impacts the lives of 28 million men, women, and children in the United States. As baby boomers reach retirement age, that number will rapidly climb and nearly double by 2030.

The combined effects of noise, aging, disease, and heredity have made hearing impairments a reality for many Americans. Children with hearing loss may lack speech and language development skills. Seniors may find it difficult to talk with friends, listen to the

television, or hear an alarm. For all Americans, recognizing and treating hearing loss can be the difference between dependence and independence.

Across the country, awareness campaigns have identified hearing loss as a major public-health issue. Last month, Newsweek had a cover story discussing the impact of hearing loss on young Americans. Experts estimate that 21 million people could benefit from a hearing aid, but do not use them or have access to them. I will ask unanimous consent to insert this important news article in the RECORD, so that all of our colleagues can read and learn more about this issue. In addition to educating themselves, I also ask that Members educate their loved ones and constituents about this important issue.

To ensure that Medicare beneficiaries receive direct access to services, I have introduced the Hearing Health Accessibility Act of 2005, S.277 in February of this year. I would like to take this moment to thank all of my colleagues that have cosponsored and supported this legislation. I urge other Senators to consider cosponsoring my bipartisan bill which will become increasingly important as baby boomers enter retirement.

I ask unanimous consent the editorial to which I referred be printed in the RECORD.

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

[From Newsweek, June 6, 2005]

A LITTLE BIT LOUDER, PLEASE

(By David Noonan)

Kathy Peck has some great memories of her days playing bass and singing with The Contractions, an all-female punk band. The San Francisco group developed a loyal following as it played hundreds of shows, and released two singles and an album between 1979 and 1985. Their music was fun, fast and loud. Too loud, as it turned out. After The Contractions opened for Duran Duran in front of thousands of screaming teenyboppers at the Oakland Coliseum in 1984, Peck's ears were ringing for days. Then her hearing gradually deteriorated. ''It got to the point where I couldn't hear conversations,'' says Peck, now in her 50s. ''People's lips would move and there was no sound. I was totally freaked out.''

Peck the punk rocker lived out one of her generation's musical fantasies two decades ago; Peck the hearing-impaired has been living out one of its fears ever since.

Over the years she has battled her problem, a combination of noise-induced hearing loss and a congenital condition (diagnosed after the traumatic concert), with a variety of strategies and interventions, including sign language, lip reading, double hearing aids and, eventually, surgery on the tiny bones in her middle ears. Today Peck, who used to cry with frustration at movies because she couldn't hear the dialogue, still has ringing in her ears (tinnitus) and mild hearing loss, but gets by , without help.

Aging rockers aren't the only ones struggling with diminished hearing these days. More than 28 million Americans currently have some degree of hearing loss, from mild to severe, and the number is expected to soar in the coming years—reaching an astounding 78 million by 2030. While that looming surge is mostly a baby-boomer phenomenon, the threat of hearing loss—and the need for prevention—isn't limited to a single age group. We are all caught in the constant roar of the 21st century. It's the rare kid today who doesn't have wires snaking out of her ears as she rocks through the day to her own personal soundtrack. Televisions are bigger and louder than ever, and so are movie theaters. One study estimates that as many as 5.2 million children in the United States between 6 and 19 have some hearing damage from amplified music and other sources. If they don't take steps to protect their hearing, the iPod Generation faces the same fate as the Woodstock Generation. Or worse.

Thanks to their years of living loudly, many boomers are ahead of schedule when it comes to hearing loss, showing symptoms in their late 40s and 50s. (In the past, patients usually weren't diagnosed until their 60s or later.) ''We're seeing hearing loss from noise develop at an earlier age than we used to,'' says Dr. Jennifer Derebery, immediate past president of the American Academy of Otolaryngology—Head and Neck Surgery. ''It's a huge problem.'' The good news: though hearing loss can't be reversed, reducing exposure to excessive noise, like quitting cigarettes, can improve your health and quality of life, no matter your age.

Of course, noise isn't the only culprit. ''Even if you spent your life in the library, you wouldn't hear as well when you're 70 as you do when you're 20,'' says Dr. Robert Dobie, professor of otolaryngology (ear, nose and throat) at the University of California, Davis. But who spent their lives in the library? Not Kathy Peck and her fans; not the folks riding jackhammers on road crews, and not the firefighters and cops dashing to the rescue with their sirens screaming. Even pediatricians have been known to develop hearing problems after years spent around crying babies. When you combine the excessive noise they have experienced at work, home and play with the natural effects of aging, boomers end up on the receiving end of what Dr. Peter Rabinowitz at the Yale School of Medicine calls a ''double whammy that makes people much more symptomatic.''

But progress is being made on many fronts. Awareness and prevention efforts—community-based, state and nationwide programs—are gaining support around the country as hearing loss is increasingly recognized as a public-health issue. Advances in digital technology have dramatically improved hearing aids; they are smaller than ever, with far better sound quality. And clinical trials are now underway on permanent, implantable hearing aids for the middle ear which will offer sound that is superior even to the best external aids. On the biological front, scientists are busy trying to unlock the genetics of hearing to find a way to regenerate the sensitive hair cells, essential for hearing, that line the cochlea, the spiral, seashell-like structure located in the inner ear. And way out on the horizon of the cutting edge, researchers have created an experimental brain-implant system that bypasses the ear altogether and sends sound from an external receiver to the part of the brainstem that processes sound.

The product of extraordinary, even beautiful, anatomy, hearing is a natural wonder and exactly the sort of gift we tend to take for granted. ''Unfortunately, a lot of people do not value their hearing,'' says Dr. William Slattery, director of clinical studies at the House Ear Institute in Los Angeles. Hearing may also be too good for its own good. Human ears were originally meant to pick up the faintest sounds of predators stalking our long-ago ancestors—the snap of twigs in the forest, the rustle of grass on the savanna. The crash and racket of modern life, both urban (motorcycles, subway trains, car alarms) and rural (chain saws, snowmobiles, shotguns), assault and insult these gorgeous instruments.

Most common types of hearing loss occur at the higher frequencies and are caused by damage to hair cells. Slattery describes the cochlea as ''a piano, with 15,000 keys rather than 88.'' Different parts of the cochlea process different frequencies of sound, so when you have hearing loss at a certain frequency, it's as if that part of the keyboard is not functioning. Various levels of noise affect hair cells in various ways. If a rocket-propelled grenade goes off right next to you, you can experience ''acoustic trauma'' that kills hair cells and causes the instant loss of a great deal of hearing. (Hearing loss is the third most commonly diagnosed service-related ailment, according to the Department of Veterans Affairs.) Hanging out directly in front of the speakers at a Green Day concert could result in a less serious ''temporary threshold shift,'' in which the hair cells are stressed but not permanently damaged. Such stress is often accompanied by ringing in the ears that can last for hours or even days. (Derebery notes that repeated threshold shifts can lead to permanent hearing loss.) And then there's what might be called noisy-world syndrome. While an individual's noise exposure may not reach the official danger zone, the worry is that the chronic din of daily life could lead to deterioration over time. ''There's not a lot of data about it,'' says Rabinowitz, ''but our concern is that there is less and less time for the ears to rest, and so the hair cells are going to be prematurely exhausted.''

Protecting your hearing starts with understanding how noise works. The classic ''formula'' for assessing the risk of hearing loss is the intensity of the noise, measured in decibels (the danger starts at 85 decibels, roughly the sound of a lawn mower), multiplied by duration, the time of exposure. In other words, the louder the noise, the less time you should be exposed to it. Prolonged exposure to any noise above 85 decibels can cause gradual hearing loss. According to what experts call the ''five-decibel rule,'' for each five-decibel increase, the permissible exposure time is cut in half. So one hour at 110 decibels is equivalent to eight hours at 95 decibels. And sound levels above 116 decibels (snowmobiles are about 120, rock concerts about 140) are unsafe for any period of time.

For millions of Americans, excessive noise in the workplace is a daily threat. Angelo Iasillo, 45, has worked in road construction since 1989, operating jackhammers and a ''road grinder'' to tear up Chicago's streets. He first noticed a problem with his hearing when he was in his early 30s and found himself asking more and more people to repeat themselves. He also demonstrated another classic symptom. ''I was always putting the TV up louder,'' he recalls. Worried, he went to the doctor and was told, at 32, that he had the hearing of an 80-year-old. Today, Iasillo wears a hearing aid, uses a vibrating alarm clock that he keeps under his pillow and has his doorbell rigged to a lamp—it blinks when someone rings.

While the Occupational Safety and Health Administration (OSHA) has made great headway against noise-induced hearing loss in the past 20 years, compliance with federal regulations can be a problem in some occupations. Earplugs would certainly help protect road workers like Iasillo, but to be safe at busy work sites they also need to hear what is happening around them. And some professions are louder than we think. Truck-drivers, for example, have a high incidence of hearing loss in their left ears from traffic noise, says Hinrich Staecker, professor of otolaryngology at the University of Maryland School of Medicine.

The National Institutes of Health runs a campaign against noise-induced hearing loss, called ''Wise Ears,'' that emphasizes basic steps like wearing earplugs when operating power tools and moderating the volume on personal listening devices. The ubiquitous music players, which send sound directly down the ear canal, are a potential problem for millions of Americans, young and old. In a recent informal study at the House Ear Institute, researchers found that the new generation of digital audio players, with their exceptional clarity, allow listeners to turn up the volume without the signal distortion that occurs with traditional analog audio. Without distortion, which serves as kind of natural volume governor, listeners may be exposed to unsafe sound levels without realizing it. In preliminary observations, the music at the eardrum topped 115 decibels. Exposure to noise that loud for more than 28 seconds per day, over time, can cause permanent damage.

Kathy Peck, who learned the hard way about the dangers of loud music, has dedicated herself to helping other musicians avoid her fate. Along with Dr. Flash Gordon, the physician from the Haight Ashbury Free Clinic who helped with her hearing loss 20 years ago, Peck cofounded Hearing Education and Awareness for Rockers (HEAR). Since its inception in 1988 (with seed money from the Who's Pete Townshend, whose hearing was also trashed by loud music), the group has helped thousands of young rockers, distributing free earplugs at clubs, concerts and music festivals, and providing free screenings by audiologists.

For more than 6 million Americans, hearing aids are the best available solution for everything from mild to profound hearing loss. Today's digital devices, like the analog instruments that preceded them, amplify sound and transmit it down the ear canal to the eardrum. But the similarities end there. Thanks to digital technologies, modern aids offer better sound quality (above). Top-of-the-line models feature ''directional'' or ''high definition'' hearing. These devices use two microphones and an algorithm to enhance sound coming from the front (the person you are talking to), while tuning down sound coming from behind (the rest of the noisy party).

Despite such encouraging technical advances, there are about 21 million people in the United States who could benefit from hearing aids, but don't use them. Many simply can't afford them. Their costs range from a few hundred dollars for a basic analog device to $3,500 for high-end instruments, and are rarely covered by insurance. Another reason some folks eschew aids is discomfort—they simply don't like the feeling of walking around with a plugged ear canal. And even with digital technology, people can still have difficulty separating speech they want to hear from the background noise, a common hearing-aid problem. Yet another obstacle to wider use is stigma—many people associate hearing aids with aging, Slattery says, and would just as soon cup a hand behind their ear. ''They're afraid to look old, but they don't mind looking dumb.''

A new generation of implantable and semi-implantable hearing aids, currently being developed and tested, could solve many of these problems. Unlike conventional aids, the new devices transmit sound vibrations directly to the bones in the middle ear, bypassing the eardrum and improving speech perception. ''You can amplify the higher frequencies without feedback problems,'' says Slattery, ''and that gives a richness to the sound. It's the high frequencies that help you localize sound and hear better in noisy situations.'' Other pluses: no clogged ear canal and no visible sign of infirmity. But until insurance companies start paying for hearing aids (they are under increasing pressure to do so), the $15,000-to-$20,000 devices—intended for those with moderate to severe hearing loss—will remain out of reach for most.

A more permanent solution to hearing loss—regenerating damaged cochlear hair cells—is the shared goal of a scattered band of researchers around the country. Unlike birds and other lower vertebrates, which can regenerate hair cells, humans and other mammals get one set, and that's it. If scientists can discover a way to grow new hair cells in humans, exciting new treatments could be devised. Already, researchers at the University of Michigan have used gene therapy to grow new hair cells in guinea pigs. At the House Ear Institute, Andrew Groves and Neil Segil are studying the embryonic development of hair cells in genetically engineered mice. If they can unravel the process, figure out how it starts and why it stops in mammals, they may eventually be able to reactivate the cells and have them make new hair cells. In a related experiment, they have managed to coax some embryonic cochlear cells in mice to restart and become hair cells. ''This is new stuff,'' says Segil, with the calm that often masks excitement in scientific circles.

''If you are going to have a hearing loss, this is the best time to do it,'' says Char Sivertson, who began to lose her hearing without discernible cause when she was a teenager. Sivertson is downright enthusiastic about things like closed captioning. ''It's incredible; now I'm not left out of TV,'' she says, and ticks off other high -tech advances, such as digital hearing aids and phones that can be ''tuned'' to improve the clarity of the caller's voice.

But Sivertson, an activist member of the Association of Late-Deafened Adults (ALDA), a support group, wasn't always so gung-ho. ''I was in denial for years and years,'' she says. ''I tried to pass for hearing, which was ridiculous.'' Sivertson was using hearing aids by the age of 24, but it was another 20 years before she fully accepted her fate. And there were some dark days in between. Every few years, her hearing would suddenly get worse. After one such drop, ''I was very depressed,'' says Sivertson, now 57. ''I wasn't exactly suicidal, but I was thinking, 'I'm not sure life is going to be very meaningful for me from this point on'.''

Sivertson faced a myriad problems while raising her two sons, Dak and Matt. When there was a school matter or some other issue to discuss, her sons tended to bypass her and go to their dad, Larry, who has normal hearing. ''Kids don't want to repeat themselves and stuff like that,'' says Larry Sivertson. ''It's up to the hearing spouse to make sure that the person with hearing loss is involved.'' Char Sivertson found peace of mind through her association with ALDA. Joining such a group, she says, ''is the No. 1 thing you can do for yourself'' if you develop hearing loss later in life.

And here's something you can do before you reach that point—learn to appreciate what you already have. Says Yale's Rabinowitz: ''If you are watching your diet, if you are exercising, then protecting your hearing should be part of your lifestyle.'' Sounds good to us.

GRANTS UNDER THE NATIONAL FLOOD INSURANCE PROGRAM

Mr. NELSON of Florida. Mr. President, on Sunday afternoon, Hurricane Dennis made landfall on Florida's Gulf Coast, causing billions of dollars in damage, taking four lives and bringing back terrible memories of last summer's four hurricanes. Some people in north Florida were still recovering from Hurricane Ivan when Dennis struck.

I was down in Pensacola on Monday and saw the damage wrought by Dennis. People are still without power in the summer heat. Food, clean water and ice are absolutely vital right now. Many coastal areas, like the small village of St. Mark's, were deluged by water from the ten foot storm surge. Mitigation helps us to better prepare for future storms, lessens their impact and saves lives.

Last summer, when the Internal Revenue Service ruled that FEMA mitigation grants must be reported as taxable income, I worked to advance a bill ensuring they were exempt from Federal taxes. This bill was signed into law by the President on April 15. Each year, hundreds of Floridians use mitigation grants to protect their lives and property from future natural disasters. Now they know for sure that accepting a mitigation grant to flood proof their home won't result in higher taxes.

Yet even with this relief, another IRS ruling is causing problems with the flood insurance program. That's because according to the IRS, a National Flood Insurance Program, NFIP, grant must be included as income. This could make some recipients ineligible for crucial Federal assistance programs like Food Stamps, aid to dependent children and Medicaid. No one should have to choose between making their home safe from flooding and food or medicine. No other kind of emergency assistance granted by FEMA counts toward income and neither should flood mitigation grants.

I'm pleased to sign onto legislation introduced by my colleague from Florida which would prevent Federal agencies administering means-tested benefits from counting NFIP grants as income. I hope the Senate will consider this legislation quickly and provide peace of mind to Floridians and other Americans living in disaster prone areas of the country.

ADDITIONAL STATEMENTS

CONGRATULATING MS. SHANNON MURPHY

• Mr. BUNNING. Mr. President, today I rise to congratulate Ms. Shannon Murphy of Louisville, KY. Ms. Murphy recently completed the 2004–2005 United States Holocaust Memorial Museum's Teacher Fellowship Program.

The Museum Teacher Fellowship Program develops a national corps of skilled secondary school educators who will serve as leaders in Holocaust education in their schools, their communities, and their professional organizations. In August of 2004, Ms. Murphy participated in a summer institute at the Museum designed to immerse

teachers in advanced historical and pedagogical issues connected to the Holocaust.

It is truly an honor to have Ms. Murphy join the other 185 Museum Teacher Fellows who work throughout the country to provide teachers and communities with opportunities to learn about the Holocaust and the ongoing threats of genocide in the world today. I heartily applaud Ms. Murphy's hard work and achievements.●

ACHIEVEMENTS OF THE STOLAR RESEARCH CORP.

● Mr. DOMENICI. Mr. President, I would like to recognize the achievements of the Stolar Research Corp. of Raton, NM. Stolar's drill string radar was recently selected by R&D magazine as one of the 100 most technologically significant products introduced into the marketplace this year.

The drill string radar attaches to systems that drill for natural resources. It can identify geological formations, locate the position of oil and gas deposits, and determine the thickness of coal seams. The use of the drill string radar will permit missed oil and gas reserves to be cost effectively and easily located. I have every expectation this capability will allow us to more efficiently utilize the resources we have. This ability will lessen our dependence upon foreign sources of energy, which is vital to our economic and strategic interest.

I would also like to commend Dr. Larry Stolarczyk, founder and president of Stolar Research Corp. His accomplishments and commitment to his hometown of Raton are an example to all New Mexicans.

This is the fourth industry award Stolar has received and I believe it will not be the last. I am very proud of Stolar's achievements. I congratulate them and encourage them to keep up the good work.●

60TH ANNIVERSARY OF WHITE SANDS MISSILE RANGE

● Mr. DOMENICI. Mr. President, I would like to recognize the central role White Sands Missile Range, WSMR, has played in the defense of our Nation and our exploration of space, as we commemorate its establishment 60 years ago.

I would also like to honor the men and women who have served and worked at White Sands. It is due to their hard work and dedication that White Sands has been, and remains a shining example of American scientific and technological innovation.

On July 9, 1945, White Sands Missile Range was officially established. One week later, its place in history was assured with the detonation of the world's first atomic device at the Trinity site. This would prove a pivotal moment in the final defeat of the Japanese Empire and the course of world history. The Trinity test was to be the first of many historical achievements that will forever be linked to White Sands.

At White Sands the technology was developed and matured that would propel the United States into space and to the Moon. Beginning with the reverse engineering and testing of captured German V2 rockets at the end of the Second World War, a base of knowledge was created there that would lead directly to the development of the Redstone rocket program and every rocket produced in the United States since. It was a Redstone Rocket which launched the first U.S. astronaut, Alan Shephard, into space on May 5, 1961. For these achievements, White Sands is often referred to as the ''Birthplace of the Race to Space.''

White Sands continues its close connection to the space program today as a space harbor serving as the backup landing facility for the space shuttle. It also serves as the primary training area for NASA space shuttle pilots flying practice approaches and landings in the shuttle-training aircraft.

Over the last 60 years, White Sands Missile Range's contribution to the security of the United States has been significant. Most of the missile systems used by the U.S. military have been tested at WSMR. Like America's first guided anti-aircraft missile the Nike Ajax and the Patriot missile system made famous during the first gulf war, the missile systems tested at White Sands have played an important role in ensuring the technological superiority of the Armed Forces throughout the last six decades.

Today, White Sands Missile Range continues its long tradition of excellence as a testing and development center for new technologies and is the largest military facility in the United States. I would like to thank the men and women, past and present, who have made White Sands a source of national pride. I have no doubt the work done at White Sands will continue to contribute to the national security of the United States and further the scientific achievements of our Nation.●

GOLD STAR WIVES OF AMERICA

● Mr. KERRY. Mr. President, I rise today to pay tribute to an organization that has answered the call of duty on behalf of our soldiers and their families for the last 60 years, the Gold Star Wives of America, Inc. On July 19th, representatives of all the Gold Star Wives chapters will gather in Orlando, FL, to commemorate their 60th Anniversary and I ask every American to join me in thanking these citizen soldiers for their tireless work on behalf of military families across this country.

While we as a Nation celebrate and honor the service of our soldiers, it is organizations such as the Gold-Star Wives that remind us that every soldier is a sibling, a parent, someone's child, a spouse. They also remind us that our national obligation is not only to the soldier in the field but to the family a fallen soldier leaves behind.

Prior to World War II, many military widows and their families did not have a strong voice to advocate on their behalf. All of that changed in New York when 23-year-old Marie Jordan, whose husband Edward died in Germany, collected women's names as they appeared in military obituaries and invited a small group over for coffee. Once together, the assembled widows realized that their concerns were many, that their issues were common amongst many military widows, and that there was not an organization charged with advocating on their behalf. They set about addressing these three concerns and in the process created the Gold Star Wives of America with a simple but profound mission: to honor those who died in the service of their country and assist those left behind.

The meetings continued and grew throughout New York. In April of 1945, our country lost the President. From the sorrow of that loss came a member who would have a lasting and dramatic effect on the group's profile, Mrs. Eleanor Roosevelt. Through Mrs. Roosevelt's weekly columns and public profile, the visibility of the Gold Star Wives increased, as did their impact and membership. That early coffee gathering evolved into their one and only annual fundraiser, a ''Stay-at-Home Tea'' to which members are encouraged to donate amounts as small a $10 and $15.

Initially the activities were local, such as arranging camping trips for the children of lost soldiers and volunteering at veterans hospitals. As membership grew so did the scope of the young organization's focus, which soon incorporated organizational support for memorial projects, helping coordinate Veterans and Memorial Days programs and speaking out in public forums on behalf of widowed military wives.

And the work continues today. Tiffany Petty, 25, of Inkom, ID, was widowed in December 2003 when her husband, Army PFC Jerrick M. Petty, was killed while guarding a gas station in Iraq. Along with other members of the Gold Star Wives, Tiffany appeared before the Senate and communicated in strong, heartfelt terms the need to increase death benefits for survivors and remove the bureaucratic obstacles grieving families face in accessing benefits.

On July 19, the mothers, wives, sisters, and daughters that comprise the membership of the Gold Star Wives will convene in Florida. A central part of this 60th anniversary celebration will be a tribute to the group's founder now known as Marie Jordan Speer. Along with the Massachusetts delegation, I am proud to stand with all of these inspiring women as they pay tribute to a patriot and citizen soldier who has had an immeasurable impact on how this nation treats military families.

As a veteran and as an American, I thank Marie Jordan Speer and every member, past and present, of the Gold Star Wives of America for their patriotic service, for their advocacy, and for making sure that this country lives up to its obligation to soldiers long after the battlefield falls quiet and troops come home.●

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.)

REPORT REQUESTED IN SECTION 2106 OF THE EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005 (PUBLIC LAW 109–13) PROVIDING INFORMATION ON MATTERS RELATING TO THE PALESTINIAN SECURITY SERVICES AND PALESTINIAN AUTHORITY REFORM—PM 17

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Consistent with section 2106 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13), and in order to keep the Congress fully informed, I herewith submit the enclosed report prepared by my Administration providing information on matters relating to the Palestinian Security Services and Palestinian Authority reform.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 14, 2005*.

MESSAGES FROM THE HOUSE

At 12:22 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1220. An act to increase, effective as of December 1, 2005, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.

H.R. 2113. An act to designate the facility of the United States Postal Service located at 2000 McDonough Street in Joliet, Illinois, as the ''John F. Whiteside Joliet Post Office Building''.

H.R. 2183. An act to designate the facility of the United States Postal Service located at 567 Tompkins Avenue in Staten Island, New York, as the ''Vincent Palladino Post Office''.

H.R. 2385. An act to extend by 10 years the authority of the Secretary of Commerce to conduct the quarterly financial report program.

H.R. 2630. An act to redesignate the facility of the United States Postal Service located at 1927 Sangamon Avenue in Springfield, Illinois, as the ''J.M. Dietrich Northeast Annex''.

The message also announced that pursuant to the request of the Senate, on July 11, 2005, the bill (H.R. 2985) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes, together with all accompanying papers is hereby returned to the Senate.

At 4:54 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 191. Concurrent resolution commemorating the 60th anniversary of the conclusion of the War in the Pacific and honoring veterans of both the Pacific and Atlantic theaters of the Second World War.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 6) to ensure jobs for our future with secure, affordable, and reliable energy; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

From the Committee on Energy and Commerce, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. BARTON of Texas, HALL, BILIRAKIS, UPTON, STEAMS, GILLMOR, SHIMKUS, SHADEGG, PICKERING, BLUNT, BASS, DINGELL, WAXMAN, MARKEY, BOUCHER, STUPAK, WYNN, and Ms. SOLIS.

Provided that Mrs. CAPPS is appointed in lieu of Mr. WYNN for consideration of secs. 1501–1506 of the House bill, and secs. 221 and 223–225 of the Senate amendment, and modifications committed to conference.

From the Committee on Agriculture, for consideration of secs. 332, 344, 346, 1701, 1806, 2008, 2019, 2024, 2029, and 2030 of the House bill, and secs. 251–253, 264, 303, 319, 342, 343, 345, and 347 of the Senate amendment, and modifications committed to conference: Messrs. GOODLATTE, LUCAS, and PETERSON of Minnesota.

From the Committee on Armed Services, for consideration of secs. 104, 231, 601–607, 609–612, and 661 of the House bill, and secs. 104, 281, 601–607, 609, 610, 625, 741–743, 1005, and 1006 of the Senate amendment, and modifications committed to conference: Messrs. HUNTER, WELDON of Pennsylvania, and SKELTON.

From the Committee on Education and the Workforce, for consideration of secs. 121, 632, 640, 2206, and 2209 of the House bill, and secs. 625, 1103, 1104, and 1106 of the Senate amendment, and modifications committed to conference: Messrs. NORWOOD, SAM JOHNSON of Texas, and KIND.

From the Committee on Financial Services, for consideration of secs. 141–149 of the House bill, and secs. 161–164 and 505 of the Senate amendment, and modifications committed to conference: Messrs. OXLEY, NEY, and Ms. WATERS.

From the Committee on Government Reform, for consideration of secs. 102, 104, 105, 203, 205, 502, 624, 632, 701, 704, 1002, 1227, and 2304 of the House bill, and secs. 102, 104, 105, 108, 203, 502, 625, 701–703, 723–725, 741–743, 939, and 1011 of the Senate amendment, and modifications committed to conference: Messrs. TOM DAVIS of Virginia, ISSA, and Ms. WATSON.

From the Committee on the Judiciary, for consideration of secs. 320, 377, 612, 625, 632, 663, 665, 1221, 1265, 1270, 1283, 1442, 1502, and 2208 of the House bill, and secs. 137, 211, 328, 384, 389, 625, 1221, 1264, 1269, 1270, 1275, 1280, and 1402 of the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, CHABOT, and Conyers.

From the Committee on Resources, for consideration of secs. 204, 231, 330, 344, 346, 355, 358, 377, 379, Title V, secs. 969–976, 1701, 1702, Title XVIII, secs. 1902, 2001–2019, 2022–2031, 2033, 2041, 2042, 2051–2055, Title XXI, Title XXII, and Title XXIV of the House bill, and secs. 241–245, 252, 253, 261–270, 281, 311–317, 319–323, 326, 327, 342–346, 348, 371, 387, 391, 411–414, 416, and 501–506 of the Senate amendment, and modifications committed to conference: Mr. POMBO, Mrs. CUBIN, and Mr. RAHALL.

From the Committee on Rules, for consideration of sec. 713 of the Senate amendment, and modifications committed to conference: Messrs. DREIER, LINCOLN DIAZ-BALART of Florida, and Ms. SLAUGHTER.

From the Committee on Science, for consideration of secs. 108, 126, 205, 209, 302, 401–404, 411, 416, 441, 601–607, 609–612, 631, 651, 652, 661, 711, 712, 721–724, 731, 741–744, 751, 754, 757, 759, 801–811, Title IX, secs. 1002, 1225–1227, 1451, 1452, 1701, 1820, and Title XXIV of the House bill, and secs. 125, 126, 142, 212, 230–232, 251–253, 302, 318, 327, 346, 401–407, 415, 503, 601–607, 609, 610, 624, 631–635, 706, 721, 722, 725, 731, 734, 751, 752, 757, 801, Title IX, Title X, secs. 1102, 1103, 1105, 1106, 1224, Title XIV, secs. 1601, 1602, and 1611 of the Senate amendment, and modifications committed to conference: Mr. BOEHLERT, Mrs. BIGGERT, and Mr. GORDON.

Provided that Mr. COSTELLO is appointed in lieu of Mr. GORDON for consideration of secs. 401–404, 411, 416, and 441 of the House bill, and secs. 401–407 and 415 of the Senate amendment, and modifications committed to conference.

From the Committee on Transportation and Infrastructure, for consideration of secs. 101–103, 105, 108, 109, 137, 205, 208, 231, 241, 242, 320, 328–330, 377, 379, 721–724, 741–744, 751, 755, 756, 758, 811, 1211, 1221, 1231, 1234, 1236, 1241, 1281–1283, 1285, 1295, 1442, 1446, 2008, 2010, 2026, 2029, 2030, 2207, and 2210 of the House bill, and secs. 101–103, 105, 107, 108, 281, 325, 344, 345, 383, 731–733, 752, 1211, 1221, 1231, 1233, 1235, 1261, 1263, 1266, and 1291 of the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, PETRI, and OBERSTAR.

From the Committee on Ways and Means, for consideration of Title XIII of the House bill, and secs. 135, 405, Title XV, and sec. 1611 of the Senate amendment, and modifications committed to conference: Messrs. THOMAS, CAMP, and RANGEL.

ENROLLED BILL SIGNED

At 5:50 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3071. An act to permit the individuals currently serving as Executive Director, Deputy Executive Directors, and General Counsel of the Office of Compliance to serve one additional term.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1220. An act to increase, effective as of December 1, 2005, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 2113. An act to designate the facility of the United States Postal Service located at 2000 McDonough Street in Joliet, Illinois, as the ''John F. Whiteside Joliet Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2183. An act to designate the facility of the United States Postal Service located at 567 Tompkins Avenue in Staten Island, New York, as the ''Vincent Palladino Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2385. To extend by 10 years the authority of the Secretary of Commerce to conduct the quarterly financial report program; to the Committee on Commerce, Science, and Transportation

H.R. 2630. An act to redesignate the facility of the United States Postal Service located at 1927 Sangamon Avenue in Springfield, Illinois, as the ''J.M. Dietrich Northeast Annex''; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1394. A bill to reform the United Nations, 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–2970. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Potassium Triiodide; Pesticide Chemical Not Requiring a Tolerance or and Exemption from Tolerance'' (FRL7714–4) received on July 6, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2971. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Spirodiclofen; Pesticide Tolerance'' (FRL7714–3) received on July 6, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2972. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Imidacloprid; Pesticide Tolerances'' (FRL7720–1) received on July 6, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2973. A communication from the Director, Child Nutrition Division, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''School Food Safety Inspections'' (RIN0584–AD64) received on July 6, 2005; to the Committee on Agriculture, Nutrition, and Forestry

EC–2974. A communication from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''School Food Safety Inspections'' (RIN0584–AD64) received on July 6, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2975. A communication from the Secretary, Department of Agriculture, transmitting, a draft of proposed legislation to bring certain Federal Agricultural programs into compliance with agreements of the World Trade Organization, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2976. A communication from the Secretary, Department of Agriculture, transmitting, a draft of proposed legislation entitled ''Forest Service Facility Realignment and Enhancement Act of 2005''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2977. A communication from the Acting Under Secretary, Rural Development, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Renewable Energy Systems and Energy Efficiency Improvements Program'' (RIN0570–AA50) received on July 11, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2978. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Control Volatile Organic Compound Emissions; Correction'' (FRL1936–8); to the Committee on Environment and Public Works.

EC–2979. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' (FRL7936–7); to the Committee on Environment and Public Works.

EC–2980. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, Commonwealth of Virginia; Control of Municipal Waste Combustor Emissions from Small Existing Municipal Solid Waste Combustor Unites'' (FRL7937–5); to the Committee on Environment and Public Works.

EC–2981. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Control of Emissions of Air Pollution From Diesel Fuel'' (FRL1937–3); to the Committee on Environment and Public Works.

EC–2982. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Washington; Correcting Amendments'' (FRL7936–3); to the Committee on Environment and Public Works.

EC–2983. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plan; Idaho'' (FRL1936–1); to the Committee on Environment and Public Works.

EC–2984. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Delegation of National Emission Standards for Hazardous Air Pollutions for Source Categories; State of Arizona; Pima County Department of Environmental Quality; State of Nevada; Nevada Division of Environmental Protection'' (FRL7935–2); to the Committee on Environment and Public Works.

EC–2985. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Enforceable Consent Agreement and Testing Consent Order for Four Formulated Composites of Fluoroploymer Chemicals; Expert Notification'' (FRL7710–5); to the Committee on Environment and Public Works.

EC–2986. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Enforceable Consent Agreement and Testing Consent Order for Two Formulated Composites of Fluorotelmer-based Polymer Chemicals; Export Notification'' (FRL7710–4); to the Committee on Environment and Public Works.

EC–2987. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants: Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections; Sections 112(g) and 112(j)'' (FRL7935–4); to the Committee on Environment and Public Works.

EC–2988. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Nonattainment Major New Source Review Implementation Under 8-Hour Ozone National Ambient Air Quality Standard: Reconsideration'' (FRL1934–9); to the Committee on Environment and Public Works.

EC–2989. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting,

pursuant to law, the report of a rule entitled ''Toxic Release Inventory Reporting Forms Modification Rule'' (FRL7532–6); to the Committee on Environment and Public Works.

EC–2990. A communication from the Assistant Secretary of the Army, Civil Works, Department of Defense, transmitting, pursuant to law, a report on the final decision document and environmental assessment for the Muddy River Flood Control and Ecosystem Restoration in Boston and Brookline, Massachusetts; to the Committee on Environment and Public Works.

EC–2991. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the semi-annual report on the continued compliance of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, Ukraine and Uzbekistan with the Trade Act's freedom of emigration provisions, as required under the Jackson-Vanik Amendment; to the Committee on Finance.

EC–2992. A communication from the Acting General Counsel, Department of the Treasury, transmitting, a draft of proposed legislation that would increase the collection of delinquent non-tax debt owed to the government by eliminating the ten-year statute of limitations applicable to the collection of debts by administrative offset; to the Committee on Finance.

EC–2993. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, the June 2005 Report on Issues in a Modernized Medicare Program; to the Committee on Finance.

EC–2994. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Election Out of Section 1400L(c)'' (Rev. Proc. 2005–43); to the Committee on Finance.

EC–2995. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Coordinated Issue: Losses Claimed and Income to be Reopened from Sale In/Lease Out (SILO) Transactions'' (9300.38–00) to the Committee on Finance.

EC–2996. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Bureau of Labor Statistics Price Indexes for Department Stores—May 2005'' (Rev. Rul. 2005–45); to the Committee on Finance.

EC–2997. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Treatment of Disaster Relief Grants to Business'' (Rev. Rul. 2005–46); to the Committee on Finance.

EC–2998. A communication from the Regulations Coordinator, Center for Medicare Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Competitive Acquisition of Outpatient Drugs and Biologicals Under Part B'' (RIN0938–AN58) received on July 7, 2005; to the Committee on Finance.

EC–2999. A communication from the Chairman, National Labor Relations Board, transmitting, pursuant to law, the report of a vacancy and the designation of an acting officer for the position of General Counsel, received on July 5, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3000. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Beverages: Bottled Water'' (Doc. No. 2004N–0416) received on July 6, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3001. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Supplemental Financial Disclosure Requirements for Employees of the Department'' (RIN3209–AA15) received on July 7, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3002. A communication from the Assistant General Counsel for Regulatory Services, Office of Innovation and Improvement, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Innovation for Teacher Quality—Troops to Teachers'' (RIN1855–AA04) received on July 1, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3003. A communication from the Administrator, Office of National Programs, Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Indian and Native American Welfare-to-Work Program'' (RIN1205–AB16) received on July 11, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3004. A communication from the Acting Director, Office of Standards, Regulations, and Variances, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Diesel Particulate Matter Exposure of Underground Metal and Nonmetal Miners'' (RIN1219–AB29) received on July 7, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3005. A communication from the Assistant Secretary, Division of Market Regulation, Securities and Exchange Commission transmitting, pursuant to law, the report of a rule entitled ''Amendments to the Penny Stock Rules'' (RIN3235–AI02) received on July 1, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–3006. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to Liberia that was declared in Executive Order 13348 of July 22, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–3007. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of texts and background statements of international agreements other than treaties; to the Committee on Foreign Relations.

EC–3008. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Amendments to the International Traffic in Arms Regulations: Part 126'' (RIN1400–ZA17) received on July 6, 2005; to the Committee on Foreign Relations.

EC–3009. A communication from the Administrator, National Nuclear Security Administration, Department of Energy, transmitting, pursuant to law, the report on Advanced Simulation and Computing Program Participant Computer Company Sales to Tier III Countries in Calendar Year 2004; to the Committee on Energy and Natural Resources.

EC–3010. A communication from the Director, Office of Electricity and Energy Assurance, Department of Energy, transmitting, pursuant to law, a report on the Navajo Electrification Demonstration Program for 2004; to the Committee on Energy and Natural Resources.

EC–3011. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-120, ''Emergency Suspension of Liquor Licenses Act of 2005'' received on July 11, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–3012. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–130, ''Closing and Disposition of a Portion of Wisconsin Avenue, N.W., Right-of-Way, S.O. 05–2378, Act of 2005'' received on July 11, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–3013. A communication from the Acting Secretary of the Army, transmitting pursuant to law, a report regarding the discharge of the Department of Defense's responsibilities concerning termination of the Panama Canal Commission Office of Transition Administration; to the Committee on Homeland Security and Governmental Affairs.

EC–3014. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's report required by the Government in the Sunshine Act for calendar year 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–3015. A communication from the Acting General Counsel, Department of the Treasury, transmitting, a draft of proposed legislation that would direct the Secretary of the Treasury to collect fees that would recover the Alcohol and Tobacco Tax and Trade Bureau's cost in providing regulatory services to the alcohol industry; to the Committee on the Judiciary.

EC–3016. A communication from the Architect of the Capitol, transmitting, pursuant to law, a report of all expenditures during the period October 1, 2004 through March 31, 2005 from moneys appropriated to the Architect; to the Committee on Appropriations.

EC–3017. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments'' (RIN1625–ZA04) received on July 6, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3018. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations for Marine Events (including 2 regulations)'' (RIN1625–AA08) received on July 6, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3019. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone (including 8 regulations)'' (RIN1625–AA00) received on July 6, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3020. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zones (including 2 regulations)'' (RIN1625–AA87) received on July 6, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3021. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Georgetown Channel, Potomac River, Washington, DC'' (RIN1625–AA87) received on

July 6, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3022. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations (including 2 regulations)'' (RIN1625–AA09) received on July 6, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3023. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations (including 2 regulations)'' (RIN1625–AA09) received on July 6, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3024. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Reallocation of Unused Community Development Quota, Incidental Catch Allowance, and Non-CDQ Pollock Allocation from the Aleutian Islands Subarea to the Bering Sea Subarea'' received on July 6, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3025. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled ''Naval Petroleum Reserves Annual Report of Operations Fiscal Year 2004''; to the Committee on Armed Services.

EC–3026. A communication from the Director, Naval Reactors, transmitting, pursuant to law, a report on radiological waste disposal and environmental monitoring, worker radiation exposure, and occupational safety and health, as well as a report providing an overview of the Program; to the Committee on Armed Services.

EC–3027. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–3028. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–3029. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract in the amount of $1,000,000 or more with Haiti; to the Committee on Armed Services.

EC–3030. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract in the amount of $1,000,000 or more for the distribution by Browning International in Belgium; to the Committee on Armed Services.

EC–3031. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles or defense services in the amount of $100,000,000 or more to Japan; to the Committee on Armed Services.

EC–3032. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the manufacture of significant military equipment abroad in the amount of $265,000 to the United Kingdom; to the Committee on Armed Services.

EC–3033. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–3034. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, a list of officers authorized to wear the insignia of rear admiral (lower half); to the Committee on Armed Services.

EC–3035. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, a list of officers authorized to wear the insignia of major general; to the Committee on Armed Services.

EC–3036. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (1 subject on 1 disc entitled ''Inquiry Response Regarding COBRA Data for Newport, RI and Athens, GA'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3037. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (5 subjects on 1 disc beginning with ''COBRA Data on Navy Supply Corps School, Athens, GA'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3038. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (3 subjects on 1 disc beginning with ''Inquiry Response Regarding Grand Forks AFB'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3039. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (2 subjects on 1 disc beginning with ''Inquiry Response Regarding Synergy of Training Between Cannon AFB F–16s and Ft Sill'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3040. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (3 subjects on 1 disc beginning with ''Inquiry Response Regarding Coordination of Air Sovereignty Mission with BRAC'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 3010. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. No. 109–103).

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 662. A bill to reform the postal laws of the United States.

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. ALLEN (for himself and Mr. SANTORUM):

S. 1396. A bill to amend the Investment Company Act of 1940 to provide incentives for small business investment, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LIEBERMAN (for himself, Mrs. CLINTON, Mr. NELSON of Florida, Mr. REED, and Mr. SALAZAR):

S. 1397. A bill to amend title 10, United States Code, to provide for an increase in the minimum end-strength level for active duty personnel for the United States Army, and for other purposes; to the Committee on Armed Services.

By Mr. FEINGOLD:

S. 1398. A bill to provide more rigorous requirements with respect to ethics and lobbying; to the Committee on Homeland Security and Governmental Affairs.

By Mr. THOMAS:

S. 1399. A bill to improve the results the executive branch achieves on behalf of the American people; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CHAFEE (for himself, Mrs. CLINTON, Mr. INHOFE, and Mr. JEFFORDS):

S. 1400. A bill to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to improve water and wastewater infrastructure in the United States; to the Committee on Environment and Public Works.

By Mr. GREGG (for himself, Mr. ROBERTS, and Mr. ALEXANDER):

S. 1401. A bill to amend the Internal Revenue Code of 1986 to clarify the proper treatment of differential wage payments made to employees called to active duty in the uniformed services, and for other purposes; to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. LEVIN, Ms. STABENOW, Mr. VOINOVICH, Mr. BAYH, Mr. DAYTON, Mr. FEINGOLD, and Mr. DURBIN):

S. 1402. A bill to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp; to the Committee on Environment and Public Works.

By Mr. WYDEN:

S. 1403. A bill to amend title XVIII of the Social Security Act to extend reasonable cost contracts under medicare; to the Committee on Finance.

By Mr. BOND:

S. 1404. A bill to clarify that terminal development grants remain in effect under certain conditions; to the Committee on Commerce, Science, and Transportation.

By Mr. NELSON of Nebraska (for himself, Mr. SANTORUM, and Mr. CORZINE):

S. 1405. A bill to extend the 50 percent compliance threshold used to determine whether a hospital or unit of a hospital is an impatient rehabilitation facility and to establish the National Advisory Council on Medical Rehabilitation; to the Committee on Finance.

By Mr. CORNYN:

S. 1406. A bill to protect American workers and responders by ensuring the continued

commercial availability of respirators and to establish rules governing product liability actions against manufacturers and sellers of respirators; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself and Mrs. CLINTON):

S. 1407. A bill to provide grants to States and local governments to assess the effectiveness of sexual predator electronic monitoring programs; to the Committee on the Judiciary.

By Mr. SMITH (for himself, Mr. NELSON of Florida, Mr. STEVENS, Mr. INOUYE, Mr. MCCAIN, and Mr. PRYOR):

S. 1408. A bill to strengthen data protection and safeguards, require data breach notification, and further prevent identity theft; to the Committee on Commerce, Science, and Transportation.

By Ms. MURKOWSKI:

S. 1409. A bill to amend the Safe Drinking Water Act Amendments of 1996 to modify the grant program to improve sanitation in rural and Native villages in the State of Alaska; to the Committee on Environment and Public Works.

By Mr. CHAFEE (for himself, Mr. JEFFORDS, Mrs. CLINTON, Mr. LAUTENBERG, Mr. VOINOVICH, and Mr. CRAPO):

S. 1410. A bill to reauthorize the Neotropical Migratory Bird Conservation Act, and for other purposes; to the Committee on Environment and Public Works.

ADDITIONAL COSPONSORS

S. 7

At the request of Mr. KYL, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 7, a bill to increase American jobs and economic growth by making permanent the individual income tax rate reductions, the reduction in the capital gains and dividend tax rates, and the repeal of the estate, gift, and generation-skipping transfer taxes.

S. 21

At the request of Ms. COLLINS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 21, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 37

At the request of Mrs. FEINSTEIN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

At the request of Mrs. HUTCHISON, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 37, supra.

S. 45

At the request of Mr. LEVIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 45, a bill to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices, and for other purposes.

S. 58

At the request of Mr. INOUYE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 58, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 313

At the request of Mr. LUGAR, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 313, a bill to improve authorities to address urgent nonproliferation crises and United States nonproliferation operations.

S. 392

At the request of Mr. LEVIN, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 481

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 481, a bill to amend title 38, United States Code, to extend the period of eligibility for health care for combat service in the Persian Gulf War or future hostilities from two years to five years after discharge or release.

S. 611

At the request of Ms. COLLINS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 611, a bill to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on Emergency Medical Services Advisory Council, and for other purposes.

S. 614

At the request of Mr. SPECTER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 614, a bill to amend title 38, United States Code, to permit medicare-eligible veterans to receive an out-patient medication benefit, to provide that certain veterans who receive such benefit are not otherwise eligible for medical care and services from the Department of Veterans Affairs, and for other purposes.

S. 642

At the request of Mr. FRIST, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 642, a bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes.

S. 662

At the request of Ms. COLLINS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 662, a bill to reform the postal laws of the United States.

S. 666

At the request of Mr. DEWINE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 666, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 669

At the request of Mr. SMITH, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 669, a bill to amend the Internal Revenue Code of 1986 to treat natural gas distribution lines as 15-year property for purposes of depreciation.

S. 691

At the request of Mr. DOMENICI, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 691, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 695

At the request of Mr. BYRD, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 695, a bill to suspend temporarily new shipper bonding privileges.

S. 861

At the request of Mr. ISAKSON, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 861, a bill to amend the Internal Revenue Code of 1986 to provide transition funding rules for certain plans electing to cease future benefit accruals, and for other purposes.

S. 863

At the request of Mr. CONRAD, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 863, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

S. 960

At the request of Mr. ENZI, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 960, a bill to amend the Packers and Stockyards Act, 1921, to prohibit the use of certain anti-competitive forward contracts.

S. 1010

At the request of Mr. SANTORUM, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1010, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1014

At the request of Ms. SNOWE, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1014, a bill to provide additional relief for small business owners ordered to active duty as members of reserve components of the Armed Forces, and for other purposes.

S. 1035

At the request of Mr. INHOFE, the name of the Senator from New York

(Mr. SCHUMER) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1047

At the request of Mr. SUNUNU, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Missouri (Mr. TALENT) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 1047, a bill to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively, to improve circulation of the $1 coin, to create a new bullion coin, and for other purposes.

S. 1057

At the request of Mr. DORGAN, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1057, a bill to amend the Indian Health Care Improvement Act to revise and extend that Act.

S. 1063

At the request of Mr. NELSON of Florida, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1063, a bill to promote and enhance public safety and to encourage the rapid deployment of IP-enabled voice services.

S. 1081

At the request of Mr. KYL, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1081, a bill to amend title XVIII of the Social Security Act to provide for a minimum update for physicians' services for 2006 and 2007.

S. 1103

At the request of Mr. BAUCUS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1103, a bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax.

S. 1120

At the request of Mr. DURBIN, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Michigan (Ms. STABENOW), the Senator from Colorado (Mr. SALAZAR) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1172

At the request of Mr. SPECTER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1180

At the request of Mr. OBAMA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1180, a bill to amend title 38, United States Code, to reauthorize various programs servicing the needs of homeless veterans for fiscal years 2007 through 2011, and for other purposes.

S. 1317

At the request of Mr. DODD, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1317, a bill to provide for the collection and maintenance of cord blood units for the treatment of patients and research, and to amend the Public Health Service Act to authorize the Bone Marrow and Cord Blood Cell Transplantation Program to increase the number of transplants for recipients suitable matched to donors of bone marrow and cord blood.

At the request of Mr. HATCH, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1317, supra.

S. 1353

At the request of Mr. REID, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1358

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1358, a bill to protect scientific integrity in Federal research and policymaking.

S. 1386

At the request of Mr. MARTINEZ, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1386, a bill to exclude from consideration as income certain payments under the national flood insurance program.

S. CON. RES. 8

At the request of Mr. SARBANES, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. Con. Res. 8, a concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the pay of members of the uniformed services and the adjustments in the pay of civilian employees of the United States.

S. CON. RES. 26

At the request of Mr. CONRAD, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Washington (Ms. CANTWELL), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Minnesota (Mr. DAYTON), the Senator from Nebraska (Mr. HAGEL), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Florida (Mr. MARTINEZ), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Nebraska (Mr. NELSON), the Senator from Nevada (Mr. REID), the Senator from Louisiana (Mr. VITTER), the Senator from Kansas (Mr. BROWNBACK), the Senator from Ohio (Mr. DEWINE), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Tennessee (Mr. FRIST), the Senator from Oklahoma (Mr. INHOFE), the Senator from Wisconsin (Mr. KOHL), the Senator from Missouri (Mr. TALENT), the Senator from Florida (Mr. NELSON), the Senator from North Carolina (Mr. BURR), the Senator from South Dakota (Mr. THUNE), the Senator from Oregon (Mr. WYDEN) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. Con. Res. 26, a concurrent resolution honoring and memorializing the passengers and crew of United Airlines Flight 93.

S. RES. 182

At the request of Mr. COLEMAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Res. 182, a resolution supporting efforts to increase childhood cancer awareness, treatment, and research.

AMENDMENT NO. 1075

At the request of Mr. VOINOVICH, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of amendment No. 1075 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1111

At the request of Mr. DORGAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 1111 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1124

At the request of Mr. ENSIGN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of amendment No. 1124 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1129

At the request of Mr. CONRAD, his name was added as a cosponsor of amendment No. 1129 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1137

At the request of Ms. COLLINS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of amendment No. 1137 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1140

At the request of Mr. SESSIONS, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of

amendment No. 1140 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1144

At the request of Mr. MARTINEZ, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of amendment No. 1144 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1158

At the request of Mr. FEINGOLD, his name was added as a cosponsor of amendment No. 1158 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1171

At the request of Mr. MCCAIN, the names of the Senator from Arizona (Mr. KYL) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of amendment No. 1171 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1200

At the request of Mr. BYRD, the names of the Senator from Virginia (Mr. WARNER), the Senator from Maine (Ms. COLLINS), the Senator from Washington (Mrs. MURRAY), the Senator from Michigan (Ms. STABENOW), the Senator from Maryland (Mr. SARBANES), the Senator from Michigan (Mr. LEVIN) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of amendment No. 1200 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1206

At the request of Mr. SARBANES, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 1206 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1216

At the request of Mrs. BOXER, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 1216 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1217

At the request of Ms. STABENOW, the names of the Senator from Arizona (Mr. KYL), the Senator from Kansas (Mr. BROWNBACK) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 1217 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1218

At the request of Mr. BYRD, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 1218 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLEN (for himself and Mr. SANTORUM):

S. 1396. A bill to amend the Investment Company Act of 1940 to provide incentives for small business investment, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ALLEN. Mr. President, I am pleased to join with my distinguished colleague, Senator SANTORUM, in introducing the Increased Capital Access for Growing Businesses Act. The legislation would help many small businesses address the challenge of accessing capital as they look to grow, develop and create more jobs.

I would like to share with colleagues in the Senate why this legislation is necessary and desirable to update our securities laws for entrepreneurial small business owners. In 1980, Congress passed legislation, the Small Business Investment Incentive Act, which authorized business development companies, or BDCs, to provide financing to small, developing or financially troubled companies. Congress recognized the importance of small businesses to the U.S. economy and that such businesses may have a more difficult time obtaining needed capital to grow and develop.

BDCs are publicly traded companies that are required to have 70 percent of their assets invested in eligible assets, or eligible portfolio companies, which are generally to be securities of small developing or financially troubled businesses. In 1980, the definition of a small company for the purposes of a BDC's 70 percent of asset category was tied to the Federal Reserve's rules defining marginable securities. At the time, about two-thirds or 8,000 publicly traded companies were not marginable and were therefore eligible investments for BDCs.

However, there was an unintended consequence of tying the definition of small company to those issuers that do not have marginable securities—the margin rules have been changed several times, which significantly reduced the number of public companies in which BDCs could invest. This was obviously not the original intent of Congress, but the practical impact was that many small, public companies became ineligible to receive BDC financing, even if they could not receive more traditional sources of financing.

Recently, the disqualification of any private company that had issued any debt security has significantly narrowed even further the number of companies that qualify as eligible portfolio companies. Thus, for the first time many companies with no access to the public equity markets cannot access capital through a BDC. These companies are either denied capital access altogether, or are forced to turn to various unregulated sources to meet capital needs. This situation is unfair to the shareholders of BDCs, and unfair to the shareholders of businesses that could grow if only offered capital access opportunities.

That is why this legislation is so important. It will allow more small private and public companies to receive BDC financing and restore the original intent of Congress.

Specifically, the legislation would use a market capitalization standard of $250 million or less to define what is an eligible portfolio company for BDCs. The $250 million market capitalization level approximates the number of public companies that Congress originally intended to qualify as eligible BDC assets. I would note that it is also much lower than the market capitalization levels of small cap indexes, such as the S&P SmallCap 600, which uses a market cap of $300 million to $1 billion for a definition of a small company.

This legislation adds no costs or risks to the government or taxpayers. It will simply correct the unintended consequences of current rules and update the securities laws to allow more small businesses to access capital. This will in turn encourage small business growth, job creation and economic expansion.

That is why, earlier this year the House of Representatives unanimously passed similar legislation to modernize U.S. securities laws and allow more small businesses to be eligible for such financing.

I urge my colleagues in the Senate to join me in supporting this commonsense legislation for small businesses in America.

By Mr. LIEBERMAN (for himself, Mrs. CLINTON, Mr. NELSON of Florida, Mr. REED, and Mr. SALAZAR):

S. 1397. A bill to amend title 10, United States Code, to provide for an increase in the minimum end-strength level for active duty personnel for the United States Army, and for other purposes; to the Committee on Armed Services.

Mr. LIEBERMAN. 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. 1397

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States Army Relief Act of 2005''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The 2004 National Military Strategy of the United States assigns the Army the task of operating with the other Armed Forces to provide for homeland defense, deter aggression forward from and in four different regions around the world, conduct military operations in two overlapping but geographically disparate major campaigns, and win decisively in one of those campaigns before shifting focus to the next one.

(2) The Chairman of the Joint Chiefs of Staff, General Richard Myers, has directed that the Army must be able to ''win decisively'' in one theater, even when it is committed to a number of other contingencies.

(3) While Congress lauds the current efforts by the Administration to reduce demands upon ground forces by continuing to pursue the transformation of the United States military as a whole, the recent experiences of the Army in Iraq serve to underscore the fact that there is, as of yet, no substitute for having sufficient troops to conduct personnel-intensive post-conflict missions.

(4) The current force requirements posed by the ongoing operations in Iraq, Afghanistan, and elsewhere as part of the Global War on Terror are unsustainable for the long term and undermine the ability of the United States military to successfully execute the National Military Strategy.

(5) Although the burden may be a heavy one, we as a nation and as a people must not, will not, shy away from our engagement in world affairs to defend our interests and to defend those who are themselves defenseless.

(6) Our engagement in Afghanistan, Iraq, and the greater Middle East is, as Secretary of State Condoleezza Rice stated, a ''generational'' one.

(7) Although our commitments in this region—and around the world—are vital, the Army has been ''overused'' according to the Chief of the United States Army Reserve.

(8) The Army currently has approximately 499,000 active duty troops, and these are backed up by nearly 700,000 members of the Army National Guard and the Army Reserve.

(9) This number is a third less than the force level on hand when the first Persian Gulf War was fought in 1991.

(10) Approximately 150,000 of these troops are in Iraq. Nearly 10,000 troops are in Afghanistan. 1,700 serve in Kosovo. 37,000 serve on the Korean peninsula.

(11) As of 2005 the relationship between the total number of troops and the number of operationally deployed troops has resulted, as the commanding general of the 18th Corps of the Army at Fort Bragg remarked in 2004, in an active-duty force that is ''stretched extraordinarily thin.''

(12) A former Army Deputy Chief of Staff has stated that in light of the growing operational demands upon it in the strategic environment after September 11, 2001, that the Army ''is too small to do its current missions''.

(13) That former Army Deputy Chief of Staff further stated that the current size of the Army, coupled with the current demands upon it, has resulted in a loss of ''the resiliency to provide either strategic balance—what you need if some other thing flares up—or to be able to give a respite as the troops rotate back from overseas areas where they've been in combat.''

(14) In its attempts to fulfill its missions with too few troops, the Army has risked ''damaging'' the force significantly or ''even breaking it in the next five years'', according to a division commander during Operation Desert Storm.

(15) In a December 2004 letter to the Chief of Staff, United States Army, the Chief of the United States Army Reserve wrote that ''the current demands'' of operations in the Middle East were ''spreading the Reserve force too thin'' and that his command ''was in grave danger'' of being unable to meet other missions abroad or domestically, and that the Army Reserve was ''rapidly degenerating into a 'broken force' ''.

(16) The letter referred to in paragraph (15) was intended, the Chief of the United States Army Reserve wrote, not ''to sound alarmist . . . [but] . . . to send a clear, distinctive, signal of deepening concern'' to his superiors.

(17) In addition to hampering the ability of the Army to successfully complete the missions assigned to it, this ''overuse'' has significant consequences for domestic homeland security operations.

(18) A disproportionate number of Federal, State, and local first responders are also members of the National Guard or Reserve.

(19) At a time of strain for large municipalities struggling to secure their infrastructure against the threat of terrorism, the drain on available personnel as well as budgets is unacceptable.

(20) An increase of the end-strength of the Army is in the best interests of the people of the United States and their interests abroad, and is consistent with the duties and obligations of Congress as set forth in the Constitution.

(21) An increase of 100,000 troops over the permanently authorized level for the Army for fiscal year 2004 of 482,000 troops will provide a long-term, lasting solution to the current operational constraints and future mission requirements of the Army.

(22) Progress was made toward that solution when Congress authorized an increase of 20,000 troops in the end-strength of the Army for fiscal year 2005 in the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375).

(23) An increase in the permanent authorized end-strength for the Army of 80,000 troops is required to meet the 100,000-troop increase level that will provide a lasting, long-term solution to personnel problems currently being experienced by the Army.

(24) This number will equip the Army with sufficient personnel so that it may not only engage in a stabilization operation like Iraq, but so that it may do so while maintaining optimal troop rotation schedules.

(25) This conclusion is supported by the November 2003 testimony of the Director of the Congressional Budget Office, Douglas Holtz-Eakin, before the Committee on Armed Services of the House of Representatives.

SEC. 3. INCREASE IN END-STRENGTH FOR THE ARMY.

Section 691 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) Notwithstanding subsection (b)(1), the authorization for the number of members of the Army at the end of each fiscal year as follows shall be not less than the number specified for such fiscal year:

''(1) Fiscal year 2006, 522,400.

''(2) Fiscal year 2007, 542,400.

''(3) Fiscal year 2008, 562,400.

''(4) Fiscal year 2009, 582,400.

''(5) Any fiscal year after fiscal year 2009, 582,400.''.

By Mr. FEINGOLD:

S. 1398. A bill to provide more rigorous requirements with respect to ethics and lobbying; to the Committee on Homeland Security and Government Affairs.

TITLE I—ENHANCING LOBBYING DISCLOSURE

Section 101: Requires lobbying disclosure reports to be filed quarterly rather than semiannually and adjusts monetary thresholds accordingly.

Section 102: Requires lobbying disclosure reports to be filed in electronic form.

Section 103: Directs the Secretary of the Senate and the Clerk of the House of Representatives to create a searchable, sortable, and downloadable public database that contains the information disclosed in lobbying disclosure reports.

Section 104: Requires registered lobbyists to provide, in the section of their quarterly reports in which the issues or bills on which they lobbied are listed, the names of all senior executive branch officials and Members of Congress who they communicated with orally and the dates on which such communications occurred.

Section 105: Mandates that registered lobbyists must disclose all past executive and congressional employment, not just such employment during the two years prior to making a lobbying contact.

Section 106: Requires lobbyists to disclose in their quarterly reports how much they spent on grassroots lobbying efforts.

Section 107: Provides more transparency for lobbying coalitions, by requiring such organizations to disclose those individuals or entities whose total contribution to the association in connection with lobbying activities exceeds $10,000. Certain tax-exempt associations are not covered by this new requirement.

Section 108: Doubles the penalty for failing to comply with lobbying disclosure requirements from $50,000 to $100,000.

TITLE II—SLOWING THE REVOLVING DOOR

Section 201: Amends 18 U.S.C. §207, the section of the criminal code that provides restrictions on lobbying by former executive and legislative branch employees, to establish the following restrictions:

1. Senior executive employees, those paid at 86.5 percent of level II of the Executive Schedule are prohibited from making communications or appearances with the intent to influence any employee of their former agencies for two years. The current ''cooling off period'' is one year.

2. Very senior executive employees, the Vice President and those paid at level I of the Executive Schedule, such as cabinet officers and heads of agencies, are prohibited from engaging in ''lobbying activities,'' as defined in section 3, subsection 7 of the Lobbying Disclosure Act of 1995, for a two-year period; with respect to their former agency or to any employee currently paid under the Executive Schedule. Under the LDA, lobbying activities include not only direct lobbying contacts, but activities such as providing advice, strategy, or preparation in connection with such contacts.

3. Members of Congress are prohibited from engaging in lobbying activities relating to either House of Congress for two years. This will prevent a former member from directing or managing a lobbying campaign while avoiding personal lobbying contacts.

4. Senior congressional staff, those making 75 percent of a Member's salary, are prohibited from making appearances or communications with the intent to influence any employee of the House of Congress that formerly employed them for two years. Current law prohibits contacts with the former employing office or committee for only one year.

Section 202: Requires the establishment of uniform regulations regarding the standards

by which waivers on seeking employment by executive branch officials are granted and requires the Executive branch to publish waivers that have been granted within three business days.

Section 203: Requires Members to publicly disclose within three days any negotiations with prospective employers in which a conflict of interest or the appearance of a conflict of interest exists.

Section 204: Establishes stiffer penalties for an employee of either House of Congress who uses his or her official capacity to influence an employment decision or practice of any private or public entity, except for the Congress itself.

Section 205: Reaffirms that any employee of either House may not take official action on the basis of a prospect for personal gain.

Section 206: Eliminates any benefits or privileges generally granted by the House or Senate to former Members, such as gym membership or floor privileges, for those former Members who are registered lobbyists.

TITLE III—CURBING EXCESSES IN PRIVATELY FUNDED TRAVEL AND LOBBYIST GIFTS

Section 301: Amends the ethics rules to require all congressional employees to obtain a certification from any party that pays for transportation or lodging permitted by the gift rules that the trip was not planned, organized, arranged, or financed by a registered lobbyist and that no registered lobbyists will participate in or attend the trip

Section 302: Amends the gift rule to require Senators and staff to publicly disclose information on any flight on a corporate jet and requires Senators to reimburse the owner of a corporate jet at the charter rate, instead of first class airfare as is currently permitted. Also requires campaigns to pay for the use of corporate jets at the charter rate. Current FEC regulations allow campaigns to pay first class airfare if the flight is between cities where commercial service is available.

Section 303: Establishes maximum civil fines of $100,000, $300,000, and $500,000 for the first, second, and third false travel certifications, respectively

Section 304: Amends the ethics rules to require Members to provide more detailed descriptions of all meetings, tours, events, and outings during travel paid for by private entities under the gift rules.

Section 305: Directs House and Senate Ethics Committees to develop and revise guidelines on what constitute ''reasonable expenses'' or ''reasonable expenditures'' during privately funded travel.

Section 306: Prohibits registered lobbyists from giving gifts to Members of Congress or congressional employees. Exceptions are provided for gifts from relatives and personal friends, campaign contributions, informational materials, and items of nominal value.

Section 307: Amends the House and Senate ethics rules to prohibit Members from accepting gifts from registered lobbyists not permitted by Section 306.

TITLE IV—OVERSIGHT OF ETHICS AND LOBBYING

Section 401: Requires the Comptroller General to review the effectiveness of lobbying oversight and to issue semiannual reports on the topic.

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

S. 1398

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 ''Lobbying and Ethics Reform Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ENHANCING LOBBYING DISCLOSURE

Sec. 101. Quarterly filing of lobbying disclosure reports.
Sec. 102. Electronic filing of lobbying disclosure reports.
Sec. 103. Public database of lobbying disclosure information.
Sec. 104. Identification of officials with whom lobbying contacts are made.
Sec. 105. Disclosure by registered lobbyists of all past executive and congressional employment.
Sec. 106. Disclosure of grassroots activities by paid lobbyists.
Sec. 107. Disclosure of lobbying activities by certain coalitions and associations.
Sec. 108. Increased penalty for failure to comply with lobbying disclosure requirements.

TITLE II—SLOWING THE REVOLVING DOOR

Sec. 201. Amendments to restrictions on former officers, employees, and elected officials of the executive and legislative branches.
Sec. 202. Reform of waiver process for acts affecting a personal financial interest.
Sec. 203. Public disclosure by Members of Congress of employment negotiations.
Sec. 204. Wrongfully influencing, on a partisan basis, an entity's employment decisions or practices.
Sec. 205. Amendment to Code of Official Conduct to prohibit favoritism.
Sec. 206. Elimination of floor privileges and other perks for former Member lobbyists.

TITLE III—CURBING EXCESSES IN PRIVATELY FUNDED TRAVEL AND LOBBYIST GIFTS

Sec. 301. Required certification that congressional travel meets certain conditions.
Sec. 302. Requirement of full payment and disclosure of charter flights.
Sec. 303. False certification in connection with congressional travel.
Sec. 304. Increased disclosure of travel by Members.
Sec. 305. Guidelines respecting travel expenses.
Sec. 306. Prohibition on gifts by registered lobbyists to Members of Congress and to congressional employees.
Sec. 307. Prohibition on members accepting gifts from lobbyists.

TITLE IV—OVERSIGHT OF ETHICS AND LOBBYING

Sec. 401. Comptroller General review and semiannual report on activities carried out by Clerk of the House and Secretary of the Senate under Lobbying Disclosure Act of 1995.

TITLE I—ENHANCING LOBBYING DISCLOSURE

SEC. 101. QUARTERLY FILING OF LOBBYING DISCLOSURE REPORTS.

(a) QUARTERLY FILING REQUIRED.—Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended—

(1) in subsection (a)—

(A) by striking ''Semiannual'' and inserting ''Quarterly'';

(B) by striking ''the semiannual period'' and all that follows through ''July of each year'' and insert ''the quarterly period beginning on the first days of January, April, July, and October of each year''; and

(C) by striking ''such semiannual period'' and insert ''such quarterly period''; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''semiannual report'' and inserting ''quarterly report'';

(B) in paragraph (2), by striking ''semiannual filing period'' and inserting ''quarterly period'';

(C) in paragraph (3), by striking ''semiannual period'' and inserting ''quarterly period''; and

(D) in paragraph (4), by striking ''semiannual filing period'' and inserting ''quarterly period''.

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION.—Section 3 of such Act (2 U.S.C. 1602) is amended in paragraph (10) by striking ''six month period'' and inserting ''three-month period''.

(2) REGISTRATION.—Section 4 of such Act (2 U.S.C. 1603) is amended—

(A) in subsection (a)(3)(A), by striking ''semiannual period'' and inserting ''quarterly period''; and

(B) in subsection (b)(3)(A), by striking ''semiannual period'' and inserting ''quarterly period''.

(3) ENFORCEMENT.—Section 6 of such Act (2 U.S.C. 1605) is amended in paragraph (6) by striking ''semiannual period'' and inserting ''quarterly period''.

(4) ESTIMATES.—Section 15 of such Act (2 U.S.C. 1610) is amended—

(A) in subsection (a)(1), by striking ''semiannual period'' and inserting ''quarterly period''; and

(B) in subsection (b)(1), by striking ''semiannual period'' and inserting ''quarterly period''.

(5) DOLLAR AMOUNTS.—

(A) Section 4 of such Act (2 U.S.C. 1603) is further amended—

(i) in subsection (a)(3)(A)(i), by striking ''$5,000'' and inserting ''$2,500'';

(ii) in subsection (a)(3)(A)(ii), by striking ''$20,000'' and inserting ''$10,000'';

(iii) in subsection (b)(3)(A), by striking ''$10,000'' and inserting ''$5,000''; and

(iv) in subsection (b)(4), by striking ''$10,000'' and inserting ''$5,000''.

(B) Section 5 of such Act (2 U.S.C. 1604) is further amended—

(i) in subsection (c)(1), by striking ''$10,000'' and ''$20,000'' and inserting ''$5,000'' and ''$10,000'', respectively; and

(ii) in subsection (c)(2), by striking ''$10,000'' both places such term appears and inserting ''$5,000''.

SEC. 102. ELECTRONIC FILING OF LOBBYING DISCLOSURE REPORTS.

Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is further amended by adding at the end the following new subsection:

''(d) ELECTRONIC FILING REQUIRED.—A report required to be filed under this section shall be filed in electronic form, in addition to any other form that may be required by the Secretary of the Senate or the Clerk of the House of Representatives.''.

SEC. 103. PUBLIC DATABASE OF LOBBYING DISCLOSURE INFORMATION.

(a) DATABASE REQUIRED.—Section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is further amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(9) maintain, and make available to the public over the Internet, without a fee or

other access charge, in a searchable, sortable, and downloadable manner, an electronic database that—

''(A) includes the information contained in registrations and reports filed under this Act;

''(B) directly links the information it contains to the information disclosed in reports filed with the Federal Election Commission under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

''(C) is searchable and sortable, at a minimum, by each of the categories of information described in section 4(b) or 5(b).''.

(b) AVAILABILITY OF REPORTS.—Section 6 of such Act is further amended in paragraph (4) by inserting before the semicolon at the end the following: ''and, in the case of a report filed in electronic form pursuant to section 5(d), shall make such report available for public inspection over the Internet not more than 48 hours after the report is so filed''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (9) of section 6 of such Act, as added by subsection (a).

SEC. 104. IDENTIFICATION OF OFFICIALS WITH WHOM LOBBYING CONTACTS ARE MADE.

Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is further amended in subsection (b)(2)—

(1) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(2) by inserting after subparagraph (A) the following new subparagraph:

''(B) for each specific issue listed pursuant to subparagraph (A), a list identifying each covered executive branch official and each Member of Congress with whom a lobbyist employed by the registrant engaged in a lobbying contact through oral communication with respect to that issue and the date on which each such contact occurred.''.

SEC. 105. DISCLOSURE BY REGISTERED LOBBYISTS OF ALL PAST EXECUTIVE AND CONGRESSIONAL EMPLOYMENT.

Section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is further amended in subsection (b)(6) by striking ''or a covered legislative branch official'' and all that follows through ''as a lobbyist on behalf of the client,'' and inserting ''or a covered legislative branch official,''.

SEC. 106. DISCLOSURE OF GRASSROOTS ACTIVITIES BY PAID LOBBYISTS.

(a) DISCLOSURE OF GRASSROOTS ACTIVITIES.—Section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is further amended by adding at the end the following new paragraph:

''(17) GRASSROOTS LOBBYING COMMUNICATION.—The term 'grassroots lobbying communication' means an attempt to influence legislation or executive action through the use of mass communications directed to the general public and designed to encourage recipients to take specific action with respect to legislation or executive action, except that such term does not include any communications by an entity directed to its members, employees, officers, or shareholders. For purposes of this paragraph, a communication is designed to encourage a recipient if any of the following applies:

''(A) The communication states that the recipient should contact a legislator, or should contact an officer or employee of an executive agency.

''(B) The communication provides the address, phone number, and contact information of a legislator or of an officer or employee of an executive agency.

''(C) The communication provides a petition, tear-off postcard, or similar material for the recipient to send to a legislator or to an officer or employee of an executive agency.

''(D)(i) Subject to clause (ii), the communication specifically identifies an individual who—

''(I) is in a position to consider or vote on the legislation;

''(II) represents the recipient in Congress; or

''(III) is an officer or employee of the executive agency to which the legislation or executive action relates.

''(ii) A communication described in clause (i) is a grassroots lobbying communication only if it is a communication that cannot meet the 'full and fair exposition' test as nonpartisan analysis, study, or research.''.

(b) SEPARATE ITEMIZATION OF GRASSROOTS EXPENSES.—Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is further amended in subsection (b)—

(1) in paragraph (3), by inserting after ''total amount of all income'' the following: ''(including an itemization of the total amount relating specifically to grassroots lobbying communications and, within that amount, an itemization of the total amount specifically relating to broadcast media grassroots lobbying communications)''; and

(2) in paragraph (4), by inserting after ''total expenses'' the following: ''(including an itemization of the total amount relating specifically to grassroots lobbying communications and, within that total amount, an itemization of the total amount specifically relating to broadcast media grassroots lobbying communications)''.

SEC. 107. DISCLOSURE OF LOBBYING ACTIVITIES BY CERTAIN COALITIONS AND ASSOCIATIONS.

(a) IN GENERAL.—Paragraph (2) of section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended to read as follows:

''(2) CLIENT.—

''(A) IN GENERAL.—The term 'client' means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees.

''(B) TREATMENT OF COALITIONS AND ASSOCIATIONS.—

''(i) IN GENERAL.—Except as provided in clause (ii), in the case of a coalition or association that employs or retains persons to conduct lobbying activities, each person, other than an individual who is a member of the coalition or association, whose total contribution to the coalition or association in connection with the lobbying activities exceeds the $10,000 registration threshold described in section 4(a)(3)(A)(ii) of this Act, is the client along with the coalition or association.

''(ii) EXCEPTION FOR CERTAIN TAX-EXEMPT ASSOCIATIONS.—In case of an association—

''(I) which is described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, or

''(II) which is described in any other paragraph of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code and which has substantial exempt activities other than lobbying,

the association (and not its members) shall be treated as the client.

''(iii) LOOK-THRU RULES.—A coalition or association and its members, which would otherwise be treated as a client, shall not avoid the registration and reporting requirements of this Act by employing or retaining another coalition or association to conduct lobbying activities.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to—

(A) coalitions and associations listed on registration statements filed under section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) after the date of the enactment of this Act, and

(B) coalitions and associations for whom any lobbying contact is made after the date of the enactment of this Act.

(2) SPECIAL RULE.—In the case of any coalition or association to which the amendments made by this Act apply by reason of paragraph (1)(B), the person required by such section 4 to file a registration statement with respect to such coalition or association shall file a new registration statement within 30 days after the date of the enactment of this Act.

SEC. 108. INCREASED PENALTY FOR FAILURE TO COMPLY WITH LOBBYING DISCLOSURE REQUIREMENTS.

Section 7 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1606) is amended by striking ''$50,000'' and inserting ''$100,000''.

TITLE II—SLOWING THE REVOLVING DOOR

SEC. 201. AMENDMENTS TO RESTRICTIONS ON FORMER OFFICERS, EMPLOYEES, AND ELECTED OFFICIALS OF THE EXECUTIVE AND LEGISLATIVE BRANCHES.

(a) VERY SENIOR EXECUTIVE PERSONNEL.—

(1) IN GENERAL.—The matter after subparagraph (C) in section 207(d)(1) of title 18, United States Code, is amended to read as follows:

''and who, within 2 years after the termination of that person's service in that position, engages in lobbying activities directed at any person described in paragraph (2), on behalf of any other person (except the United States), shall be punished as provided in section 216 of this title.''.

(2) CONFORMING AMENDMENT.—The first sentence of section 207(h)(1) of title 18, United States Code, is amended by inserting after ''subsection (c)'' the following: ''and subsection (d)''.

(b) SENIOR EXECUTIVE PERSONNEL.—Section 207(c)(1) of title 18, United States Code, is amended by striking ''within 1 year after'' and inserting ''within 2 years after''.

(c) FORMER MEMBERS OF CONGRESS AND OFFICERS AND EMPLOYEES OF THE LEGISLATIVE BRANCH.—

(1) IN GENERAL.—Section 207(e) of title 18, United States Code, is amended—

(A) by striking paragraphs (1), (2), (3), and (4) and inserting the following:

''(1) MEMBERS OF CONGRESS AND ELECTED OFFICERS.—Any person who is a Member of Congress or an elected officer of either House of Congress and who, within 2 years after that person leaves office, knowingly engages in lobbying activities on behalf of any other person (except the United States) in connection with any matter on which such former Member of Congress or elected officer seeks action by a Member, officer, or employee of either House of Congress shall be punished as provided in section 216 of this title.

''(2) CONGRESSIONAL EMPLOYEES.—

''(A) IN GENERAL.—Any person who is an employee of the Senate or an employee of the House of Representatives, who, for at least 60 days, in the aggregate, during the 1-year period before the termination of employment of that person with the Senate or House of Representatives, was paid a rate of basic pay equal to or greater than an amount which is 75 percent of the basic rate of pay payable for a Member of the House of Congress in which such employee was employed,

within 2 years after termination of such employment, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

''(B) PERSONS REFERRED TO.—The persons referred to under subparagraph (A) with respect to appearances or communications by a former employee are any Member, officer, or employee of the House of Congress in which such former employee served.''; and

(B) in paragraph (6)—

(i) in subparagraph (A), by striking ''paragraphs (2), (3), and (4)'' and inserting ''paragraph (2)''; and

(ii) in subparagraph (B), by striking ''paragraph (5)'' and inserting ''paragraph (3)'';

(C) in paragraph (7)(G), by striking '', (2), (3), or (4)'' and inserting ''or (2)''; and

(D) by redesignating paragraphs (5), (6), and (7) as paragraphs (3), (4), and (5), respectively.

(2) DEFINITION.—Section 207(i) of title 18, United States Code, is amended—

(A) in paragraph (2), by striking ''and'' after the semicolon;

(B) in paragraph (3), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(4) the term 'lobbying activities' has the same meaning given such term in section 3(7) of the Lobbying Disclosure Act (2 U.S.C. 1602(7)).''.

SEC. 202. REFORM OF WAIVER PROCESS FOR ACTS AFFECTING A PERSONAL FINANCIAL INTEREST.

Section 208 of title 18, United States Code, is amended—

(1) in subsection (b)(1)—

(A) by inserting after ''the Government official responsible for appointment to his or her position'' the following: ''and the Office of Government Ethics''; and

(B) by striking ''a written determination made by such official'' and inserting ''a written determination made by the Office of Government Ethics, after consultation with such official,''; and

(2) in subsection (b)(3), by striking ''the official responsible for the employee's appointment, after review of'' and inserting ''the Office of Government Ethics, after consultation with the official responsible for the employee's appointment and after review of''; and

(3) in subsection (d)(1)—

(A) by striking ''Upon request'' and all that follows through ''Ethics in Government Act of 1978.'' and inserting ''In each case in which the Office of Government Ethics makes a determination granting an exemption under subsection (b)(1) or (b)(3) to a person, the Office shall, not later than 3 business days after making such determination, make available to the public pursuant to the procedures set forth in section 105 of the Ethics in Government Act of 1978, and publish in the Federal Register, such determination and the materials submitted by such person in requesting such exemption.''; and

(B) by striking ''the agency may withhold'' and inserting ''the Office of Government Ethics may withhold''.

SEC. 203. PUBLIC DISCLOSURE BY MEMBERS OF CONGRESS OF EMPLOYMENT NEGOTIATIONS.

(a) HOUSE OF REPRESENTATIVES.—The Code of Official Conduct set forth in rule XXIII of the Rules of the House of Representatives is amended by redesignating clause 14 as clause 15 and by inserting after clause 13 the following new clause:

''14. A Member, Delegate, or Resident Commissioner shall publicly disclose the fact that he or she is negotiating or has any arrangement concerning prospective employment if a conflict of interest or the appearance of a conflict of interest may exist. Such disclosure shall be made within 3 days after the commencement of such negotiation or arrangement.''.

(b) SENATE.—Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

''13. A Member, or former employee of Congress who, for at least 60 days, in the aggregate, during the 1-year period before the former employer's service as such employee terminated, was paid a rate of basic pay equal to or greater than an amount which is 75 percent of the basic rate of pay payable for a Member of the House of Congress in which such employee was employed, shall publicly disclose the fact that he or she is negotiating or has any arrangement concerning prospective employment if a conflict of interest or the appearance of a conflict of interest may exist. Such disclosure shall be made within 3 days after the commencement of such negotiation or arrangement.''.

SEC. 204. WRONGFULLY INFLUENCING, ON A PARTISAN BASIS, AN ENTITY'S EMPLOYMENT DECISIONS OR PRACTICES.

Whoever, being a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress or an employee of either House of Congress, with the intent to influence on the basis of political party affiliation an employment decision or employment practice of any private or public entity (except for the Congress)—

(1) takes or withholds, or offers or threatens to take or withhold, an official act; or

(2) influences, or offers or threatens to influence, the official act of another,

shall be fined under title 18, United States Code, or imprisoned for not more than 15 years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.

SEC. 205. AMENDMENT TO CODE OF OFFICIAL CONDUCT TO PROHIBIT FAVORITISM.

(a) HOUSE OF REPRESENTATIVES.—Rule XXIII of the Rules of the House of Representatives (known as the Code of Official Conduct) is amended by redesignating clause 14 as clause 15 and by inserting after clause 13 the following new clause:

''14. A Member, Delegate, Resident Commissioner, officer, or employee of the House may not take or withhold, or threaten to take or withhold, any official action on the basis of partisan affiliation (except as permitted by clause 9) or the campaign contributions or support of any person or the prospect of personal gain either for oneself or any other person.''.

(b) SENATE.—Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

''14. A Member, officer, or employee may not take or withhold, or threaten to take or withhold, any official action on the basis of partisan affiliation or the campaign contributions or support of any person or the prospect of personal gain either for oneself or any other person.''.

SEC. 206. ELIMINATION OF FLOOR PRIVILEGES AND OTHER PERKS FOR FORMER MEMBER LOBBYISTS.

Notwithstanding any other rule of the House of Representatives or Senate, any benefit or privilege granted by the House of Representatives or the Senate to all former Members of that body, including floor privileges, may not be received or exercised by a former Member who is a registered lobbyist.

TITLE III—CURBING EXCESSES IN PRIVATELY FUNDED TRAVEL AND LOBBYIST GIFTS

SEC. 301. REQUIRED CERTIFICATION THAT CONGRESSIONAL TRAVEL MEETS CERTAIN CONDITIONS.

(a) HOUSE OF REPRESENTATIVES.—Clause 5 of rule XXV of the Rules of the House of Representatives is amended by redesignating paragraphs (e) and (f) as paragraphs (f) and (g), respectively, and by inserting after paragraph (d) the following new paragraph:

''(e)(1) Except as provided by subparagraph (2), before a Member, Delegate, Resident Commissioner, officer, or employee of the House may accept a gift of transportation or lodging otherwise permissible under this clause from any person, such Member, Delegate, Resident Commissioner, officer, or employee of the House, as applicable, shall obtain a written certification from such person (and provide a copy of such certification to the Clerk) that—

''(A) the trip was not planned, organized, arranged, or financed by a registered lobbyist or foreign agent and was not organized at the request of a registered lobbyist or foreign agent; and

''(B) the person did not accept, from any source, funds specifically earmarked for the purpose of financing the travel expenses.

The Clerk shall make public information received under this subparagraph as soon as possible after it is received.

''(2) A Member, Delegate, or Resident Commissioner is not required to obtain a written certification for a gift or transportation or lodging described in subdivision (A), (B), (C), (D), (F), or (G) of paragraph (a)(1).''.

(b) SENATE.—Paragraph 1 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

''(g) Before a Member, officer, or employee may accept a gift of transportation or lodging otherwise permissible under this rule from any person, such Member, officer, or employee shall obtain a written certification from such person (and provide a copy of such certification to the Select Committee on Ethics) that—

''(1) the trip was not planned, organized, arranged, or financed by a registered lobbyist or foreign agent and was not organized at the request of a registered lobbyist or foreign agent;

''(2) registered lobbyists will not participate in or attend the trip; and

''(3) the person did not accept, from any source, funds specifically earmarked for the purpose of financing the travel expenses.

The Select Committee on Ethics shall make public information received under this subparagraph as soon as possible after it is received.''.

SEC. 302. REQUIREMENT OF FULL PAYMENT AND DISCLOSURE OF CHARTER FLIGHTS.

(a) HOUSE OF REPRESENTATIVES.—To be provided.

(b) SENATE.—

(1) IN GENERAL.—Paragraph 1(c)(1) of rule XXXV of the Standing Rules of the Senate is amended by—

(A) inserting ''(A)'' after ''(1)''; and

(B) adding at the end the following:

''(B) Market value for a jet flight on an airplane that is not licensed by the Federal Aviation Administration to operate for compensation or hire shall be the fair market value of a charter flight. The Select Committee on Ethics shall make public information received under this subparagraph as soon as possible after it is received.''.

(2) DISCLOSURE.—Paragraph 1 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

''(h) A Member, officer, or employee who takes a flight described in subparagraph

(c)(1)(B) shall, with respect to the flight, cause to be published in the Congressional Record within 10 days after the flight—

''(1) the date of the flight;

''(2) the destination of the flight;

''(3) who else was on the flight, other than those operating the plane;

''(4) the purpose of the trip; and

''(5) the reason that a commercial airline was not used.''.

(c) CANDIDATES.—Subparagraph (B) of section 301(8) of the Federal Election Campaign Act of 1971 (42 U.S.C. 431(8)(B)) is amended by striking ''and'' at the end of clause (xiii), by striking the period at the end of clause (xiv) and inserting ''; and'', and by adding at the end the following new clause:

''(xv) any travel expense for a flight on an airplane that is not licensed by the Federal Aviation Administration to operate for compensation or hire, but only if the candidate or the candidate's authorized committee or other political committee pays within 7 days after the date of the flight to the owner, lessee, or other person who provides the use of the airplane an amount not less than the normal and usual charter fare or rental charge for a comparable commercial airplane of appropriate size.''.

SEC. 303. FALSE CERTIFICATION IN CONNECTION WITH CONGRESSIONAL TRAVEL.

(a) IN GENERAL.—Whoever makes a false certification in connection with the travel of a Member, officer, or employee of either House of Congress (within the meaning given those terms in section 207 of title 18, United States Code) shall, upon proof of such offense by a preponderance of the evidence, be subject to a civil fine depending on the extent and gravity of the violation.

(b) MAXIMUM FINE.—The maximum fine per offense under this section depends on the number of separate trips in connection with which the person committed an offense under this section, as follows:

(1) FIRST TRIP.—For each offense committed in connection with the first such trip, the amount of the fine shall be not more than $100,000 per offense.

(2) SECOND TRIP.—For each offense committed in connection with the second such trip, the amount of the fine shall be not more than $300,000 per offense.

(3) ANY OTHER TRIPS.—For each offense committed in connection with any such trip after the second, the amount of the fine shall be not more than $500,000 per offense.

SEC. 304. INCREASED DISCLOSURE OF TRAVEL BY MEMBERS.

(a) HOUSE OF REPRESENTATIVES.—Clause 5(b)(1)(A)(ii) of rule XXV of the Rules of the House of Representatives is amended by—

(1) inserting ''a detailed description of each of'' before ''the expenses''; and

(2) inserting '', including a description of all meetings, tours, events, and outings during such travel'' before the period at the end thereof.

(b) SENATE.—Paragraph 2(c) of rule XXXV of the Standing Rules of the Senate is amended—

(1) in subclause (5), by striking ''and'' after the semicolon;

(2) by redesignating subclause (6) as subclause (7); and

(3) by adding after subclause (5) the following:

''(6) a detailed description of all meetings, tours, events, and outings during such travel; and''.

SEC. 305. GUIDELINES RESPECTING TRAVEL EXPENSES.

(a) HOUSE OF REPRESENTATIVES.—Clause 5(f) of rule XXV of the Rules of the House of Representatives is amended by inserting ''(1)'' after ''(f)'' and by adding at the end the following new subparagraph:

''(2) Within 90 days after the date of adoption of this subparagraph and at annual intervals thereafter, the Committee on Standards of official Conduct shall develop and revise, as necessary, guidelines on what constitutes 'reasonable expenses' or 'reasonable expenditures' for purposes of paragraph (b)(4). In developing and revising the guidelines, the committee shall take into account the maximum per diem rates for official Government travel published annually by the General Services Administration, the Department of State, and the Department of Defense.''.

(b) SENATE.—Rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

''(7) Not later than 90 days after the date of adoption of this paragraph and at annual intervals thereafter, the Select Committee on Ethics shall develop and revise, as necessary, guidelines on what constitutes 'reasonable expenses' or 'reasonable expenditures' for purposes of this rule. In developing and revising the guidelines, the committee shall take into account the maximum per diem rates for official Government travel published annually by the General Services Administration, the Department of State, and the Department of Defense.''.

SEC. 306. PROHIBITION ON GIFTS BY REGISTERED LOBBYISTS TO MEMBERS OF CONGRESS AND TO CONGRESSIONAL EMPLOYEES.

(a) PROHIBITION.—

(1) IN GENERAL.—A registered lobbyist may not knowingly make a gift to a Member, Delegate, Resident Commissioner, officer, or employee of Congress except as provided in this section.

(2) GIFT DEFINED.—In this section, the term ''gift'' means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

(3) REGISTERED LOBBYIST DEFINED.—In this section, the term ''registered lobbyist'' means—

(A) a lobbyist registered under the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.);

(B) a lobbyist who, as an employee of an organization, is covered by the registration of that organization under that Act; and

(C) an organization registered under that Act.

(4) GIFTS TO FAMILY MEMBERS AND OTHER INDIVIDUALS.—For the purposes of this section, a gift to a family member of a Member, Delegate, Resident Commissioner, officer, or employee of Congress, or a gift to any other individual based on that individual's relationship with the Member, Delegate, Resident Commissioner, officer, or employee, shall be considered a gift to the Member, Delegate, Resident Commissioner, officer, or employee if the gift was given because of the official position of the Member, Delegate, Resident Commissioner, officer, or employee.

(5) EXCEPTIONS.—The restrictions in paragraph (1) do not apply to the following:

(A) CERTAIN LAWFUL POLITICAL FUNDRAISING ACTIVITIES.—A contribution, as defined in section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) that is lawfully made under that Act, a lawful contribution for election to a State or local government office, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

(B) GIFT FROM A RELATIVE.—A gift from a relative as described in section 109(16) of title I of the Ethics in Government Act of 1978 (2 U.S.C. App. 109(16)).

(C) EMPLOYEE BENEFITS.—Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

(D) INFORMATIONAL MATERIALS.—Informational materials that are sent to the office of the Member, Delegate, Resident Commissioner, officer, or employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

(E) ITEMS OF NOMINAL VALUE.—An item of nominal value such as a greeting card, baseball cap, or a T-shirt.

(F) PERSONAL FRIENDSHIP.—

(i) IN GENERAL.—Anything provided by an individual on the basis of a personal friendship unless the gift was given because of the official position of the Member, Delegate, Resident Commissioner, officer, or employee.

(ii) CIRCUMSTANCES.—In determining whether a gift is provided on the basis of personal friendship, the following shall be considered:

(I) The history of the relationship between the Member, Delegate, Resident Commissioner, officer, or employer and the individual giving the gift, including any previous exchange of gifts between them.

(II) Whether the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift.

(III) Whether the individual who gave the gift also gave the same or similar gifts to other Members, Delegates, the Resident Commissioners, officers, or employees of Congress.

(G) CERTAIN OUTSIDE BUSINESS OR EMPLOYMENT ACTIVITIES PROVIDED TO SPOUSE.—Food, refreshments, lodging, transportation, and other benefits provided to the spouse of the Member, Delegate, Resident Commissioner, officer, or employee, resulting from the outside business or employment activities of the spouse or in connection with bona fide employment discussions with respect to the spouse, if such benefits have not been offered or enhanced because of the official position of the Member, Delegate, Resident Commissioner, officer, or employee and are customarily provided to others in similar circumstances.

(H) OPPORTUNITIES AND BENEFITS UNRELATED TO CONGRESSIONAL EMPLOYMENT.—Opportunities and benefits that are offered to members of a group or class in which membership is unrelated to congressional employment.

(I) CERTAIN FOODS OR REFRESHMENTS.—Food or refreshments of a nominal value offered other than as a part of a meal.

(b) PENALTY.—Any registered lobbyist who violates this section shall be subject to a civil fine of not more than $50,000, depending on the extent and gravity of the violation.

SEC. 307. PROHIBITION ON MEMBERS ACCEPTING GIFTS FROM LOBBYISTS.

(a) HOUSE OF REPRESENTATIVES.—Clause 5(a)(1)(A) of rule XXV of the Rules of the House of Representatives is amended by adding at the end the following new sentence: ''Notwithstanding any other provision of this clause, in no event may a Member, Delegate, or Resident Commissioner accept a gift from a registered lobbyist prohibited by section 306 of the Lobbying and Ethics Reform Act of 2005.''.

(b) SENATE.—Paragraph 1 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

''(g) Notwithstanding any other provision of this rule, in no event may a Member accept a gift from a registered lobbyist prohibited by section 306 of the Lobbying and Ethics Reform Act of 2005.''.

TITLE IV—OVERSIGHT OF ETHICS AND LOBBYING

SEC. 401. COMPTROLLER GENERAL REVIEW AND SEMIANNUAL REPORT ON ACTIVITIES CARRIED OUT BY CLERK OF THE HOUSE AND SECRETARY OF THE SENATE UNDER LOBBYING DISCLOSURE ACT OF 1995.

(a) ONGOING REVIEW REQUIRED.—The Comptroller General shall review on an ongoing basis the activities carried out by the Clerk of the House of Representatives and the Secretary of the Senate under section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605). The review shall emphasize—

(1) the effectiveness of those activities in securing the compliance by lobbyists with the requirements of that Act; and

(2) whether the Clerk and the Secretary have the resources and authorities needed for effective oversight and enforcement of that Act.

(b) SEMIANNUAL REPORTS.—Twice yearly, not later than January 1 and not later than July 1 of each year, the Comptroller General shall submit to Congress a report on the review required by subsection (a). The report shall include the Comptroller General's assessment of the matters required to be emphasized by that subsection and any recommendations of the Comptroller General to—

(1) improve the compliance by lobbyists with the requirements of that Act; and

(2) provide the Clerk and the Secretary with the resources and authorities needed for effective oversight and enforcement of that Act.

Mr FEINGOLD. Mr. President, today I will introduce the Lobbying and Ethics Reform Act of 2005. This bill builds on similar legislation that was introduced in the House by Representatives MARTY MEEHAN and RAHM EMMANUEL.

I have long believed that to truly serve our constituents well, we must reduce the impact of big money on the legislative process. I have devoted a great deal of time over the years to reforming our campaign finance laws. With the enactment of the Bipartisan Campaign Reform Act in 2002, we took several important, and I believe successful, steps to reduce the influence of special interests and return some measure of power to the American people.

But campaign contributions are only part of the story. In fact, during recent election cycles, the amount spent on lobbying members of Congress once they are elected has been more than double the amount spent on getting them elected in the first place. Yet lobbyists and the lobbying industry remain partly in the shadows, even after the significant improvements to the disclosure laws enacted in 1995. Ten years later, the weaknesses of that law have become apparent, as have the weaknesses in the congressional gift rules that we passed around the same time. Recent scandals involving lobbyists have made very clear that if this body is to be responsive to the people, not just a narrow set of special interests, we must strengthen the disclosure rules governing the lobbying industry and close loopholes in the gift rules.

The lobbying industry continues to grow at a startling rate. According to the Center for Public Integrity, over three billion dollars were spent on lobbying in 2004, nearly double the amount spent just six years earlier. This dramatic increase in lobbying expenditures has led to an equally dramatic growth in the number of registered lobbyists. A story in the Washington Post from June of this year reports that there are currently more than 34,750 registered lobbyists, which represents a 100% increase from 2000. Not surprisingly, a few powerful industries account for much of this growth. In the last six years, the pharmaceutical industry alone has spent over three quarters of a billion dollars on lobbying, enough to finance over 3,000 professional lobbyists. The insurance industry is not far behind. During this same period, insurance companies spent over 600 million dollars and employed over 2,000 lobbyists.

Despite the growing presence of lobbyists on Capitol Hill, and despite the improvements made in the 1995 law, regulation of the lobbying industry remains inadequate. The Senate office in charge of overseeing lobbying disclosure reports employs fewer than 20 people, and the equivalent House office employs fewer than 35. Compare these numbers to the Federal Election Commission, which many people believe is itself understaffed, but which has a staff of nearly 400 to oversee and enforce campaign finance laws.

Given these numbers, it should not come as a shock that oversight of the booming lobbying industry is not what we would like it to be. In the past six years alone, over 300 individuals and companies lobbied without registering first. One in five lobbying companies failed to file required disclosure forms. And the Center for Public Integrity reports that over 14,000 disclosure documents that should have been filed are not available, including documents relating to 49 of the top 50 lobbying firms.

When the disclosure requirements are not enforced, it can only be expected that they and other rules relating to lobbying will not be followed. In the last six months, we have seen a number of stories in the press detailing the increasingly cozy relationship between lobbyists and certain members of Congress. We have seen stories of lobbyists funding international junkets for members, their families, and their staff, which include days on famous golf courses and nights in luxurious resorts. We have seen stories of members and their staff accepting lavish gifts and expensive meals from lobbyists. And we haves seen stories of lobbyists providing members with free access to their companies' or clients' corporate jets so that they can fly in comfort from fundraiser to fundraiser.

But the enticements offered by lobbyists are not all quite so exotic indeed, many lobbyists merely offer plum positions in their K Street offices. According to a 2005 report, more than 2200 former federal government employees were registered as federal lobbyists between 1998 and 2004. Of those, more then 200 were former members of Congress. In fact, Public Citizen reports that nearly half of all members returning to the private sector accept positions in the lobbying industry. For congressional employees, the prospect of receiving lobbying positions, which often pay several times more than their current jobs, can easily create conflicts of interest and may affect the decisions they make in their official capacity.

The problems with oversight of the lobbying industry are systemic and they are troubling. Even the minimal disclosure requirements of the Lobbying Disclosure Act are often ignored because lobbyists know they will not be penalized. The revolving door between the Hill and K Street spins faster than ever. And flaws in the gift rules are allowing handouts from lobbyists to rapidly increase the influence of special interests at the expense of the average citizen. I am told that it is not uncommon for lobbyists to perch themselves at the end of a bar and buy drinks for any congressional staffer who comes by. This is permissible under the Senate's current gift rules, and it shouldn't be. Lobbyists complain about pressure—if not outright blatant requests—from Members and congressional staff to pay for their food and drinks. Clearly, there is plenty of blame to go around.

My bill addresses these concerns in four ways. First, my bill makes the lobbying process more transparent by enhancing the specificity, frequency, and accessibility of lobbying disclosure reports. The bill would require these periodic reports filed by lobbyists to identify the members of Congress with whom they met, divulge all past senior-level legislative or executive branch employment, and separate out and report the amount of money spent on grassroots lobbying efforts. Lobbyists would have to file these reports on a quarterly, rather than a semiannual, basis. And the bill would require the Secretary of the Senate and the Clerk of the House to make these reports available in a searchable database that would allow the public to gather information on lobbyists quickly and efficiently. The bill also requires the disclosure of entities that contribute large sums of money to lobbying coalitions. And it doubles the civil penalty for knowingly failing to file lobbying reports or filing false information.

Second, this bill should slow the revolving door between Congress and the lobbying industry. It establishes a two-year waiting period for members, senior staff, and senior executive personnel to participate in lobbying. During this cooling-off period, members and senior executive personnel would be prohibited from engaging in all lobbying activities, including developing strategy for or directing a lobbying campaign. Staff would be forbidden from making direct contact with any members or staff who work in the

House of Congress that used to employ them, rather than just the former employing office, as the law now requires.

The revolving door provisions in my bill would also require members of Congress to publicly disclose their intent to seek outside employment if a conflict of interest exists. They prohibit members of Congress from taking official actions to influence the employment decisions of outside entities on the basis of partisan affiliation. And they affirm that no member should take official action based on the prospect for personal gain. The bill also prohibits registered lobbyists from taking advantage of special advantages such as gym membership, floor privileges, or access to certain areas of the Capitol that are offered to former Members of Congress.

Third, my bill addresses the growing problem of privately funded travel and lobbyist gifts. Before sponsoring a trip for a member or staff, an organization must certify that the trip was not financed or organized by a registered lobbyist and that lobbyists will not participate in or attend the trip. After returning from the trip, the Member or staff must provide a detailed itinerary and description of expenses. My bill also creates a complete ban on lobbyists providing gifts to members and staff and on members accepting gifts from registered lobbyists. Those who file false certifications or fail to observe these rules will be subject to stiff penalties.

Finally, the bill seeks to strengthen oversight of lobbying disclosure. A GAO report showing the old lobbying law passed in the 1940s was largely ignored and rarely enforced was an important impetus to passing the Lobbying Disclosure Act in 1995. The bill requires the Comptroller General to report to Congress twice annually on the state of the enforcement of the rules. These reports will help us determine if further improvements in the laws are necessary.

These measures are not crafted as a knee-jerk response to the recent spate of troubling revelations about the relationships between certain members of Congress and the lobbying industry. Instead, this bill addresses systemic problems with the rules governing lobbyists. It has been a decade since the Lobbying Disclosure Act and new gift rules were passed and we now know that some of these rules are no longer sufficient to regulate a growing and evolving lobbying industry. It is now time for us to act again. I urge my colleagues to support this bill.

I ask unanimous consent that the text of the bill and a section by section analysis be printed in the RECORD.

By Mr. CHAFEE (for himself, Mrs. CLINTON, Mr. INHOFE, and Mr. JEFFORDS):

S. 1400. A bill to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to improve water and wastewater infrastructure in the United States; to the Committee on Environment and Public Works.

Mr. CHAFEE. 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. 1400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Water Infrastructure Financing Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—WATER POLLUTION INFRASTRUCTURE

Sec. 101. Technical assistance for rural and small treatment works.
Sec. 102. Projects eligible for assistance.
Sec. 103. Water pollution control revolving loan funds.
Sec. 104. Affordability.
Sec. 105. Transferability of funds.
Sec. 106. Costs of administering water pollution control revolving loan funds.
Sec. 107. Water pollution control revolving loan funds.
Sec. 108. Noncompliance.
Sec. 109. Authorization of appropriations.
Sec. 110. Critical water infrastructure projects.

TITLE II—SAFE DRINKING WATER INFRASTRUCTURE

Sec. 201. Preconstruction work.
Sec. 202. Affordability.
Sec. 203. Safe drinking water revolving loan funds.
Sec. 204. Other authorized activities.
Sec. 205. Priority system requirements.
Sec. 206. Authorization of appropriations.
Sec. 207. Critical drinking water infrastructure projects.
Sec. 208. Small system revolving loan funds.
Sec. 209. Study on lead contamination in drinking water.
Sec. 210. District of Columbia lead service line replacement.

TITLE III—MISCELLANEOUS

Sec. 301. Definitions.
Sec. 302. Demonstration grant program for water quality enhancement and management.
Sec. 303. Agricultural pollution control technology grant program.
Sec. 304. State revolving fund review process.
Sec. 305. Cost of service study.
Sec. 306. Water resources study.

TITLE I—WATER POLLUTION INFRASTRUCTURE

SEC. 101. TECHNICAL ASSISTANCE FOR RURAL AND SMALL TREATMENT WORKS.

(a) IN GENERAL.—Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) is amended by adding at the end the following:

''SEC. 222. TECHNICAL ASSISTANCE FOR RURAL AND SMALL TREATMENT WORKS.

''(a) DEFINITION OF QUALIFIED NONPROFIT TECHNICAL ASSISTANCE PROVIDER.—In this section, the term 'qualified nonprofit technical assistance provider' means a qualified nonprofit technical assistance provider of water and wastewater services to small rural communities that provide technical assistance to treatment works (including circuit rider programs and training and preliminary engineering evaluations) that—

''(1) serve not more than 10,000 users; and

''(2) may include a State agency.

''(b) GRANT PROGRAM.—

''(1) IN GENERAL.—The Administrator may make grants to qualified nonprofit technical assistance providers that are qualified to provide assistance on a broad range of wastewater and stormwater approaches—

''(A) to assist small treatment works to plan, develop, and obtain financing for eligible projects described in section 603(c);

''(B) to capitalize revolving loan funds to provide loans, in consultation with the State in which the assistance is provided, to rural and small municipalities for predevelopment costs (including costs for planning, design, associated preconstruction, and necessary activities for siting the facility and related elements) associated with wastewater infrastructure projects or short-term costs incurred for equipment replacement that is not part of regular operation and maintenance activities for existing wastewater systems, if—

''(i) any loan from the fund is made at or below the market interest rate, for a term not to exceed 10 years;

''(ii) the amount of any single loan does not exceed $100,000; and

''(iii) all loan repayments are credited to the fund;

''(C) to provide technical assistance and training for rural and small publicly owned treatment works and decentralized wastewater treatment systems to enable those treatment works and systems to protect water quality and achieve and maintain compliance with this Act; and

''(D) to disseminate information to rural and small municipalities with respect to planning, design, construction, and operation of publicly owned treatment works and decentralized wastewater treatment systems.

''(2) DISTRIBUTION OF GRANT.—In carrying out this subsection, the Administrator shall ensure, to the maximum extent practicable, that technical assistance provided using funds from a grant under paragraph (1) is made available in each State.

''(3) CONSULTATION.—As a condition of receiving a grant under this subsection, a qualified nonprofit technical assistance provider shall consult with each State in which grant funds are to be expended or otherwise made available before the grant funds are expended or made available in the State.

''(4) ANNUAL REPORT.—For each fiscal year, a qualified nonprofit technical assistance provider that receives a grant under this subsection shall submit to the Administrator a report that—

''(A) describes the activities of the qualified nonprofit technical assistance provider using grant funds received under this subsection for the fiscal year; and

''(B) specifies—

''(i) the number of communities served;

''(ii) the sizes of those communities; and

''(iii) the type of financing provided by the qualified nonprofit technical assistance provider.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2006 through 2010.''.

(b) GUIDANCE FOR SMALL SYSTEMS.—Section 602 of the Federal Water Pollution Control Act (33 U.S.C. 1382) is amended by adding at the end the following:

''(c) GUIDANCE FOR SMALL SYSTEMS.—

''(1) DEFINITION OF SMALL SYSTEM.—In this subsection, the term 'small system' means a system—

''(A) for which a municipality or intermunicipal, interstate, or State agency seeks assistance under this title; and

''(B) that serves a population of 10,000 or fewer households.

''(2) SIMPLIFIED PROCEDURES.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall assist the States in establishing simplified procedures for small systems to obtain assistance under this title.

''(3) PUBLICATION OF MANUAL.—Not later than 1 year after the date of enactment of this subsection, after providing notice and opportunity for public comment, the Administrator shall publish—

''(A) a manual to assist small systems in obtaining assistance under this title; and

''(B) in the Federal Register, notice of the availability of the manual.''.

SEC. 102. PROJECTS ELIGIBLE FOR ASSISTANCE.

Section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) is amended by striking subsection (c) and inserting the following:

''(c) PROJECTS ELIGIBLE FOR ASSISTANCE.—Funds in each State water pollution control revolving fund shall be used only for—

''(1) providing financial assistance to any municipality or an intermunicipal, interstate, or State agency that principally treats municipal wastewater or domestic sewage for construction (including planning, design, associated preconstruction, and activities relating to the siting of a facility) of a treatment works (as defined in section 212);

''(2) implementation of a management program established under section 319;

''(3) development and implementation of a conservation and management plan under section 320;

''(4) providing financial assistance to a municipality or an intermunicipal, interstate, or State agency for projects to increase the security of wastewater treatment works (excluding any expenditure for operations or maintenance);

''(5) providing financial assistance to a municipality or an intermunicipal, interstate, or State agency for measures to control municipal stormwater, the primary purpose of which is the preservation, protection, or enhancement of water quality;

''(6) water conservation projects, the primary purpose of which is the protection, preservation, and enhancement of water quality; or

''(7) reuse, reclamation, and recycling projects, the primary purpose of which is the protection, preservation, and enhancement of water quality.''.

SEC. 103. WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.

Section 603(d) of the Federal Water Pollution Control Act (33 U.S.C. 1383(d)) is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(8) to carry out a project under paragraph (2) or (3) of section 601(a), which may be—

''(A) operated by a municipal, intermunicipal, or interstate entity, State, public or private utility, corporation, partnership, association, or nonprofit agency; and

''(B) used to make loans that will be fully amortized not later than 30 years after the date of the completion of the project.''.

SEC. 104. AFFORDABILITY.

(a) IN GENERAL.—Section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) is amended—

(1) by redesignating subsections (e) through (h) as subsections (f) through (i), respectively; and

(2) by inserting after subsection (d) the following:

''(e) TYPES OF ASSISTANCE FOR DISADVANTAGED COMMUNITIES.—

''(1) DEFINITION OF DISADVANTAGED COMMUNITY.—In this subsection, the term 'disadvantaged community' means the service area, or portion of a service area, of a treatment works that meets affordability criteria established after public review and comment by the State in which the treatment works is located.

''(2) LOAN SUBSIDY.—Notwithstanding any other provision of this section, in a case in which the State makes a loan from the water pollution control revolving loan fund in accordance with subsection (c) to a disadvantaged community or a community that the State expects to become a disadvantaged community as the result of a proposed project, the State may provide additional subsidization, including—

''(A) the forgiveness of the principal of the loan; and

''(B) an interest rate on the loan of zero percent.

''(3) TOTAL AMOUNT OF SUBSIDIES.—For each fiscal year, the total amount of loan subsidies made by the State pursuant to this subsection may not exceed 30 percent of the amount of the capitalization grant received by the State for the fiscal year.

''(4) EXTENDED TERM.—A State may provide an extended term for a loan if the extended term—

''(A) terminates not later than the date that is 30 years after the date of completion of the project; and

''(B) does not exceed the expected design life of the project.

''(5) INFORMATION.—The Administrator may publish information to assist States in establishing affordability criteria described in paragraph (1).''.

(b) CONFORMING AMENDMENT.—Section 221(d) of the Federal Water Pollution Control Act (33 U.S.C. 1301(d)) is amended in the second sentence by striking ''603(h)'' and inserting ''603(i)''.

SEC. 105. TRANSFERABILITY OF FUNDS.

Section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) (as amended by section 104(a)(1)) is amended by adding at the end the following:

''(j) TRANSFER OF FUNDS.—

''(1) IN GENERAL.—The Governor of a State may—

''(A)(i) reserve not more than 33 percent of a capitalization grant made under this title; and

''(ii) add the funds reserved to any funds provided to the State under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12); and

''(B)(i) reserve for any year an amount that does not exceed the amount that may be reserved under subparagraph (A) for that year from capitalization grants made under section 1452 of that Act (42 U.S.C. 300j–12); and

''(ii) add the reserved funds to any funds provided to the State under this title.

''(2) STATE MATCH.—Funds reserved under this subsection shall not be considered to be a State contribution for a capitalization grant required under this title or section 1452(b) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)).''.

SEC. 106. COSTS OF ADMINISTERING WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.

Section 603(d)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1383(d)(7)) is amended by striking ''4 percent'' and inserting ''6 percent''.

SEC. 107. WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.

Section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) is amended by striking subsection (h) (as redesignated by section 104) and inserting the following:

''(h) PRIORITY SYSTEM REQUIREMENT.—

''(1) DEFINITIONS.—In this subsection:

''(A) RESTRUCTURING.—The term 'restructuring' means—

''(i) the consolidation of management functions or ownership with another facility; or

''(ii) the formation of cooperative partnerships.

''(B) TRADITIONAL WASTEWATER APPROACH.—The term 'traditional wastewater approach' means a managed system used to collect and treat wastewater from an entire service area consisting of—

''(i) collection sewers;

''(ii) a centralized treatment plant using biological, physical, or chemical treatment processes; and

''(iii) a direct point source discharge to surface water.

''(2) PRIORITY SYSTEM.—In providing financial assistance from the water pollution control revolving fund of the State, the State shall—

''(A) give greater weight to an application for assistance by a treatment works if the application includes such other information as the State determines to be appropriate and—

''(i) an inventory of assets, including a description of the condition of those assets;

''(ii) a schedule for replacement of the assets;

''(iii) a financing plan indicating sources of revenue from ratepayers, grants, bonds, other loans, and other sources;

''(iv) a review of options for restructuring the treatment works;

''(v) a review of options for approaches other than a traditional wastewater approach that may include actions or projects that treat or minimize sewage or urban stormwater discharges using—

''(I) decentralized or distributed stormwater controls;

''(II) decentralized wastewater treatment;

''(III) low impact development technologies;

''(IV) stream buffers;

''(V) wetland restoration; or

''(VI) actions to minimize the quantity of and direct connections to impervious surfaces;

''(vi) demonstration of consistency with State, regional, and municipal watershed plans;

''(vii) a review of options for urban waterfront development or brownfields revitalization to be completed in conjunction with the project; or

''(viii) provides the applicant the flexibility through alternative means to carry out responsibilities under Federal regulations, that may include watershed permitting and other innovative management approaches, while achieving results that—

''(I) the State, with the delegated authority under section 402(a)(5), determines meet permit requirements for permits that have been issued in accordance with the national pollution discharge elimination system under section 402; or

''(II) the Administrator determines are measurably superior when compared to regulatory standards;

''(B) take into consideration appropriate chemical, physical, and biological data that the State considers reasonably available and of sufficient quality;

''(C) provide for public notice and opportunity to comment on the establishment of the system and the summary under subparagraph (D);

''(D) publish not less than biennially in summary form a description of projects in the State that are eligible for assistance under this title that indicates—

''(i) the priority assigned to each project under the priority system of the State; and

''(ii) the funding schedule for each project, to that extent the information is available; and

''(E) ensure that projects undertaken with assistance under this title are designed to achieve, as determined by the State, the optimum water quality management, consistent with the public health and water quality goals and requirements of this title.

''(3) SAVINGS CLAUSE.—Nothing in paragraph (2)(A)(viii) affects the authority of the Administrator under section 402(a)(5).''.

SEC. 108. NONCOMPLIANCE.

Section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) (as amended by section 105) is amended by adding at the end the following:

''(k) NONCOMPLIANCE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no assistance (other than assistance that is to be used by a treatment works solely for planning, design, or security purposes) shall be provided under this title to a treatment works that has been in significant noncompliance with any requirement of this Act for any of the 4 quarters in the previous 8 quarters, unless the treatment works is in compliance with, or has entered into, an enforceable administrative order to effect compliance with the requirement.

''(2) EXCEPTION.—A treatment works that is determined under paragraph (1) to be in significant noncompliance with a requirement described in that paragraph may receive assistance under this title if the Administrator and the State providing the assistance determine that—

''(A) the entity conducting the enforcement action on which the determination of significant noncompliance is based has determined that the use of assistance would enable the treatment works to take corrective action toward resolving the violations; or

''(B) the entity conducting the enforcement action on which the determination of significant noncompliance is based has determined that the assistance would be used on a portion of the treatment works that is not directly related to the cause of finding significant noncompliance.''.

SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

The Federal Water Pollution Control Act is amended by striking section 607 (33 U.S.C. 1387) and inserting the following:

''SEC. 607. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

''(1) $3,200,000,000 for each of fiscal years 2006 and 2007;

''(2) $3,600,000,000 for fiscal year 2008;

''(3) $4,000,000,000 for fiscal year 2009; and

''(4) $6,000,000,000 for fiscal year 2010.

''(b) AVAILABILITY.—Amounts made available under this section shall remain available until expended.

''(c) RESERVATION FOR NEEDS SURVEYS.—Of the amount made available under subsection (a) to carry out this title for a fiscal year, the Administrator may reserve not more than $1,000,000 per year to pay the costs of conducting needs surveys under section 516(2).''.

SEC. 110. CRITICAL WATER INFRASTRUCTURE PROJECTS.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall establish a program under which grants are provided to eligible entities for use in carrying out projects and activities the primary purpose of which is watershed restoration through the protection or improvement of water quality.

(b) PROJECT SELECTION.—

(1) IN GENERAL.—The Administrator may provide funds under this section to an eligible entity to carry out an eligible project described in paragraph (2).

(2) EQUITABLE DISTRIBUTION.—The Administrator shall ensure an equitable distribution of projects under this section, taking into account cost and number of requests for each category listed in paragraph (3).

(3) ELIGIBLE PROJECTS.—A project that is eligible to be carried out using funds provided under this section may include projects that—

(A) are listed on the priority list of a State under section 216 of the Federal Water Pollution Control Act (33 U.S.C. 1296);

(B) mitigate wet weather flows, including combined sewer overflows, sanitary sewer overflows, and stormwater discharges;

(C) upgrade publicly owned treatment works with a permitted design capacity to treat an annual average of at least 500,000 gallons of wastewater per day, the upgrade of which would produce the greatest nutrient load reductions at points of discharge, or result in the greatest environmental benefits, with nutrient removal technologies that are designed to reduce total nitrogen in discharged wastewater to an average annual concentration of 3 milligrams per liter;

(D) implement locally based watershed protection plans created by local nonprofit organizations that—

(i) provide a coordinating framework for management that focuses public and private efforts to address the highest priority water-related problems within a geographic area, considering both ground and surface water flow; and

(ii) includes representatives from both point source and nonpoint source contributors;

(E) are contained in a State plan developed in accordance with section 319 or 320 of the Federal Water Pollution Control Act (33 U.S.C. 1329, 1330); or

(F) include means to develop alternative water supplies.

(c) LOCAL PARTICIPATION.—In prioritizing projects for implementation under this section, the Administrator shall consult with, and consider the priorities of—

(1) affected State and local governments; and

(2) public and private entities that are active in watershed planning and restoration.

(d) COST SHARING.—Before carrying out any project under this section, the Administrator shall enter into a binding agreement with 1 or more non-Federal interests that shall require the non-Federal interests—

(1) to pay 45 percent of the total costs of the project, which may include services, materials, supplies, or other in-kind contributions;

(2) to provide any land, easements, rights-of-way, and relocations necessary to carry out the project; and

(3) to pay 100 percent of any operation, maintenance, repair, replacement, and rehabilitation costs associated with the project.

(e) WAIVER.—The Administrator may waive the requirement to pay the non-Federal share of the cost of carrying out an eligible activity using funds from a grant provided under this section if the Administrator determines that an eligible entity is unable to pay, or would experience significant financial hardship if required to pay, the non-Federal share.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $300,000,000 for each of fiscal years 2006 through 2010.

TITLE II—SAFE DRINKING WATER INFRASTRUCTURE

SEC. 201. PRECONSTRUCTION WORK.

Section 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(2)) is amended in the second sentence—

(1) by striking ''(not'' and inserting ''(including expenditures for planning, design, and associated preconstruction and for recovery for siting of the facility and related elements but not''; and

(2) by inserting before the period at the end the following: ''or to replace or rehabilitate aging collection, treatment, storage (including reservoirs), or distribution facilities of public water systems or provide for capital projects to upgrade the security of public water systems''.

SEC. 202. AFFORDABILITY.

Section 1452(d)(3) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)(3)) is amended in the first sentence by inserting '', or portion of a service area,'' after ''service area''.

SEC. 203. SAFE DRINKING WATER REVOLVING LOAN FUNDS.

Section 1452(g) of the Safe Drinking Water Act (42 U.S.C. 300j–12(g)) is amended—

(1) paragraph (2)—

(A) in the first sentence, by striking ''4'' and inserting ''6''; and

(B) by striking ''1419,'' and all that follows through ''1933.'' and inserting ''1419.''; and

(2) by adding at the end the following:

''(5) TRANSFER OF FUNDS.—

''(A) IN GENERAL.—The Governor of a State may—

''(i)(I) reserve not more than 33 percent of a capitalization grant made under this section; and

''(II) add the funds reserved to any funds provided to the State under section 601 of the Federal Water Pollution Control Act (33 U.S.C. 1381); and

''(ii)(I) reserve for any fiscal year an amount that does not exceed the amount that may be reserved under clause (i)(I) for that year from capitalization grants made under section 601 of that Act (33 U.S.C. 1381); and

''(II) add the reserved funds to any funds provided to the State under this section.

''(B) STATE MATCH.—Funds reserved under this paragraph shall not be considered to be a State match of a capitalization grant required under this section or section 602(b) of the Federal Water Pollution Control Act (33 U.S.C. 1382(b)).''.

SEC. 204. OTHER AUTHORIZED ACTIVITIES.

Section 1452(k)(2)(D) of the Safe Drinking Water Act (42 U.S.C. 300j–12(k)(2)(D)) is amended by inserting before the period at the end the following: ''(including implementation of source water protection plans)''.

SEC. 205. PRIORITY SYSTEM REQUIREMENTS.

Section 1452(b)(3) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)(3)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (D);

(2) by striking subparagraph (A) and inserting the following:

''(A) DEFINITION OF RESTRUCTURING.—In this paragraph, the term 'restructuring' means changes in operations (including ownership, accounting, rates, maintenance, consolidation, and alternative water supply).

''(B) PRIORITY SYSTEM.—An intended use plan shall provide, to the maximum extent practicable, that priority for the use of funds be given to projects that—

''(i) address the most serious risk to human health;

''(ii) are necessary to ensure compliance with this title (including requirements for filtration); and

''(iii) assist systems most in need on a per-household basis according to State affordability criteria.

''(C) WEIGHT GIVEN TO APPLICATIONS.—After determining project priorities under subparagraph (B), an intended use plan shall further provide that the State shall give greater weight to an application for assistance by a community water system if the application includes such other information as the State determines to be necessary and—

''(i) an inventory of assets, including a description of the condition of the assets;

''(ii) a schedule for replacement of assets;

''(iii) a financing plan indicating sources of revenue from ratepayers, grants, bonds, other loans, and other sources;

''(iv) a review of options for restructuring the public water system;

''(v) demonstration of consistency with State, regional, and municipal watershed plans; or

''(vi) a review of options for urban waterfront development or brownfields revitalization to be completed in conjunction with the project;''; and

(3) in subparagraph (D) (as redesignated by paragraph (1)), by striking ''periodically'' and inserting ''at least biennially''.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

Section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) is amended by striking subsection (m) and inserting the following:

''(m) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

''(A) $1,500,000,000 for fiscal year 2006;

''(B) $2,000,000,000 for each of fiscal years 2007 and 2008;

''(C) $3,500,000,000 for fiscal year 2009; and

''(D) $6,000,000,000 for fiscal year 2010.

''(2) AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

''(3) RESERVATION FOR NEEDS SURVEYS.—Of the amount made available under paragraph (1) to carry out this section for a fiscal year, the Administrator may reserve not more than $1,000,000 per year to pay the costs of conducting needs surveys under subsection (h).''.

SEC. 207. CRITICAL DRINKING WATER INFRASTRUCTURE PROJECTS.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall establish a program under which grants are provided to eligible entities for use in carrying out projects and activities the primary purpose of which is to assist community water systems in meeting the requirements of the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(b) PROJECT SELECTION.—A project that is eligible to be carried out using funds provided under this section may include projects that—

(1) develop alternative water sources;

(2) provide assistance to small systems; or

(3) assist a community water system—

(A) to comply with a national primary drinking water regulation; or

(B) to mitigate groundwater contamination.

(c) ELIGIBLE ENTITIES.—An entity eligible to receive a grant under this section is—

(1) a community water system as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f); or

(2) a system that is located in an area governed by an Indian Tribe, as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f);

(d) PRIORITY.—In prioritizing projects for implementation under this section, the Administrator shall give priority to community water systems that—

(1) serve a community that, under affordability criteria established by the State under section 1452(d)(3) of the Safe Drinking Water Act (42 U.S.C. 300j-12), is determined by the State to be—

(A) a disadvantaged community; or

(B) a community that may become a disadvantaged community as a result of carrying out an eligible activity; or

(2) serve a community with a population of less than 10,000 households.

(e) LOCAL PARTICIPATION.—In prioritizing projects for implementation under this section, the Administrator shall consult with, and consider the priorities of, affected States, Tribes, and local governments.

(f) COST SHARING.—Before carrying out any project under this section, the Administrator shall enter into a binding agreement with 1 or more non-Federal interests that shall require the non-Federal interests—

(1) to pay 45 percent of the total costs of the project, which may include services, materials, supplies, or other in-kind contributions;

(2) to provide any land, easements, rights-of-way, and relocations necessary to carry out the project; and

(3) to pay 100 percent of any operation, maintenance, repair, replacement, and rehabilitation costs associated with the project.

(g) WAIVER.—The Administrator may waive the requirement to pay the non-Federal share of the cost of carrying out an eligible activity using funds from a grant provided under this section if the Administrator determines that an eligible entity is unable to pay, or would experience significant financial hardship if required to pay, the non-Federal share.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $300,000,000 for each of fiscal years 2006 through 2010.

SEC. 208. SMALL SYSTEM REVOLVING LOAN FUNDS.

Section 1442(e) of the Safe Drinking Water Act (42 U.S.C. 300j091(e)) is amended—

(1) in the first sentence, by striking ''The Administrator may provide'' and inserting the following:

''(1) IN GENERAL.—The Administrator may provide''; and

(2) by adding at the end the following:

''(2) SMALL SYSTEM REVOLVING LOAN FUND.—

''(A) IN GENERAL.—In addition to amounts provided under this section, the Administrator may provide grants to qualified private, nonprofit entities to capitalize revolving funds to provide financing to eligible entities described in subparagraph (B) for—

''(i) predevelopment costs (including costs for planning, design, associated preconstruction, and necessary activities for siting the facility and related elements) associated with proposed water projects or with existing water systems; and

''(ii) short-term costs incurred for replacement equipment, small-scale extension services, or other small capital projects that are not part of the regular operations and maintenance activities of existing water systems.

''(B) ELIGIBLE ENTITIES.—To be eligible for assistance under this paragraph, an entity shall be a small water system (as described in section 1412(b)(4)(E)(ii)).

''(C) MAXIMUM AMOUNT OF LOANS.—The amount of financing made to an eligible entity under this paragraph shall not exceed—

''(i) $100,000 for costs described in subparagraph (A)(i); and

''(ii) $100,000 for costs described in subparagraph (A)(ii).

''(D) TERM.—The term of a loan made to an eligible entity under this paragraph shall not exceed 10 years.

''(E) ANNUAL REPORT.—For each fiscal year, a qualified private, nonprofit entity that receives a grant under subparagraph (A) shall submit to the Administrator a report that—

''(i) describes the activities of the qualified private, nonprofit entity under this paragraph for the fiscal year; and

''(ii) specifies—

''(I) the number of communities served;

''(II) the sizes of those communities; and

''(III) the type of financing provided by the qualified private, nonprofit entity.

''(F) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $25,000,000 for each of fiscal years 2006 through 2010.''.

SEC. 209. STUDY ON LEAD CONTAMINATION IN DRINKING WATER.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall enter into a cooperative agreement with the National Academy of Sciences to carry out a study to analyze existing market conditions for plumbing components, including pipes, faucets, water meters, valves, household valves, and any other plumbing components that come into contact with water commonly used for human consumption.

(b) COMPONENTS.—In conducting the study under subsection (a), the National Academy of Sciences shall evaluate for each category of plumbing components described in subsection (a)—

(1) the availability of plumbing components in each category with lead content below 8 percent, including those between 0 percent and 4 percent and those between 4 percent and 8 percent;

(2) the relative market share of the plumbing components;

(3) the relative cost of the plumbing components;

(4) the issues surrounding transition from current market to plumbing components with not more than 0.2 percent lead;

(5) the feasibility of manufacturing plumbing components with lead levels below 8 percent; and

(6) the use of lead alternatives in plumbing components with lead levels below 8 percent.

(c) REPORT.—Not late than 1 year after the date of enactment of this Act, the National Academy of Sciences shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the findings of the study under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000.

SEC. 210. DISTRICT OF COLUMBIA LEAD SERVICE LINE REPLACEMENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out lead service line replacement in the District of Columbia $30,000,000 for each of fiscal years 2007 through 2011.

(b) LEAD SERVICE LINE REPLACEMENT ASSISTANCE FUND.—

(1) IN GENERAL.—Of the funds provided under subsection (a), not more than $2,000,000 per year may be allocated for water service line replacement grants to provide assistance to low-income residents to replace the privately-owned portion of lead service lines.

(2) LIMITATION.—Individual grants shall be limited to not more than $5,000.

(3) DEFINITION OF LOW INCOME.—For the purpose of this subsection, the term ''low-income'' shall be defined by the District of Columbia.

TITLE III—MISCELLANEOUS

SEC. 301. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

SEC. 302. DEMONSTRATION GRANT PROGRAM FOR WATER QUALITY ENHANCEMENT AND MANAGEMENT.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Administrator shall establish a nationwide demonstration grant program to—

(A) promote innovations in technology and alternative approaches to water quality management or water supply; or

(B) reduce costs to municipalities incurred in complying with—

(i) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(ii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(2) SCOPE.—The demonstration grant program shall consist of 10 projects each year, to be carried out in municipalities selected by the Administrator under subsection (b).

(b) SELECTION OF MUNICIPALITIES.—

(1) APPLICATION.—A municipality that seeks to participate in the demonstration grant program shall submit to the Administrator a plan that—

(A) is developed in coordination with—

(i) the agency of the State having jurisdiction over water quality or water supply matters; and

(ii) interested stakeholders;

(B) describes water impacts specific to urban or rural areas;

(C) includes a strategy under which the municipality, through participation in the demonstration grant program, could effectively—

(i) address water quality or water supply problems; and

(ii) achieve the water quality goals that—

(I) could be achieved using more traditional methods; and

(II) are required under—

(aa) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); or

(bb) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(D) includes a schedule for achieving the water quality or water supply goals of the municipality.

(2) TYPES OF PROJECTS.—In carrying out the demonstration grant program, the Administrator shall provide grants for projects relating to water supply or water quality matters such as—

(A) excessive nutrient growth;

(B) urban or rural population pressure;

(C) lack of an alternative water supply;

(D) difficulties in water conservation and efficiency;

(E) lack of support tools and technologies to rehabilitate and replace water supplies;

(F) lack of monitoring and data analysis for water distribution systems;

(G) nonpoint source water pollution (including stormwater);

(H) sanitary overflows;

(I) combined sewer overflows;

(J) problems with naturally occurring constituents of concern;

(K) problems with erosion and excess sediment;

(L) new approaches to water treatment, distribution, and collection systems; and

(M) new methods for collecting and treating wastewater (including system design and nonstructural alternatives).

(3) RESPONSIBILITIES OF ADMINISTRATOR.—In providing grants for projects under this subsection, the Administrator shall—

(A) ensure, to the maximum extent practicable, that—

(i) the demonstration program includes a variety of projects with respect to—

(I) geographic distribution;

(II) innovative technologies used for the projects; and

(III) nontraditional approaches (including low-impact development technologies) used for the projects; and

(ii) each category of project described in paragraph (2) is adequately represented;

(B) give higher priority to projects that—

(i) address multiple problems; and

(ii) are regionally applicable;

(C) ensure, to the maximum extent practicable, that at least 1 community having a population of 10,000 or fewer individuals receives a grant for each fiscal year; and

(D) ensure that, for each fiscal year, no municipality receives more than 25 percent of the total amount of funds made available for the fiscal year to provide grants under this section.

(4) COST SHARING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the non-Federal share of the total cost of a project funded by a grant under this section shall be not less than 20 percent.

(B) WAIVER.—The Administrator may reduce or eliminate the non-Federal share of the cost of a project for reasons of affordability.

(c) REPORTS.—

(1) REPORTS FROM GRANT RECIPIENTS.—A recipient of a grant under this section shall submit to the Administrator, on the date of completion of a project of the recipient and on each of the dates that is 1, 2, and 3 years after that date, a report that describes the effectiveness of the project.

(2) REPORTS TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives a report that describes the status and results of the demonstration program.

(d) INCORPORATION OF RESULTS AND INFORMATION.—To the maximum extent practicable, the Administrator shall incorporate the results of, and information obtained from, successful projects under this section into programs administered by the Administrator.

(e) RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Administrator shall, through a competitive process, award grants and enter into contracts and cooperative agreements with research institutions, educational institutions, and other appropriate entities (including consortia of such institutions and entities) for research and development on the use of innovative and alternative technologies to improve water quality or drinking water supply.

(2) TYPES OF PROJECTS.—In carrying out this subsection, the Administrator may select projects relating to such matters as innovative or alternative technologies, approaches, practices, or methods—

(A) to increase the effectiveness and efficiency of public water supply systems, including—

(i) source water protection;

(ii) water use reduction;

(iii) water reuse;

(iv) water treatment;

(v) water distribution and collection systems; and

(vi) water security;

(B) to encourage the use of innovative or alternative technologies or approaches relating to water supply or availability;

(C) to increase the effectiveness and efficiency of new and existing treatment works, including—

(i) methods of collecting, treating, dispersing, reusing, reclaiming, and recycling wastewater;

(ii) system design;

(iii) nonstructural alternatives;

(iv) decentralized approaches;

(v) assessment;

(vi) water efficiency; and

(vii) wastewater security;

(D) to increase the effectiveness and efficiency of municipal separate storm sewer systems;

(E) to promote new water treatment technologies, including commercialization and dissemination strategies for adoption of innovative or alternative low impact development technologies in the homebuilding industry; or

(F) to maintain a clearinghouse of technologies developed under this subsection and subsection (a) at a research consortium or institute.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $20,000,000 for each of fiscal years 2006 through 2010.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section (other than subsection (e)) $20,000,000 for each of fiscal years 2006 through 2010.

SEC. 303. AGRICULTURAL POLLUTION CONTROL TECHNOLOGY GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) AGRICULTURAL COMMODITY.—The term ''agricultural commodity'' means—

(A) agricultural, horticultural, viticultural, and dairy products;

(B) livestock and the products of livestock;

(C) the products of poultry and bee raising;

(D) the products of forestry;

(E) other commodities raised or produced on agricultural sites, as determined to be appropriate by the Secretary; and

(F) products processed or manufactured from products specified in subparagraphs (A) through (E), as determined by the Secretary.

(3) AGRICULTURAL PROJECT.—The term ''agricultural project'' means an agricultural pollution control technology project that, as determined by the Administrator—

(A) is carried out at an agricultural site; and

(B) achieves demonstrable reductions in air and water pollution.

(4) AGRICULTURAL SITE.—The term ''agricultural site'' means a farming or ranching operation of a producer.

(5) PRODUCER.—The term ''producer'' means any person who is engaged in the production and sale of an agricultural commodity in the United States and who owns, or shares the ownership and risk of loss of, the agricultural commodity.

(6) REVOLVING FUND.—The term ''revolving fund'' means an agricultural pollution control technology State revolving fund established by a State using amounts provided under subsection (b)(1).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(b) GRANTS FOR AGRICULTURAL STATE REVOLVING FUNDS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this section, the Administrator shall provide to each eligible State described in paragraph (2) 1 or more capitalization grants, that cumulatively equal no more than $1,000,000 per State, for use in establishing, within an agency of the State having jurisdiction over agriculture or environmental quality, an agricultural pollution control technology State revolving fund.

(2) ELIGIBLE STATES.—An eligible State referred to in paragraph (1) is a State that agrees, prior to receipt of a capitalization grant under paragraph (1)—

(A) to establish, and deposit the funds from the grant in, a revolving fund;

(B) to provide, at a minimum, a State share in an amount equal to 20 percent of the capitalization grant;

(C) to use amounts in the revolving fund to make loans to producers in accordance with subsection (c); and

(D) to return amounts in the revolving fund if no loan applications are granted within 2 years of the receipt of the initial capitalization grant.

(c) LOANS TO PRODUCERS.—

(1) USE OF FUNDS.—A State that establishes a revolving fund under subsection (b)(2) shall use amounts in the revolving fund to provide loans to producers for use in designing and constructing agricultural projects.

(2) MAXIMUM AMOUNT OF LOAN.—The amount of a loan made to a producer using funds from a revolving fund shall not exceed $250,000, in the aggregate, for all agricultural projects serving an agricultural site of the producer.

(3) CONDITIONS ON LOANS.—A loan made to a producer using funds from a revolving fund shall—

(A) have an interest rate that is not more than the market interest rate, including an interest-free loan; and

(B) be repaid to the revolving fund not later than 10 years after the date on which the loan is made.

(d) REQUIREMENTS FOR PRODUCERS.—

(1) IN GENERAL.—A producer that seeks to receive a loan from a revolving fund shall—

(A) submit to the State in which the agricultural site of the producer is located an application that—

(i) contains such information as the State may require; and

(ii) demonstrates, to the satisfaction of the State, that each project proposed to be carried out with funds from the loan is an agricultural project; and

(B) agree to expend all funds from a loan in an expeditious and timely manner, as determined by the State.

(2) MAXIMUM PERCENTAGE OF AGRICULTURAL PROJECT COST.—Subject to subsection (c)(2), a producer that receives a loan from a revolving fund may use funds from the loan to pay up to 100 percent of the cost of carrying out an agricultural project.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000.

SEC. 304. STATE REVOLVING FUND REVIEW PROCESS.

As soon as practicable after the date of enactment of this Act, the Administrator shall—

(1) consult with States, utilities, and other Federal agencies providing financial assistance to identify ways to expedite and improve the application and review process for the provision of assistance from—

(A) the State water pollution control revolving funds established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.); and

(B) the State drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300–12);

(2) take such administrative action as is necessary to expedite and improve the process as the Administrator has authority to take under existing law;

(3) collect information relating to innovative approaches taken by any State to simplify the application process of the State, and provide the information to each State; and

(4) submit to Congress a report that, based on the information identified under paragraph (1), contains recommendations for legislation to facilitate further streamlining and improvement of the process.

SEC. 305. COST OF SERVICE STUDY.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall enter into a contract with the National Academy of Sciences for, and the National Academy of Sciences shall complete and provide to the Administrator the results of, a study of the means by which public water systems and treatment works selected by the Academy in accordance with subsection (c) meet the costs associated with operations, maintenance, capital replacement, and regulatory requirements.

(b) REQUIRED ELEMENTS.—

(1) AFFORDABILITY.—The study shall, at a minimum—

(A) determine whether the rates at public water systems and treatment works for communities included in the study were established using a full-cost pricing model;

(B) if a full-cost pricing model was not used, identify any incentive rate systems that have been successful in significantly reducing—

(i) per capita water demand;

(ii) the volume of wastewater flows;

(iii) the volume of stormwater runoff; or

(iv) the quantity of pollution generated by stormwater;

(C) identify a set of best industry practices that public water systems and treatment works may use in establishing a rate structure that—

(i) adequately addresses the true cost of services provided to consumers by public water systems and treatment works, including infrastructure replacement;

(ii) encourages water conservation; and

(iii) takes into consideration the needs of disadvantaged individuals and communities, as identified by the Administrator;

(D) identify existing standards for affordability;

(E) determine the manner in which those standards are determined and defined;

(F) determine the manner in which affordability varies with respect to communities of different sizes and in different regions; and

(G) determine the extent to which affordability affects the decision of a community to increase public water system and treatment works rates (including the decision relating to the percentage by which those rates should be increased).

(2) DISADVANTAGED COMMUNITIES.—The study shall, at a minimum—

(A) survey a cross-section of States representing different sizes, demographics, and geographical regions;

(B) describe, for each State described in subparagraph (A), the definition of ''disadvantaged community'' used in the State in carrying out projects and activities under the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(C) review other means of identifying the meaning of the term ''disadvantaged'', as that term applies to communities;

(D) determine which factors and characteristics are required for a community to be considered ''disadvantaged''; and

(E) evaluate the degree to which factors such as a reduction in the tax base over a period of time, a reduction in population, the loss of an industrial base, and the existence of areas of concentrated poverty are taken into account in determining whether a community is a disadvantaged community.

(c) SELECTION OF COMMUNITIES.—The National Academy of Sciences shall select communities, the public water system and treatment works rate structures of which are to be studied under this section, that include a cross-section of communities representing various populations, income levels, demographics, and geographical regions.

(d) USE OF RESULTS OF STUDY.—On receipt of the results of the study, the Administrator shall—

(1) submit to Congress a report that describes the results of the study; and

(2) make the results available to treatment works and public water systems for use by the publicly owned treatment works and public water systems, on a voluntary basis, in determining whether 1 or more new approaches may be implemented at facilities of the publicly owned treatment works and public water systems.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2006 and 2007.

SEC. 306. WATER RESOURCES STUDY.

(a) ASSESSMENT.—

(1) IN GENERAL .—The Secretary shall—

(A) not later than 2 years after the date of enactment of this Act, conduct an assessment of water resources in the United States; and

(B) update the assessment every 2 years thereafter.

(2) COMPONENTS.—The assessment shall, at a minimum—

(A) measure the status and trends of—

(i) fresh water in rivers and reservoirs;

(ii) groundwater levels and volume of useable fresh water stored in aquifers; and

(iii) fresh water withdrawn from streams and aquifers in the United States; and

(B) provide those measurements for—

(i) watersheds defined by the 352 hydrologic accounting units of the United States; and

(ii) major aquifers of the United States, as identified by the Secretary.

(3) REPORT.—Not later than 1 year after the date of completion of the assessment and every 2 years thereafter, the Secretary shall submit to Congress a report—

(A) describing the results of the assessment; and

(B) containing any recommendations of the Secretary relating to the assessment that—

(i) are consistent with existing laws, treaties, decrees, and interstate compacts; and

(ii) respect the primary role of States in adjudicating, administering, and regulating water rights and uses.

(b) WATER RESOURCE RESEARCH PRIORITIES.—

(1) IN GENERAL.—The Secretary shall coordinate a process among Federal agencies and appropriate State agencies to develop and publish, not later than 1 year after the date of enactment of this Act, a list of water resource research priorities that focuses on—

(A) water supply monitoring;

(B) means of capturing excess water and flood water for conservation and use in the event of a drought;

(C) strategies to conserve existing water supplies, including recommendations for repairing aging infrastructure;

(D) identifying incentives to ensure an adequate and dependable supply of water;

(E) identifying available technologies and other methods to optimize water supply reliability, availability, and quality, while safeguarding the environment; and

(F) improving the quality of water resource information available to State, tribal, and local water resource managers.

(2) USE OF LIST.—The list published under paragraph (1) shall be used by Federal agencies as a guide in making decisions on the allocation of water research funding.

(c) INFORMATION DELIVERY SYSTEM.—

(1) IN GENERAL.—The Secretary shall coordinate a process to develop an effective information delivery system to communicate information described in paragraph (2) to—

(A) decisionmakers at the Federal, regional, State, tribal, and local levels;

(B) the private sector; and

(C) the general public.

(2) TYPES OF INFORMATION.—The information referred to in paragraph (1) may include—

(A) the results of the national water resource assessments under subsection (a);

(B) a summary of the Federal water research priorities developed under subsection (b);

(C) near real-time data and other information on water shortages and surpluses;

(D) planning models for water shortages or surpluses (at various levels including State, river basin, and watershed levels);

(E) streamlined procedures for States and localities to interact with and obtain assistance from Federal agencies that perform water resource functions; and

(F) other water resource materials, as the Secretary determine appropriate.

(d) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter through fiscal year 2009, the Secretary shall submit to Congress a report on the implementation of this section.

(e) SAVINGS CLAUSE.—Nothing in this section—

(1) modifies, supercedes, abrogates, impairs, or otherwise affects in any way—

(A) any right or jurisdiction of any State with respect to the water (including boundary water) of the State;

(B) the authority of any State to allocate quantities of water within areas under the jurisdiction of the State; or

(C) any right or claim to any quantity or use of water that has been adjudicated, allocated, or claimed—

(i) in accordance with State law;

(ii) in accordance with subsections (a) through (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666);

(iii) by or pursuant to an interstate compact; or

(iv) by a decision of the United States Supreme Court;

(2) requires a change in the nature of use or the transfer of any right to use water or creates a limitation on the exercise of any right to use water; or

(3) requires modifying the delivery, diversion, non-diversion, allocation, storage, or release from storage of any water to be delivered by contract.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) to carry out the report authorized by this section, $3,000,000, to remain available until expended; and

(2) to carry out the updates authorized by subsection (a)(1)(B), such sums as are necessary.

Mr. GREGG. Mr. President, sustained military operations in Afghanistan and Iraq have brought to light another example of how outdated and burdensome government policies can punish generous employers. Employers that continue to pay their employees now on active duty in the uniformed services are experiencing tax and pension difficulties that are discouraging this pro-worker, patriotic gesture. Apparently, when it comes to companies showing their respect for their employees called to serve, there is special meaning to the old cliché ''no good deed goes unpunished.''

The National Committee for Employer Support for the Guard and Reserve, a nationwide association, reports that thousands of employers across the country have signed a pledge of support and have gone above and beyond the requirements of the law in support of their National Guard and Reserve employees. This includes many of our Nation's largest and most reputable corporations, including 3M, McDonalds, Wal-Mart, Home Depot, Liberty Mutual and many others. These commendable companies provide reservist employees who are on active duty with ''differential pay'' that makes up the difference between their military stipend and civilian salary.

In New Hampshire, some of the most remarkable stories of corporate patriotism can be found. BAE Systems of Nashua has 110 people serving in the Guard and Reserves, 11 of whom are currently deployed overseas. They provide differential pay to all their called-up employees and continuing access to benefits to family members. The company even provides a stipend to make up the lost pay of active duty spouses of company employees when the spouse's employer is not able to provide differential pay.

Consider also the account of Mr. Marian Noronha, Chairman and Founder of Turbocam, a manufacturer based in Dover, New Hampshire. An immigrant from India, Mr. Noronha has not only provided his employees with differential pay and continued family health benefits, but has also extended to each of his activated employees a $10,000 line of credit. His active duty reservist and Guard employees have used this money to, among other things, purchase personal computers so their families can communicate with them while they are overseas. Several other New Hampshire private-sector companies, including Hitchiner Manufacturing Company in Milford, have exemplary records when it comes to dealing with reservist employees.

Under current law, employers of reservists and guardsmen called up for active duty are required to treat them as if they are on a leave of absence under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). The Act does not require employers to pay reservists who are on active duty. But as I have pointed out, many employers pay the reservists the difference between their military stipends and their regular salaries. Some employers provide this ''differential pay'' for up to three years. For employee convenience, many of these companies also allow deductions from the differential payment for contributions to their 401(k) retirement plans.

The conflict arises, however, because a 1969 IRS Revenue Ruling considers the employment relationship terminated when active duty begins. This ruling prevents employers from treating the differential pay as wages for income tax purposes, resulting in unexpected tax bills at the end of the year for these military personnel. Further, the contributions made to the worker's retirement account potentially invalidate, disqualify, the employer's entire retirement plan which could make all amounts immediately taxable to plan participants and the employer.

The Uniformed Services Differential Pay Protection Act that I am introducing today clarifies that differential wage payments are to be treated as wages to current employees for income tax purposes and that retirement plan contributions are permissible. The bill does the following:

Differential wage payments would be treated as wages for income tax withholding purposes and reported on the worker's W–2 form. This means that active duty personnel will not be hit with end-of-the-year tax bills.

No New Taxes: The legislation does not change present law, and deferential wage payments will not be subject to Social Security and unemployment compensation taxes.

Definition: ''Differential wage payments'' are defined to mean any payment which: 1. is made by an employer to an individual while he or she is on active duty for a period of more than 30 days, and 2. represents all or a portion of the wages the individual would have received from the employer if he or she were performing service for the employer.

An individual receiving differential wage payments would continue to be treated as an employee for purposes of the rules applicable to qualified retirement plans, removing the threat that contributions on his or her behalf would invalidate the employer's entire plan.

Distributions Protected: Clarifying language is included to ensure that individuals would continue to be permitted to take distributions from their accounts when they leave their jobs for active duty. Thus, the right to receive distributions will be preserved even though individuals are treated as current employees for contribution purposes. The bill includes a prohibition on making elective deferrals or employee contributions for six months after receiving a distribution.

Satisfying Nondiscrimination Rules: In order to avoid disruptions in retirement savings plans and to remove disincentives, employers could disregard contributions to retirement savings accounts based on differential wage payments for nondiscrimination testing purposes, provided that such payments are available to all mobilized employees on reasonably equivalent terms.

In summary, the Uniformed Services Differential Pay Protection Act upholds the principle that employers should not be penalized for their generosity towards our Nation's reservists and members of the National Guard.

By Mr. WYDEN:

S. 1403. A bill to amend title XVIII of the Social Security Act to extend reasonable cost contracts under medicare; to the Committee on Finance.

Mr. WYDEN. Mr. President, when Congress passed the Medicare Modernization Act, Medicare cost contracts

were kept as a health plan option for seniors. However, Congress also limited the ability of cost contracts to operate in areas if a Medicare Advantage plan decided to offer service in that area and stayed for a year.

Medicare cost contracts are plans that offer more benefits than basic Medicare and are often available in areas in which Medicare Advantage plans are not offered. Many of the thousands of Oregonians who have cost contract plans are in rural Oregon, where there are few options for care. The legislation I am introducing today, ''The Medicare Cost Contract Extension and Refinement Act of 2005'', would allow seniors to keep their cost contracts longer even if a Medicare Advantage plan is offered. The bill also adds more consumer protection provisions that are similar to those already in law for Medicare Advantage plans. I believe that it is not only important to ensure seniors have choices, but that they can keep the choice that works best for them as well. 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. 1403

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 ''Medicare Cost Contract Extension and Refinement Act of 2005''.

SEC. 2. EXTENSION OF REASONABLE COST CONTRACTS.

(a) EXTENSION OF PERIOD REASONABLE COST PLANS CAN REMAIN IN THE MARKET.—Section 1876(h)(5)(C)(ii) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(C)(ii) is amended—

(1) in the matter preceding subclause (I)—

(A) by striking ''January 1, 2008'' and inserting ''January 1, 2012'';

(B) by striking ''year'' and inserting ''two years''; and

(C) by inserting ''entirely'' after ''was'';

(2) in subclause (I), by inserting '', provided that all such plans are not offered by the same Medicare Advantage organization'' before the semicolon at the end; and

(3) in subclause (II), by inserting '', provided that all such plans are not offered by the same Medicare Advantage organization'' before the semicolon at the end.

(b) EXTENSION OF PERIOD REASONABLE COST PLANS CAN EXPAND THEIR SERVICE AREA.—Section 1876(h)(5)(B)(i) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(B)(i)) is amended to read as follows:

''(i) the conditions for prohibiting an extension or renewal of a contract under subparagraph (C)(ii) are not applicable to such service area at the time of the application.''.

SEC. 3. APPLICATION OF CERTAIN MEDICARE ADVANTAGE REQUIREMENTS TO COST CONTRACTS EXTENDED OR RENEWED AFTER 2003.

Section 1876(h) of the Social Security Act (42 U.S.C. 1395mm(h)), as amended by section (2), is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph:

''(5)(A) Any reasonable cost reimbursement contract with an eligible organization under this subsection that is extended or renewed on or after the date of enactment of the Medicare Cost Contract Extension and Refinement Act of 2005 shall provide that the provisions of the Medicare Advantage program under part C described in subparagraph (B) shall apply to such organization and such contract in a substantially similar manner as such provisions apply to Medicare Advantage organizations and Medicare Advantage plans under such part.

''(B) The provisions described in this subparagraph are as follows:

''(i) Section 1851(d) (relating to the provision of information to promote informed choice).

''(ii) Section 1851(h) (relating to the approval of marketing material and application forms).

''(iii) Section 1852(a)(3)(A) (regarding the authority of organizations to include mandatory supplemental health care benefits under the plan subject to the approval of the Secretary).

''(iv) Section 1852(e) (relating to the requirement of having an ongoing quality improvement program and treatment of accreditation in the same manner as such provisions apply to Medicare Advantage local plans that are preferred provider organization plans).

''(v) Section 1852(j)(4) (relating to limitations on physician incentive plans).

''(vi) Section 1854(c) (relating to the requirement of uniform premiums among individuals enrolled in the plan).

''(vii) Section 1854(g) (relating to restrictions on imposition of premium taxes with respect to payments to organizations).

''(viii) Section 1856(b)(3) (relating to relation to State laws).

''(ix) Section 1857(i) (relating to Medicare Advantage program compatibility with employer or union group health plans).

''(x) The provisions of part C relating to timelines for contract renewal and beneficiary notification.''.

By Mr. BOND:

S. 1404. A bill to clarify that terminal development grants remain in effect under certain conditions; to the Committee on Commerce, Science, and Transportation.

Mr. BOND. Mr. President, I rise today to introduce legislation that will allow for the continued expansion of non-primary hub airports across the country.

The simple fact of the matter is that demand for commercial air service in and out of many of these smaller non-primary hub airports is far exceeding the current operational capacity at these airports. Expanded airfield and terminal capacity at these airports are desperately needed to meet the growing demand for air service in these high growth communities.

The Springfield/Branson Metropolitan Area in Southwest Missouri is a classic example of one of these high growth communities where demand for air service is exceeding the current operational capacity of area's primary regional airport.

The city of Springfield is the economic hub for 26 Missouri Counties with a population of approximately 1 million people. Over the last 10 years, the population of the Springfield area has increased by more than twice the annual growth rate experienced by the State of Missouri.

The Springfield metropolitan workforce has grown by more than 27 percent the past 10 years, and is projected to grow by 18 percent over the next ten years. Annual regional tourism accounts for over 2.2 million visitors in Springfield and over 7 million annual visitors to the booming Branson area.

Because of the tremendous growth in this region, demand for an air service in and out of the Springfield/Branson Regional Airport is soaring. The current airport is experiencing great difficulty in trying to keep up with the growing demand for air service in this region. The capacity at the current airport is virtually at its maximum.

The FAA has already approved the Springfield Regional Airport Master Plan and completed an environmental assessment for this plan. So far, the FAA has invested over $7 million in the planning and design for this project. Further funding for this project will be needed to fund the expansion of air-side apron, runways, taxiways and limited eligible components of the terminal.

In order to ensure that this essential project goes forward and that previous Federal tax dollars are not wasted, I am introducing legislation that will clarify the status of the Springfield Regional Airport as a non-hub primary airport.

This legislation states that if the status of a non-hub primary airport changes to a small hub primary airport at a time when the airport has already received FAA discretionary funds for a terminal development project—and this project is not yet completed—then the project shall remain eligible for funding from the discretionary fund and the small airport fund to pay costs allowable under section 47110(d) of Title 49. Such an airport project will remain eligible for these funds for three fiscal years after the start of construction of the project, or, if the Secretary determines that a further extension of eligibility is justified, until the project is completed.

This legislation will ensure that the ongoing expansion projects of smaller airports across the country will continue in order to accommodate the growing demand for additional airfield and terminal capacity at these airports.

By Mr. NELSON of Nebraska (for himself, Mr. SANTORUM, and Mr. CORZINE):

S. 1405. A bill to extend the 50 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility and to establish the National Advisory Council on Medical Rehabilitation; to the Committee on Finance.

Mr. NELSON of Nebraska. Mr. President, today I am introducing the ''Preserving Patient Access to Inpatient Rehabilitation Hospitals Act of 2005'' to make changes to a rule issued by the Centers for Medicare and Medicaid Services, (CMS) that would threaten the ability of rehabilitation hospitals to continue to provide critical care.

In my home State of Nebraska, Madonna Rehabilitation Hospital in Lincoln is a nationally-recognized premier rehabilitation facility that offers specialized programs and services for those who have suffered brain injuries, strokes, spinal cord injuries, and other rehabilitating injuries. If this rule is not updated, Madonna would not be able to offer the same critical care to its patients as it currently does.

When CMS first looked at whether facilities would qualify as an inpatient rehabilitation facility (IRF), a list of criteria was created to determine eligibility. The criteria, generally referred to as the ''75 Percent Rule,'' were first established in 1984. Initially ten categories were given. When the Rule was revised last year, three categories were added. To qualify as an IRF under the 75 Percent Rule, 75 percent of a facility's patients must be receiving treatment in one of these specified conditions.

On its face, it appeared that CMS expanded the Rule last year by increasing the number of conditions from 10 to 13 and giving facilities a phase-in period to adjust to the changes. Initially the threshold for compliance was set at 50 percent for the first year and continues to rise until it reaches 75 percent in July 2007.

Facilities are struggling to even meet the 50 percent compliance rate in part because the expansion of categories is illusory. The rule will, by CMS' own estimate, shift thousands of patients—both Medicare and non-Medicare—into alternative care settings that may be inappropriate. CMS projected a patient loss of 1,170 admissions in FY 2005. A recent Moran Company report showed that in the first year alone, hospitals have been forced to deny care to between 25,000–40,000 patients to maintain compliance with the new 75 Percent Rule. By the fourth year of the Rule, IRFs will be forced to turn away one out of every three patients in order to operate as a rehabilitation hospital or unit.

My legislation will ensure that patients across America will continue to have access to the rehabilitative care they need, and that experts in this community are organized to advise and make recommendations to Congress and the appropriate Federal agencies based on the realities and challenges facing the rehabilitative field today and in the future. The legislation provides an additional two years at the 50 percent threshold to give facilities additional time to adjust to the new categories and sets up a commission to advise Federal agencies on rehabilitative care and what categories are appropriate to be included in the 75 Percent Rule.

I am pleased that many prestigious organizations have joined me in supporting the legislation. The American Hospital Association, the American Academy of Physical Medicine and Rehabilitation, the Federation of American Hospitals, the American Medical Rehabilitation Providers Association and numerous other associations and advocacy groups have endorsed the legislation. Just as I have heard from patients and medical providers who have experienced problems with this Rule, the members of these associations are also witnessing the devastating effect the Rule is having on those who need this critical care. In addition, Senator SANTORUM is co-sponsoring this bipartisan effort.

I urge my colleagues to support this legislation, and I look forward to its passage.

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. 1405

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 ''Preserving Patient Access to Inpatient Rehabilitation Hospitals Act of 2005''.

SEC. 2. EFFECT ON ENFORCEMENT OF REGULATIONS.

(a) IN GENERAL.—Notwithstanding section 412.23(b)(2) of title 42, Code of Federal Regulations, during the period beginning on July 1, 2005, and ending on the date that is 2 years after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this Act as the ''Secretary'') shall not—

(1) require a compliance rate, pursuant to the criterion (commonly known as the ''75 percent rule'') that is used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility (as defined in the rule published in the Federal Register on May 7, 2004, entitled ''Medicare Program; Final Rule; Changes to the Criteria for Being Classified as an Inpatient Rehabilitation Facility'' (69 Fed. Reg. 25752)), that is greater than the 50 percent compliance threshold that became effective on July 1, 2004;

(2) change the designation of an inpatient rehabilitation facility in compliance with the 50 percent threshold; or

(3) conduct medical necessity review of inpatient rehabilitation facilities using any guidelines, such as fiscal intermediary Local Coverage Determinations, other than the national criteria established in chapter 1, section 110 of the Medicare Benefits Policy Manual.

(b) RETROACTIVE STATUS AS AN INPATIENT REHABILITATION FACILITY; PAYMENTS; EXPEDITED REVIEW.—The Secretary shall establish procedures for—

(1) making any necessary retroactive adjustment to restore the status of a facility as an inpatient rehabilitation facility as a result of subsection (a);

(2) making any necessary payments to inpatient rehabilitation facilities based on such adjustment for discharges occurring on or after July 1, 2005 and before the date of enactment of this Act; and

(3) developing and implementing an appeals process that provides for expedited review of any adjustment to the status of a facility as an inpatient rehabilitation facility made during the period beginning on July 1, 2005 and ending on the date that is 2 years after the date of enactment of this Act.

SEC. 3. NATIONAL ADVISORY COUNCIL ON MEDICAL REHABILITATION.

(a) DEFINITIONS.—In this section:

(1) ADVISORY COUNCIL.—The term ''Advisory Council'' means the National Advisory Council on Medical Rehabilitation established under subsection (b).

(2) APPROPRIATE FEDERAL AGENCIES.—The term ''appropriate Federal agencies'' means—

(A) the Agency for Healthcare Research and Quality;

(B) the Centers for Medicare & Medicaid Services;

(C) the National Institute on Disability and Rehabilitation Research; and

(D) the National Center for Medical Rehabilitation Research.

(b) ESTABLISHMENT.—Pursuant to section 222 of the Public Health Service Act (42 U.S.C. 217a), the Secretary shall establish an advisory panel to be known as the ''National Advisory Council on Medical Rehabilitation''.

(c) MEMBERSHIP.—

(1) APPOINTMENT.—The Advisory Council shall be composed of 17 members, of whom—

(A) 9 members shall be appointed by the Secretary, in consultation with the medical rehabilitation community, from a diversity of backgrounds, including—

(i) physicians;

(ii) medicare beneficiaries;

(iii) representatives of inpatient rehabilitation facilities; and

(iv) other practitioners experienced in rehabilitative care; and

(B) 8 members, not more than 4 of whom are members of the same political party, shall be appointed jointly by—

(i) the Majority Leader of the Senate;

(ii) the Minority Leader of the Senate;

(iii) the Speaker of the House of Representatives;

(iv) the Minority Leader of the House of Representatives;

(v) the Chairman and the Ranking Member of the Committee on Finance of the Senate; and

(vi) the Chairman and the Ranking Member of the Committee on Ways and Means of the House of Representatives.

(2) DATE.—Members of the Advisory Council shall be appointed not later than 30 days after the date of enactment of this Act.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Council. A vacancy on the Advisory Council shall be filled not later than 30 days after the date on which the Advisory Council is given notice of the vacancy, in the same manner as the original appointment.

(4) MEETINGS.—

(A) INITIAL MEETING.—The Advisory Council shall conduct an initial meeting not later than 120 days after the date of enactment of this Act.

(B) MEETINGS.—The Advisory Council shall conduct such meetings as the Council determines to be necessary to carry out its duties but shall meet not less frequently than 2 times during each calendar year.

(d) DUTIES.—The duties of the Advisory Council shall include the following:

(1) ADVICE AND RECOMMENDATIONS.—Providing advice and recommendations to—

(A) Congress and the Secretary concerning the coverage of rehabilitation services under the medicare program, including—

(i) policy issues related to rehabilitative treatment and reimbursement for rehabilitative care, such as issues relating to any rulemaking relating to, or impacting, rehabilitation hospitals and units;

(ii) the appropriate criteria for—

(I) determining clinical appropriateness of inpatient rehabilitation facility admissions; and

(II) distinguishing an inpatient rehabilitation facility from an acute care hospital and

other providers of intensive medical rehabilitation;

(iii) the efficacy of inpatient rehabilitation services, as opposed to other post-acute inpatient settings, through a comparison of quality and cost, controlling for patient characteristics (such as medical severity and motor and cognitive function) and discharge destination;

(iv) the effect of any medicare regulations on access to inpatient rehabilitation care by medicare beneficiaries and the clinical effectiveness of care available to such beneficiaries in other health care settings; and

(v) any other topic or issue that the Secretary or Congress requests the Advisory Council to provide advice and recommendations on; and

(B) appropriate Federal agencies (as defined in subsection (a)(3)) on how to best utilize available research funds and authorities focused on medical rehabilitation research, including post-acute care site of service and outcomes research.

(e) PERIODIC REPORTS.—The Advisory Council shall provide the Secretary with periodic reports that summarize—

(1) the Council's activities; and

(2) any recommendations for legislation or administrative action the Council considers to be appropriate.

(f) TERMINATION.—The Advisory Council shall terminate on September 30, 2010.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

(h) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

By Mr. CORNYN:

S. 1406. A bill to protect American workers and responders by ensuring the continued commercial availability of respirators and to establish rules governing product liability actions against manufacturers and sellers of respirators; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, I rise today to introduce the ''Respirator Access Assurance Act of 2005.'' This legislation is not a complex or lengthy proposal, but it is critically important for our men and women in uniform, our first responders, and the American public as we continue to wage the war on terror. It is designed to protect the companies that manufacture respirators from abusive litigation—the very respirators that we need for protection against life-threatening environmental hazards and contaminates.

Even as we continue today to debate important appropriations legislation for the Department of Homeland Security, the many American manufacturers and sellers of one of the types of equipment necessary in the war on terror and for our first responders generally—respirators—are being forced by misdirected litigation to decide whether to abandon that market.

Since the year 2000, American respirator manufacturers have experienced an avalanche of mass lawsuits in which thousands of plaintiffs claim they suffered lung damage from respirators because of defective designs and/or failure to provide adequate warnings. Between 2000 and 2004, well over 300,000 individual claims have been filed against major respirator manufacturers. Many of these people show no symptoms of illness.

Respirator manufacturers are included among dozens of defendants in these lawsuits, despite some very important facts. First, respirators don't cause lung disease—employers are legally responsible for providing the right respirator to an employee for the environment in which the employee will be working. Respirator manufacturers have no role in that decision. Second, respirators are 100 percent regulated by the U.S. Government. The National Institute for Occupational Safety and Health, or NIOSH, sets the design standards for respirators, tests every product in its own labs, approves all warning labels, and monitors the manufacturing process to be sure respirators meet the standards for which they were designed.

Perhaps most troubling is the extent to which these claims track very closely with the recent explosion of asbestos and silicosis claims. Recently, a number of ethical questions surrounding many of these claims have come to light.

In my home State of Texas, a Federal court in Corpus Christi under the watch of Judge Janis Graham Jack, has been trying to sort out a few thousand of these cases. That Multi-District Litigation has turned up evidence of fraud—in Judge Jack's words—''great red flags of fraud,'' and highlights attempts by some to recycle plaintiffs who have already recovered in asbestos litigation by claiming they also have silicosis, which is a virtual medical impossibility.

Just today, the Wall Street Journal ran an editorial highlighting this ''tort scam.'' As it points out, ''Judge Jack not only blasted nearly everyone of the 10,000 silicosis claims in front of her court, she documented the fraudulent means by which lawyers, doctors, and screening companies had manufactured the claims.'' She said, ''These diagnoses were about litigation rather than health care . . . these diagnoses were manufactured for money.''

I ask unanimous consent that the Wall Street Journal editorial be printed in the RECORD.

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

[From the Wall Street Journal, July 14, 2005]

THE SILICOSIS SHERIFF

If the criminal investigation of class-action titan Milberg Weiss is anything to go by, prosecutors may finally be starting to hold the trial bar accountable for its legal abuses. Another good sign is that a separate federal grand jury, this one in New York, is investigating the ringleaders of the latest tort scam, silicosis.

Much of the credit for pointing the grand jury toward this corruption goes to Texas federal Judge Janis Graham Jack, who last month put the brakes on the silicosis machine with an extraordinary 249-page decision. Judge Jack not only blasted nearly every one of the 10,000 silicosis claims in front of her court, she documented the fraudulent means by which lawyers, doctors and screening companies had manufactured the claims. ''These diagnoses were about litigation rather than health care,'' wrote Judge Jack. ''These diagnoses were manufactured for money.''

Perfectly said, and we only wish the fearless, judge had been around to render a similar verdict back when the asbestos blob got rolling. It was that juggernaut, largely blessed by the courts, that first allowed trial lawyers to co-opt doctors to create millions of phony claims and extort billions out of corporate defendants. Encouraged by this success, the trial bar revved up the same machinery for silicosis, an occupational lung disease that can be fatal but has been in decline for decades.

It was the fact of this decline that got Judge Jack's attention. A former nurse, she couldn't understand how a disease that causes on average fewer than 200 deaths annually in the U.S. had suddenly resulted in more than 20,000 claims from Mississippi and surrounding states. To get to the bottom of the suits against some 250 companies, the Clinton appointee held 20 months of pretrial proceedings. What she found was a gigantic attempted swindle.

Her first discovery was that, of the more than 9,000 plaintiffs who supplied more information about their ''disease,'' 99% had been diagnosed with silicosis by the same nine doctors. These physicians had been retained by law firms or by ''screening companies'' that do mass X-rays on behalf of law firms searching for plaintiffs. When these physicians were deposed, they all but admitted they took their orders from the lawyers and screening firms.

Which explains why none of them took a medical history, while others never even saw their patients. One doctor signed blank forms for the screening company and let his secretary fill out the diagnoses. Yet another performed 1,239 diagnostic evaluations in 72 hours—less than four minutes apiece. Dr. George Martindale, who diagnosed 3,617 patients with silicosis, admitted that he didn't even know the criteria for diagnosing the disease and had simply included in each of his reports a paragraph provided by the screening company.

Another shocker was that more than 65% of the silica plaintiffs had previously been plaintiffs in an asbestos suit, even though it is close to clinically impossible to have both asbestosis and silicosis. Digging deeper, the judge found that many of the same doctors had ginned up the same patients for both asbestos and silicosis cases. One doctor, Ray Harron, received nearly $5 million from 1996–2004 from a leading screening company, N&M, and has supplied thousands of silicosis diagnoses, and at least 52,000 asbestos-related diagnoses.

Representatives from N&M admitted in court that they had no medical training and that their company has never had a medical director. They confirmed that law firms often set the criteria for the silicosis screening process, and that the screening companies were paid by the volume of people who ultimately joined a lawsuit. As N&M owner Heath Mason testified, his business depended on doing ''large numbers.''

Judge Jack reserved her most severe criticism for the lawyers, noting that statistics alone should have shown that their case defied ''all medical knowledge and logic,'' and that by bringing it regardless they had exhibited a ''reckless disregard of the duty owed to the court.'' She required the Houston firm of O'Quinn, Laminack & Pirtle to pay the defendants' $825,000 in legal fees, and ordered sanctions. She also made clear she was on to the tort bar's tactics, noting that the ''clear motivation'' was ''to inflate the

number of plaintiffs and overwhelm the defendants and the judicial system.''

Judge Jack did not shy away from the word ''fraud'' in her courtroom, and clearly someone at the Justice Department has been paying attention. A Manhattan grand jury is now investigating at least one of the screening companies, and subpoenas have gone out to at least two of the doctors involved.

Which shows how large a public service Judge Jack has performed. She could easily have followed other judges and accepted these mass claims at face value. Instead, she dug into the individual claims and found the corruption underneath. In doing so, she has not only stalled the entire silicosis scam, she's opened the door to probing millions of asbestos claims that have come before. The lawyers could attempt to retry their dismissed claims in state court, though amid a grand jury probe they might prefer that this whole issue go away.

Over the years, too many judges have allowed tort lawyers to hijack their courtrooms to perpetrate legal fraud. Judge Jack is showing what good comes when judges truly care about justice.

This level of fraud must be brought to the attention of the American people. The extent to which this type of behavior is the norm rather than the exception is troubling, to say the least. And the breadth of this abuse extends so far now that it endangers the manufacturing of masks for the American people—and people through the world for that matter—who need to protect themselves from airborne contaminants. Thousands of lawsuits have been directed toward these manufacturers—largely indiscriminately.

Many of these cases might someday be dismissed or settled for a few hundred dollars to avoid protracted litigation, but the costs of getting to that point are enormous. Respirator companies have already incurred millions of dollars in litigation and settlement costs, and even after years of arguing in multiple State and local courts they still face hundreds of thousands of individual claims. The costs of this litigation burden are both unjustified and destructive.

Most of the net income these companies receive from respirator sales is being eaten up in litigation costs. Some respirator companies have already decided it is not worth it and have stopped selling in the commercial market, and others are contemplating the same thing. If U.S. manufacturers drop out of the market, those who need respirators will have to use imports, which may be of lower quality and less reliable, or use nothing at all. In either case we are letting this unfounded litigation burden pose additional risk to millions of Americans who need these devices to do their jobs and protect themselves, and all of us, from untold harm.

That is why I am introducing this legislation today. The Act provides respirator manufacturers with protection from the legal costs associated with defending claims for which the manufacturers should bear no liability. It provides that a respirator manufacturer may not be subject to any claim for defective design or warning relating to a respirator or any claim based on such an allegation if the respirator has received NIOSH approval, and the respirator complied with the NIOSH-approved design and labeling in effect on the date of manufacture. This protection would continue notwithstanding a subsequent action by NIOSH to modify, supercede, or withdraw the approval. In addition, we have taken extra measures to clarify that there are exceptions in the Act that would permit liability to be imposed if the initial approval was obtained through fraud, misrepresentation, or bribery.

This is a simple bill that will not cost the government a penny, will not deprive any deserving plaintiff of the right to sue those who may have caused him or her harm, and will assure that this vital industry continues to be an American industry for a long time to come.

I look forward to working with my colleagues to move this proposal forward.

Mr. President, I ask unanimous consent that an article from the Houston Chronicle be printed in the RECORD.

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

[From the Houston Chronicle, July 1, 2005]

FEDERAL JUDGE THROWS OUT THOUSANDS OF SILICA DIAGNOSES

CORPUS CHRISTI.—A federal judge has recommended throwing out all but one of about 10,000 diagnoses of the lung ailment silicosis that were used in lawsuits against industrial companies, ruling that doctors ''manufactured'' findings of the disease in hundreds of cases.

U.S. District Judge Janis Graham Jack's scathing 249-page opinion, signed Thursday, finds that the diagnoses are inadmissible in court. The bulk of the cases originate in Mississippi, and Jack sent them back to the state courts along with her report. She threw out the approximately 100 Texas cases that she felt she had jurisdiction over.

Jack's ruling also orders sanctions against Houston law firm O'Quinn, Laminack & Pirtle, which brought roughly 2,000 of the suits. Lawyers from the firm did not immediately return a call for comment today.

A doctor testifying before Jack in December withdrew thousands of his diagnoses, saying he only briefly scanned X-rays to give what he thought was a second opinion on the degenerative diseases caused by inhaling quartz dust.

His withdrawal, made during consolidated pretrial proceedings for lawsuits from several states, prompted Jack to order every doctor and ''screening company'' to back up the diagnoses in the lawsuits. More doctors withdrew their diagnoses, and after hearings in February Jack said she sensed ''red flags of fraud'' in the way plaintiffs were recruited. ''These diagnoses were driven by neither health nor justice,'' Jack wrote in her opinion Thursday. ''They were manufactured for money.''

Danny Mulholland, a Mississippi-based defense attorney for Ingersoll-Rand Co. and other companies, said the opinion was ''historic'' in an age where law firms recruit plaintiffs with billboards and television ads.

''I think the way litigation has been done, and particularly mass tort litigation, changed with the February hearings which culminated in this order,'' he said. ''We'll have to go back in state court and win there, but we expect to, based on what Judge Jack has found.''

By Mr. NELSON of Florida (for himself and Mrs. CLINTON):

S. 1407. A bill to provide grants to States and local governments to assess the effectiveness of sexual predator electronic monitoring programs; to the Committee on the Judiciary.

Mr. NELSON of Florida. Mr. President, I rise today on behalf of myself and Senator HILLARY RODHAM CLINTON of New York, to introduce the Jessica Lunsford and Sarah Lunde Act. This bill will provide grants for State and local governments to purchase the technology they need to enhance monitoring of sexual predators.

This bill and the grants it provides are named after two young girls from Florida, Jessica Lunsford and Sarah Lunde, who were both murdered by convicted sex offenders. As the Lunsford and Lunde families mourned these two beautiful girls, the Nation grieved with them. We are all united in our desire to make sure that everything can be done to prevent this from ever happening again. I hope this bill will serve as a living memorial to Jessica Lunsford and Sarah Lunde, and serve as some comfort to their families, as the grants in their names provided in this bill will allow law enforcement to help prevent other families from suffering similar tragedies.

Jessica Lunsford of Homosassa, FL, was a nine-year-old girl abducted from her home, raped, and then buried alive by a convicted sex offender who lived 150 feet from her home. Law enforcement had lost track of her confessed murderer and did not know that he worked at the nearby school that Jessica attended, despite his being a registered sex offender. A few weeks following the news of this tragedy, 13-year-old Sarah Lunde of Ruskin, FL, was murdered by her mother's ex-boyfriend. He is also a convicted sex offender.

The Jessica Lunsford and Sarah Lunde grants provided for in this bill will allow States and local government to purchase electronic monitoring systems, like global positioning systems, that will provide law enforcement with real time information on the whereabouts of sex offenders released from prison to within 10 feet of their location. Law enforcement will be able to restrict the movements of sex offenders by programming these systems to alert authorities if a sex offender goes to a park, amusement park, elementary school or other areas determined to be off-limits. The ankle-bracelets used to monitor their movement are tamper proof and will alert law enforcement in the event that an offender has removed it so law enforcement can immediately act to apprehend the offender.

In the United States there are an estimated 380,000 registered sex offenders, although thousands have disappeared, according to authorities. We have over

30,000 of these sex offenders in the State of Florida. In response to the recent tragedies in Florida, Idaho, and North Dakota, several States have enacted stronger laws to protect our children from sex predators. In Florida, for example, the legislature passed a law that will provide tougher sentences for child sex offenders, and aid law enforcement in effectively monitoring those sex offenders. This law will require sex offenders, released back into our communities, to wear a bracelet that will have a global positioning system track them.

I applaud the initiative by Florida, and other States seeking to pass similar laws, and I believe that it is important that there is an appropriate Federal response that will be supportive of the States and local governments that are addressing this problem. To be effective, tough laws on these sexual predators of children must be properly funded, and I believe these tough laws being passed by state legislatures are worth properly funding when they will protect our children.

The Jessica Lunsford and Sarah Lunde Act will support State and local governments that, like Florida, are attempting to protect their children by providing greater monitoring tools for law enforcement. This bill will provide a total of $30 million in grants to States to help implement State laws to get tougher on sex offenders released back into their communities with electronic monitoring technology. The bill will provide for $10 million in grants for fiscal years 2006 through 2008. The bill then directs the Attorney General to provide a report to Congress assessing the effectiveness of the program and making recommendations as to future funding levels.

There are no silver bullets to stop sexual predators from preying on our children, but I believe that tough laws, such as the new Florida statute, are going to go a long way in preventing sex offenders from re-offending.

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. 1407

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 ''Jessica Lunsford and Sarah Lunde Act''.

SEC. 2. SEXUAL PREDATOR MONITORING PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Attorney General is authorized to award grants (referred to as ''Jessica Lunsford and Sarah Lunde Grants'') to State and local governments to assist such States and local governments in—

(A) carrying out programs to outfit sexual offenders with electronic monitoring units; and

(B) the employment of law enforcement officials necessary to carry out such programs.

(2) DURATION.—The Secretary shall award grants under this Act for a period not to exceed 3 years.

(b) APPLICATION.—

(1) IN GENERAL.—Each State or local government desiring a grant under this Act shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this Act is sought; and

(B) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this Act.

SEC. 3. INNOVATION.

In making grants under this Act, the Attorney General shall ensure that different approaches to monitoring are funded to allow an assessment of effectiveness.

SEC. 4. DEFINITION.

In this Act, the term ''sexual offender'' means an offender 18 years of age or older who commits a sexual offense against a minor.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2006 through 2008 to carry out this Act.

(b) REPORT.—Not later than April 1, 2008, the Attorney General shall report to Congress—

(1) assessing the effectiveness and value of programs funded by this Act;

(2) comparing the cost-effectiveness of the electronic monitoring to reduce sex offenses compared to other alternatives; and

(3) making recommendations for continuing funding and the appropriate levels for such funding.

By Mr. SMITH (for himself, Mr. NELSON of Florida, Mr. STEVENS, Mr. INOUYE, Mr. MCCAIN, and Mr. PRYOR):

S. 1408. A bill to strengthen data protection and safeguards, require data breach notification, and further prevent identity theft; to the Committee on Commerce, Science, and Transportation.

Mr. SMITH. Mr. President, I rise today with Senators BILL NELSON, STEVENS, INOUYE, MCCAIN, and PRYOR to introduce the Identity Theft Protection Act of 2005. The introduction of this bill has been a bipartisan effort and I thank my colleagues on the Senate Commerce Committee for helping to negotiate a fair and balanced bill.

Identity theft is one of the fastest growing crimes in America. It is estimated that over 10 million Americans are victims of some form of identity theft each year. The total cost of this crime approaches $50 billion per year, with the average loss from the misuse of a victim's personal information being almost $5,000. In 2004 alone, consumers who were victims of ID theft spent a total of 297 million hours resolving problems that arose from the crime.

Every year, the FTC compiles a list of the top 10 categories of fraud-related complaints. Identity theft has topped that list of complaints each of the past 5 years. My own State of Oregon ranks ninth in the Nation for fraud complaints and identity theft.

Data breaches are becoming an increasingly common type of identity theft that affects millions of consumers nationwide. Last year, there were at least 43 known incidents of security breaches, potentially affecting over 9 million individuals. These breaches range from sloppy record keeping and security procedures by companies to extremely sophisticated online thefts by computer hackers.

Our bipartisan bill ensures that businesses and organizations have the proper security procedures in place to safeguard consumers' sensitive and personal information. This legislation requires any entity that acquires, maintains or utilizes sensitive personal information to have a security program to safeguard such data. Furthermore, we require these entities to verify the credentials of third parties seeking personal and sensitive information and require strict disposal and transfer procedures for such information.

It is imperative that consumers be notified of any potential breach in the security of their personal information. The cost of an incident of identity theft, both in terms of out-of-pocket expense and time spent resolving problems, is significantly smaller if the misuse of the victim's personal information is discovered quickly.

Our bill requires consumer notification if a data breach results in a significant risk of identity theft. Individuals will be notified immediately when any significant breach has occurred. Any breach affecting a minimum of 1,000 individuals also requires the entity to report the breach to the FTC and all the consumer reporting agencies.

We realize that an individual's Social Security Number deserves the utmost security and protection against fraud, manipulation, and theft. To that end, this bill restricts the collection of and access to Social Security Numbers by limiting the solicitation of Social Security Numbers and prohibiting their display on employee and student identification cards.

In addition, our bill will allow consumers to place, lift, and temporarily remove a security freeze on their credit, which would prevent credit from being extended to third parties without authorization from the consumer. We would also pre-empt state law to create uniformity and compliance by businesses and organizations.

Protecting sensitive information is an issue of great importance for all Americans so we are requiring the FTC to establish an Information Working Group comprised of industry participants, consumer groups, and other interested parties to develop best practices to protect sensitive personal information.

Consumers should have confidence when they share their information with others that their information will be protected. At the same time, the ability of legitimate companies to access personal information facilitates commerce and continues to have important benefits to consumers.

We believe our legislation strikes the appropriate balance between ensuring

the continued existence of these critical services and guaranteeing the security of consumer's personal information. I urge my colleagues to co-sponsor this important legislation to protect consumers from future breaches of identity theft.

I ask unanimous consent that the text of legislation be printed in the RECORD.

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

S. 1408

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 ''Identity Theft Protection Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Protection of sensitive personal information.
Sec. 3. Notification of security breach risk.
Sec. 4. Security freeze.
Sec. 5. Enforcement.
Sec. 6. Enforcement by State attorneys general.
Sec. 7. Preemption of State law.
Sec. 8. Social security and driver's license number protection.
Sec. 9. Information security working group.
Sec. 10. Definitions.
Sec. 11. Authorization of appropriations.
Sec. 12. Effective dates.

SEC. 2. PROTECTION OF SENSITIVE PERSONAL INFORMATION.

(a) IN GENERAL.—In accordance with regulations prescribed by the Federal Trade Commission under subsection (b), a covered entity shall take reasonable steps to protect against security breaches and to prevent unauthorized access to sensitive personal information the covered entity sells, maintains, collects, or transfers.

(b) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Commission shall promulgate regulations to implement subsection (a), including regulations that—

(1) require covered entities to develop, implement, and maintain an effective information security program that contains administrative, technical, and physical safeguards for sensitive personal information, taking into account the use of technological safeguards, including encryption, truncation, and other safeguards available or being developed for such purposes;

(2) require procedures for verifying the credentials of any third party seeking to obtain the sensitive personal information of another person; and

(3) require disposal procedures to be followed by covered entities that—

(A) dispose of sensitive personal information; or

(B) transfer sensitive personal information to third parties for disposal.

SEC. 3. NOTIFICATION OF SECURITY BREACH RISK.

(a) SECURITY BREACHES AFFECTING 1,000 OR MORE INDIVIDUALS.—

(1) IN GENERAL.—If a covered entity discovers a breach of security and determines that the breach of security affects the sensitive personal information of 1,000 or more individuals, then, before conducting the notification required by subsection (b), it shall—

(A) report the breach to the Commission (or other appropriate Federal regulator under section 5); and

(B) notify all consumer reporting agencies described in section 603(p)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)(1)) of the breach.

(2) FTC WEBSITE PUBLICATIONS.—Whenever the Commission receives a report under paragraph (1)(A), it shall post a report of the breach of security on its website without disclosing any sensitive personal information or the names of the individuals affected.

(b) NOTIFICATION OF CONSUMERS.—Whenever a covered entity discovers a breach of security and determines that the breach of security has resulted in, or that there is a basis for concluding that a reasonable risk of identity theft to 1 or more individuals, the covered entity shall notify each such individual.

(c) METHODS OF NOTIFICATION; NOTICE CONTENT.—Within 1 year after the date of enactment of this Act, the Commission shall promulgate regulations that establish methods of notification to be followed by covered entities in complying with the requirements of this section and the content of the notices required. In promulgating those regulations, the Commission shall take into consideration the types of sensitive personal information involved, the nature and scope of the security breach, other appropriate factors, and the most effective means of notifying affected individuals.

(d) TIMING OF NOTIFICATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), notice required by subsection (a) shall be given—

(A) in the most expedient manner practicable;

(B) without unreasonable delay, but not later than 90 days after the date on which the breach of security was discovered by the covered entity; and

(C) in a manner that is consistent with any measures necessary to determine the scope of the breach and restore the security and integrity of the data system.

(2) LAW ENFORCEMENT AND HOMELAND SECURITY RELATED DELAYS.—Notwithstanding paragraph (1), the giving of notice as required by that paragraph may be delayed for a reasonable period of time if—

(A) a Federal law enforcement agency determines that the timely giving of notice under subsections (a) and (b), as required by paragraph (1), would materially impede a civil or criminal investigation; or

(B) a Federal national security or homeland security agency determines that such timely giving of notice would threaten national or homeland security.

SEC. 4. SECURITY FREEZE.

(a) In General.—

(1) EMPLACEMENT.—A consumer may place a security freeze on his or her credit report by making a request to a consumer credit reporting agency in writing or by telephone.

(2) CONSUMER DISCLOSURE.—If a consumer requests a security freeze, the consumer credit reporting agency shall disclose to the consumer the process of placing and removing the security freeze and explain to the consumer the potential consequences of the security freeze.

(b) EFFECT OF SECURITY FREEZE.—

(1) RELEASE OF INFORMATION BLOCKED.—If a security freeze is in place on a consumer's credit report, a consumer reporting agency may not release information from the credit report to a third party without prior express authorization from the consumer.

(2) INFORMATION PROVIDED TO THIRD PARTIES.—Paragraph (2) does not prevent a consumer credit reporting agency from advising a third party that a security freeze is in effect with respect to the consumer's credit report. If a third party, in connection with an application for credit, requests access to a consumer credit report on which a security freeze is in place, the third party may treat the application as incomplete.

(c) REMOVAL; TEMPORARY SUSPENSION.—

(1) IN GENERAL.—Except as provided in paragraph (4), a security freeze shall remain in place until the consumer requests that the security freeze be removed. A consumer may remove a security freeze on his or her credit report by making a request to a consumer credit reporting agency in writing or by telephone.

(2) CONDITIONS.—A consumer credit reporting agency may remove a security freeze placed on a consumer's credit report only—

(A) upon the consumer's request, pursuant to paragraph (1); or

(B) if the agency determines that the consumer's credit report was frozen due to a material misrepresentation of fact by the consumer.

(3) NOTIFICATION TO CONSUMER.—If a consumer credit reporting agency intends to remove a freeze upon a consumer's credit report pursuant to paragraph (2)(B), the consumer credit reporting agency shall notify the consumer in writing prior to removing the freeze on the consumer's credit report.

(4) TEMPORARY SUSPENSION.—A consumer may have a security freeze on his or her credit report temporarily suspended by making a request to a consumer credit reporting agency in writing or by telephone and specifying beginning and ending dates for the period during which the security freeze is not to apply to that consumer's credit report.

(d) RESPONSE TIMES; NOTIFICATION OF OTHER ENTITIES.—

(1) IN GENERAL.—A consumer credit reporting agency shall—

(A) place a security freeze on a consumer's credit report under subsection (a) no later than 5 business days after receiving a request from the consumer under subsection (a)(1); and

(B) remove, or temporarily suspend, a security freeze within 3 business days after receiving a request for removal or temporary suspension from the consumer under subsection (c).

(2) NOTIFICATION OF OTHER COVERED ENTITIES.—If the consumer requests in writing or by telephone that other covered entities be notified of the request, the consumer reporting agency shall notify all other consumer reporting agencies described in section 603(p)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)(1)) of the request within 3 days after placing, removing, or temporarily suspending a security freeze on the consumer's credit report under subsection (a), (c)(2)(A), or subsection (c)(4), respectively.

(3) IMPLEMENTATION BY OTHER COVERED ENTITIES.—A consumer reporting agency that is notified of a request under paragraph (2) to place, remove, or temporarily suspend a security freeze on a consumer's credit report shall place, remove, or temporarily suspend the security freeze on that credit report within 3 business days after receiving the notification.

(e) CONFIRMATION.—Whenever a consumer credit reporting agency places, removes, or temporarily suspends a security freeze on a consumer's credit report at the request of that consumer under subsection (a) or (c), respectively, it shall send a written confirmation thereof to the consumer within 10 business days after placing, removing, or temporarily suspending the security freeze on the credit report. This subsection does not apply to the placement, removal, or temporary suspension of a security freeze by a consumer reporting agency because of a notification received under subsection (d)(2).

(f) ID REQUIRED.—A consumer credit reporting agency may not place, remove, or temporarily suspend a security freeze on a consumer's credit report at the consumer's request unless the consumer provides proper identification (within the meaning of section

610(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681h) and the regulations thereunder.

(g) EXCEPTIONS.—This section does not apply to the use of a consumer credit report by any of the following:

(1) A person or entity, or a subsidiary, affiliate, or agent of that person or entity, or an assignee of a financial obligation owing by the consumer to that person or entity, or a prospective assignee of a financial obligation owing by the consumer to that person or entity in conjunction with the proposed purchase of the financial obligation, with which the consumer has or had prior to assignment an account or contract, including a demand deposit account, or to whom the consumer issued a negotiable instrument, for the purposes of reviewing the account or collecting the financial obligation owing for the account, contract, or negotiable instrument.

(2) Any Federal, State or local agency, law enforcement agency, trial court, or private collection agency acting pursuant to a court order, warrant, or subpoena.

(3) A child support agency or its agents or assigns acting pursuant to subtitle D of title IV of the Social Security Act (42 U.S.C. et seq.) or similar State law.

(4) The Department of Health and Human Services, a similar State agency, or the agents or assigns of the Federal or State agency acting to investigate medicare or medicaid fraud.

(5) The Internal Revenue Service or a State or municipal taxing authority, or a State department of motor vehicles, or any of the agents or assigns of these Federal, State, or municipal agencies acting to investigate or collect delinquent taxes or unpaid court orders or to fulfill any of their other statutory responsibilities.

(6) The use of consumer credit information for the purposes of prescreening as provided for by the Federal Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

(7) Any person or entity administering a credit file monitoring subscription to which the consumer has subscribed.

(8) Any person or entity for the purpose of providing a consumer with a copy of his or her credit report or credit score upon the consumer's request.

(h) FEES.—

(1) IN GENERAL.—Except as provided in paragraph (2), a consumer credit reporting agency may charge a reasonable fee, as determined by the Commission, for placing, removing, or temporarily suspending a security freeze on a consumer's credit report.

(2) ID THEFT VICTIMS.—A consumer credit reporting agency may not charge a fee for placing, removing, or temporarily suspending a security freeze on a consumer's credit report if—

(A) the consumer is a victim of identity theft; and

(B) the consumer has filed a police report with respect to the theft.

(i) LIMITATION ON INFORMATION CHANGES IN FROZEN REPORTS.—

(1) IN GENERAL.—If a security freeze is in place on a consumer's credit report, a consumer credit reporting agency may not change any of the following official information in that credit report without sending a written confirmation of the change to the consumer within 30 days after the change is made:

(A) Name.

(B) Date of birth.

(C) Social Security number.

(D) Address.

(2) CONFIRMATION.—Paragraph (1) does not require written confirmation for technical modifications of a consumer's official information, including name and street abbreviations, complete spellings, or transposition of numbers or letters. In the case of an address change, the written confirmation shall be sent to both the new address and to the former address.

(j) CERTAIN ENTITY EXEMPTIONS.—

(1) AGREGATORS AND OTHER AGENCIES.—The provisions of subsections (a) through (h) do not apply to a consumer credit reporting agency that acts only as a reseller of credit information by assembling and merging information contained in the data base of another consumer credit reporting agency or multiple consumer credit reporting agencies, and does not maintain a permanent data base of credit information from which new consumer credit reports are produced.

(2) OTHER EXEMPTED ENTITIES.—The following entities are not required to place a security freeze in a credit report:

(A) A check services or fraud prevention services company, which issues reports on incidents of fraud or authorizations for the purpose of approving or processing negotiable instruments, electronic funds transfers, or similar methods of payments.

(B) A deposit account information service company, which issues reports regarding account closures due to fraud, substantial overdrafts, ATM abuse, or similar negative information regarding a consumer, to inquiring banks or other financial institutions for use only in reviewing a consumer request for a deposit account at the inquiring bank or financial institution.

SEC. 5. ENFORCEMENT.

(a) ENFORCEMENT BY COMMISSION.—Except as provided in subsection (c), this Act shall be enforced by the Commission.

(b) VIOLATION IS UNFAIR OR DECEPTIVE ACT OR PRACTICE.—The violation of any provision of this Act shall be treated as an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(c) ENFORCEMENT BY CERTAIN OTHER AGENCIES.—Compliance with this Act shall be enforced under—

(1) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), in the case of—

(A) national banks, and Federal branches and Federal agencies of foreign banks, by the Office of the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act (12 U.S.C. 601 and 611), by the Board; and

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) and insured State branches of foreign banks, by the Board of Directors of the Federal Deposit Insurance Corporation;

(2) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), by the Director of the Office of Thrift Supervision, in the case of a savings association the deposits of which are insured by the Federal Deposit Insurance Corporation;

(3) the Federal Credit Union Act (12 U.S.C. 1751 et seq.) by the National Credit Union Administration Board with respect to any Federal credit union; and

(4) the Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.) by the Securities and Exchange Commission with respect to—

(A) a broker or dealer subject to that Act;

(B) an investment company subject to the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.); and

(C) an investment advisor subject to the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.).

(d) EXERCISE OF CERTAIN POWERS.—For the purpose of the exercise by any agency referred to in subsection (c) of its powers under any Act referred to in that subsection, a violation of this Act is deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (c), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under this Act, any other authority conferred on it by law.

(e) PENALTIES.—

(1) IN GENERAL.—Notwithstanding section 5(m) of the Federal Trade Commission Act (15 U.S.C. 45(m)), the Commission may not obtain a civil penalty under that section for a violation of this Act in excess of—

(A) $11,000 for each such individual; and

(B) $11,000,000 in the aggregate for all such individuals with respect to the same violation.

(2) OTHER AUTHORITY NOT AFFECTED.—Nothing in this Act shall be construed to limit or affect in any way the Commission's authority to bring enforcement actions or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(f) NO PRIVATE CAUSE OF ACTION.—Nothing in this Act establishes a private cause of action against a covered entity for the violation of any provision of this Act.

(g) COMPLIANCE WITH GRAMM-LEACH-BLILEY ACT.—Any person to which title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) applies shall be deemed to be in compliance with the notification requirements of this Act with respect to a breach of security if that person is in compliance with the notification requirements of that title with respect to that breach of security.

SEC. 6. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—A State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the provisions of this Act, or to impose the civil penalties authorized by section 5, whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a covered entity that violates this Act or a regulation under this Act.

(b) NOTICE.—The State shall serve written notice to the Commission (or other appropriate Federal regulator under section 5) of any civil action under subsection (a) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

(c) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subsection (b), the Commission (or other appropriate Federal regulator under section 5) may intervene in such civil action and upon intervening—

(1) be heard on all matters arising in such civil action; and

(2) file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which—

(A) the covered entity operates;

(B) the covered entity was authorized to do business; or

(C) where the defendant in the civil action is found;

(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(3) a person who participated with a covered entity in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission (or other appropriate Federal agency under section 5) has instituted a civil action or an administrative action for violation of this Act, no State attorney general, or official or agency of a State, may bring an action under this subsection during the pendency of that action against any defendant named in the complaint of the Commission or the other agency for any violation of this Act alleged in the complaint.

(g) ENFORCEMENT OF STATE LAW.—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court to enforce a civil or criminal statute of such State.

SEC. 7. PREEMPTION OF STATE LAW.

(a) IN GENERAL.—This Act preempts any State or local law, regulation, or rule that requires a covered entity—

(1) to develop, implement, or maintain information security programs to which this Act applies; or

(2) to notify individuals of breaches of security regarding their sensitive personal information.

(b) LIABILITY.—This Act preempts any State or local law, regulation, rule, administrative procedure, or judicial precedent under which liability is imposed on a covered entity for failure—

(1) to implement and maintain an adequate information security program; or

(2) to notify an individual of any breach of security pertaining to any sensitive personal information about that individual.

(c) SECURITY FREEZE.—This Act preempts any State or local law, regulation, or rule that requires consumer reporting agencies to impose a security freeze on consumer credit reports at the request of a consumer.

SEC. 8. SOCIAL SECURITY NUMBER PROTECTION.

(a) PROHIBITION OF UNNECESSARY SOLICITATION OF SOCIAL SECURITY NUMBERS.—No covered entity may solicit any social security number from an individual unless there is a specific use of the social security number for which no other identifier reasonably can be used.

(b) PROHIBITION OF THE DISPLAY OF SOCIAL SECURITY NUMBERS ON EMPLOYEE IDENTIFICATION CARDS, ETC..—

(1) IN GENERAL.—No covered entity may display the social security number (or any derivative of such number) of an individual on any card or tag that is commonly provided to employees (or to their family members), faculty, staff, or students for purposes of identification.

(2) DRIVER'S LICENSES.—A State may not display the social security number of an individual on driver's licenses issued by that State.

(c) PROHIBITION OF INMATE ACCESS TO SOCIAL SECURITY ACCOUNT NUMBERS.—

(1) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)), as amended by subsection (b), is amended by adding at the end the following new clause:

''(xi) No executive, legislative, or judicial agency or instrumentality of the Federal Government or of a State or political subdivision thereof (or person acting as an agent of such an agency or instrumentality) may employ, or enter into a contract for the use or employment of, prisoners in any capacity that would allow such prisoners access to the social security account numbers of other individuals. For purposes of this clause, the term 'prisoner' means an individual confined in a jail, prison, or other penal institution or correctional facility.''.

(2) TREATMENT OF CURRENT ARRANGEMENTS.—In the case of—

(i) prisoners employed as described in clause (xi) of section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)), as added by paragraph (1), on the date of enactment of this Act, and

(ii) contracts described in such clause in effect on such date,

the amendment made by this section shall take effect 90 days after the date of enactment of this Act.

SEC. 9. INFORMATION SECURITY WORKING GROUP.

(a) INFORMATION SECURITY WORKING GROUP.—The Chairman of the Commission shall establish an Information Security Working Group to develop best practices to protect sensitive personal information stored and transferred. The Working Group shall be composed of industry participants, consumer groups, and other interested parties.

(b) REPORT.—Not later than 12 months after the date on which the Working Group is established under subsection (a), the Working Group shall submit to Congress a report on their findings.

SEC. 10. DEFINITIONS.

In this Act:

(1) BREACH OF SECURITY.—The term ''breach of security'' means unauthorized access to and acquisition of data in any form or format containing sensitive personal information that compromises the security or confidentiality of such information and establishes a basis to conclude that a reasonable risk of identity theft to an individual exists.

(2) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(3) CONSUMER CREDIT REPORTING AGENCY.—The term ''consumer credit reporting agency'' means any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing credit reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing credit reports.

(4) COVERED ENTITY.—The term ''covered entity'' means a sole proprietorship, partnership, corporation, trust, estate, cooperative, association, or other commercial entity, and any charitable, educational, or nonprofit organization, that acquires, maintains, or utilizes sensitive personal information.

(5) CREDIT REPORT.—The term ''credit report'' means a consumer report, as defined in section 603(d) of the Federal Fair Credit Reporting Act (15 U.S.C. 1681a(p)), that is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing a consumer's eligibility for credit for personal, family or household purposes.

(6) IDENTITY THEFT.—The term ''identity theft'' means the unauthorized acquisition, purchase, sale, or use by any person of an individual's sensitive personal information that—

(A) violates section 1028 of title 18, United States Code, or any provision of State law in *pari materia*; or

(B) results in economic loss to the individual whose sensitive personal information was used.

(7) REVIEWING THE ACCOUNT.—The term ''reviewing the account'' includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

(8) SENSITIVE PERSONAL INFORMATION.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the term ''sensitive personal information'' means an individual's name, address, or telephone number combined with 1 or more of the following data elements related to that individual:

(i) Social security number, taxpayer identification number, or employer identification number.

(ii) Financial account number, or credit card or debit card number of such individual, combined with any required security code, access code, or password that would permit access to such individual's account.

(iii) State driver's license identification number or State resident identification number.

(iv) Consumer credit report.

(v) Employee, faculty, student, or United States armed forces serial number.

(vi) Genetic or biometric information.

(vii) Mother's maiden name.

(B) FTC MODIFICATIONS.—The Commission may, through a rulemaking proceeding, designate other identifying information that may be used to effectuate identity theft as sensitive personal information for purposes of this Act and limit or exclude any information described in subparagraph (A) from the definition of sensitive personal information for purposes of this Act.

(C) PUBLIC RECORDS.—Nothing in this Act prohibits a covered entity from obtaining, aggregating, or using sensitive personal information it lawfully obtains from public records in a manner that does not violate this Act.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission $1,000,000 for each of fiscal years 2006 through 2010 to carry out this Act.

SEC. 12. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the provisions of this Act take effect upon its enactment.

(b) PROVISIONS REQUIRING RULEMAKING.—The Commission shall initiate 1 or more rulemaking proceedings under sections 2, 3, and 4 within 45 days after the date of enactment of this Act. The Commission shall promulgate all final rules pursuant to those rulemaking proceedings within 1 year after the date of enactment of this Act. The provisions of sections 2, 3, and 4 shall take effect on the same date 6 months after the date on which the Commission promulgates the last final rule under the proceeding or proceedings commenced under the preceding sentence.

(c) PREEMPTION.—Section 7 shall take effect at the same time as sections 2, 3, and 4 take effect.

Mr. STEVENS. Mr. President, I am pleased to join Senators INOUYE, SMITH, MCCAIN, NELSON, and PRYOR in introducing a bipartisan bill to address the growing perpetration of identity theft against American consumers. The bipartisan bill, the ''Identity Theft Protection Act,'' is the product of two Commerce Committee hearings that featured testimony from businesses that aggregate and sell consumer information as a commodity, and the full

Federal Trade Commission, FTC, which recommended much of what is contained in this legislation.

The occurrence of identity theft in the United States has reached epidemic proportions. The incidence of this crime rose 15 percent in 2002, and 80 percent in 2003. The FTC stated in February 2005 that each year nearly 10 million Americans—or roughly 4.6 percent of the domestic adult population—are victimized by identity thieves. The FTC indicates that physical and online identity theft accounted for 39 percent of the more than 635,000 consumer fraud complaints filed last year with the agency. The costs associated with identity theft are enormous. In 2003, the FTC estimated that the losses to businesses and financial institutions due to identity theft totaled $48 billion, and the out-of-pocket losses to consumers totaled $5 billion, which does not take into account the average 300 hours spent by victims restoring their good names.

This year alone, there have been at least 43 reported information breaches affecting potentially more than 9 million Americans. This string of data theft has focused the attention of Congress, consumers, and privacy proponents. It has raised questions concerning the business practices of data brokers and whether consumers' personal information is adequately protected from identity thieves. The difficulty of finding solutions to this and other types of identity theft is striking a balance between ensuring adequate security of sensitive personal information while not inhibiting the legitimate free flow of information that is vital to the domestic economy and law enforcement.

The bill that we introduce today will not end all identity theft. No legislation can accomplish that objective. But this bill would require bolstered information safeguards and ensure notification of consumers whose sensitive personal information has been acquired without authorization. More specifically, the bill, among other things, would direct the FTC to develop rules that would require all covered entities that handle sensitive personal information to develop, implement, and maintain appropriate safeguards to protect such information, and provide effective notice to consumers in the event of a breach. The bill would limit the solicitation of Social Security numbers by covered entities, and restrict employers, State agencies, or educational institutions from displaying social security numbers on identification tags for employees and students, and for drivers licenses. The bill also would allow consumers to freeze their credit for a reasonable fee to protect themselves from identity theft, and preempt similar State or local law in an effort to provide a uniform Federal standard rather than a patchwork of widely varying State or local laws.

I look forward to working with my colleagues on legislation that will mitigate to the greatest extent possible the occurrence of identity theft in this country, but without inhibiting an information sharing system that yields extraordinary benefits to every American.

By Ms. MURKOWSKI:

S. 1409. A bill to amend the Safe Drinking Water Act Amendments of 1996 to modify the grant program to improve sanitation in rural and Native villages in the State of Alaska; to the Committee on Environment and Public Works.

Ms. MURKOWSKI. Mr. President, I rise to introduce a bill that will allow the Environmental Protection Agency to continue to provide grant funding and technical assistance to small, rural communities in Alaska for critical water and sewer projects. These rural communities are only accessible by either aircraft or boat.

This important funding was originally authorized as part of the Safe Drinking Water Act Amendments of 1996 and was reauthorized in 2000. The authorization for this program expires at the end of fiscal year 2005. Every fiscal year, the EPA transfers funding authorized by this program to the State of Alaska's Village Safe Water Program, which is managed by the Alaska Department of Environmental Conservation.

The water and sewer conditions in the villages in Alaska that still need this critical funding rival the conditions in rural communities in third world countries. For example, residents in some villages in Alaska have to go to a central source in the community to get fresh water. This source is usually a well. Instead of flushing toilets, residents have to use a device called a ''honeybucket.'' This device is a large bucket with a toilet seat on top. When the honeybucket is full, it is usually dumped in a lagoon or on land. Sometimes, these dump locations are near sources of drinking water.

The Village Safe Water program has been a success over the years. Many homes in Alaska's rural communities now have plumbing due to funds authorized by this program. However, thirty-three percent of homes in these communities still do not have in-house plumbing. It is unacceptable that the residents of these communities still do not have access to conventional plumbing in their homes in 2005.

Earlier this year, the Office of Management and Budget published a Program Assessment Rating Tool report concerning this program. This report found several deficiencies concerning the administration of this program. However, I have been assured that the EPA and the Alaska Department of Environmental Conservation are working closely together to correct these deficiencies.

It is imperative that we reauthorize this critically important program before the end of this fiscal year. The health and well-being of rural Alaskans is at stake.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 1409

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANTS TO ALASKA TO IMPROVE SANITATION IN RURAL AND NATIVE VILLAGES.

Section 303 of the Safe Drinking Water Act Amendments of 1996 (33 U.S.C. 1263a) is amended—

(1) in subsection (b), by striking ''50 percent'' and inserting ''75 percent''; and

(2) in subsection (e)—

(A) by striking ''$40,000,000'' and inserting ''$45,000,000''; and

(B) by striking ''2005'' and inserting ''2010''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1222. Mr. REID (for himself, Mr. LEVIN, Mr. ROCKEFELLER, Mr. BIDEN, and Mr. SCHUMER) proposed an amendment to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

SA 1223. Mr. FRIST proposed an amendment to the bill H.R. 2360, supra.

SA 1224. Mr. REID (for Mr. BYRD (for himself and Ms. STABENOW)) proposed an amendment to the bill H.R. 2360, supra.

SA 1225. Mr. GREGG (for Mr. KENNEDY) proposed an amendment to amendment SA 1139 proposed by Mr. SESSIONS (for himself and Mr. HATCH) to the bill H.R. 2360, supra.

TEXT OF AMENDMENTS

SA 1222. Mr. REID (for himself, Mr. LEVIN, Mr. ROCKEFELLER, Mr. BIDEN, and Mr. SCHUMER) proposed an amendment to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. No Federal employee who discloses, or has disclosed, classified information, including the identity of a covert agent of the Central Intelligence Agency, to a person not authorized to receive such information shall be permitted to hold a security clearance for access to such information.

SA 1223. Mr. FRIST proposed an amendment to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. Any federal officeholder who makes reference to a classified Federal Bureau of Investigation report on the floor of the United States Senate, or any federal officeholder that makes a statement based on an FBI agent's comments which is used as propaganda by terrorist organizations thereby putting our servicemen and women at risk, shall not be permitted access to such information or to hold a security clearance for access to such information.

SA 1224. Mr. REID (for Mr. BYRD (for himself and Ms. STABENOW)) proposed

an amendment to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 81, line 24, increase the first amount by $50,000,000.

On page 82, line 4, after ''tion'' insert ''*Provided further*, That an additional $50,000,000 shall be available to carry out section 33 (15 U.S.C. 2229)''.

On page 77, line 20, increase the amount by $20,000,000.

On page 77, line 24, after ''grants'' insert '', and of which at least $20,000,000 shall be available for interoperable communications grants''.

On page 85, line 18, after ''expended'' insert ''*:Provided* That the aforementioned sum shall be reduced by $70,000,000''.

On page 82, line 21, strike 11$5,000,000'' and insert ''3,000,000''.

SA 1225. Mr. GREGG (for Mr. KENNEDY) proposed an amendment to amendment SA 1139 proposed by Mr. SESSIONS (for himself and Mr. HATCH) to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 1, line 8 of the amendment, after the word ''database'', insert ''of which no less than $2,000,000 shall be for the Legal Orientation Program.''

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 14, 2005, at 10 a.m., to conduct a hearing on ''The Department of Treasury's report to Congress entitled: 'Assessment: The Terrorism Risk Insurance Act of 2002.' ''

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 14 at 10 a.m.

The purpose of the hearing is to consider the nominations of R. Thomas Weimer to be an Assistant Secretary of the Interior for Policy, Management and Budget, and Mark A. Limbaugh to be an Assistant Secretary of the Interior for Water and Science.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, be authorized to hold a hearing July 14, 2005 at 9:30 a.m. on the following pending nominations:

Marcus A. Peacock, of Minnesota, to be Deputy Administrator of the Environmental Protection Agency.

Susan P. Bodine, of Maryland, to be Assistant Administrator, Office of Solid Waste and Emergency Response, Environmental Protection Agency.

Granta Y. Nakayama, of Virginia, to be Assistant Administrator, Office of Enforcement & Compliance Assurance, Environmental Protection Agency.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 14, 2005 at 3 p.m. to hold a hearing on Nominations.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions and the Indian Affairs Committee be authorized to hold a joint hearing during the session of the Senate on Thursday, July 14, 2005 at 2:30 p.m. in SD–430.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, July 14, 2005, at 1:30 p.m., for a hearing titled, ''Department of Homeland Security: Second Stage Review.''

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

COMMITTEE ON THE JUDICIARY

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, July 14, 2005 at 9:30 a.m., in the Senate Dirksen Office Building, Room 226.

I. Bills: S. 1088, Streamlined Procedures Act of 2005—KYL, CORNYN, GRASSLEY; S. ____, Personal Data Privacy and Security Act of 2005—SPECTER, LEAHY; S. 751, Notification of Risk to Personal Data Act—FEINSTEIN; S. 1326, Notification of Risk to Personal Data Act—SESSIONS; S. 155, Gang Prevention and Effective Deterrence Act of 2005—FEINSTEIN, HATCH, GRASSLEY, CORNYN, KYL, SPECTER; S. 103, Combat Meth Act of 2005—TALENT, FEINSTEIN, KOHL; S. 1086, A Bill to Improve the National Program to Register and Monitor Individuals Who Commit Crimes Against Children or Sex Offenses—HATCH, BIDEN; S. 956, Jetseta Gage Prevention and Deterrence of Crimes Against Children Act of 2005—GRASSLEY, KYL, CORNYN.

II. Matters: Senate Judiciary Committee Rules.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, July 14, 2005, at 2:30 p.m. in Room 430 of the Dirksen Senate Office Building to conduct a joint hearing with the Senate Committee on Health, Education, Labor and Pensions on S. 1057, the Indian Health Care Improvement Act Amendments of 2005.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, July 14, 2005, for a hearing to consider the nominations of James P. Terry to be Chairman of the Board of Veterans' Appeals, Department of Veterans' Affairs and Charles S. Ciccolella to be Assistant Secretary for Veterans' Employment and Training, Department of Labor.

The hearing will take place in Room 418 of the Russell Senate Office Building at 10:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. GREGG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 14, 2005 at 2:30 p.m. to hold a closed briefing.

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

SUBCOMMITTEE ON BIOTERRORISM AND PUBLIC HEALTH PREPAREDNESS

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Bioterrorism and Public Health Preparedness, be authorized to hold a hearing during the session of the Senate on Thursday, July 14th at 10 a.m. in SD–430.

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be authorized to meet during the session of the Senate on Thursday, July 14 at 2:30 p.m.

The purpose of the hearing is to review the national park service's business strategy for operation and management of the national park system, including development and implementation of business plans, use of business consultants, and incorporating business practices into day-to-day operations.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE AND THE DISTRICT OF COLUMBIA

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Thursday, July 14, 2005 at 9:30 a.m. for a hearing entitled,

''Danger in the District: How Prepared Is the National Capital Region?''

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

SUBCOMMITTEE ON PERSONNEL

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Personnel be authorized to meet during the session of the Senate on July 14, 2005, at 9:30 a.m., in open session to receive testimony on military justice and detention policy in the Global War on Terrorism.

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

PRIVILEGE OF THE FLOOR

Mr. CORNYN. I ask unanimous consent to extend privileges of the floor for the remainder of the first session of the 109th Congress to Brian Fitzpatrick, a fellow in my staff.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that Chris Hall of my staff be granted the privileges of the floor for the duration of today's session.

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

MEASURE PLACED ON CALENDAR—S. 1394

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk that is ready for a second reading.

The PRESIDING OFFICER. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (S. 1394) to reform the United Nations, and for other purposes.

Mr. MCCONNELL. Mr. President, in order to place the bill on the calendar under rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

REAUTHORIZATION OF THE CONGRESSIONAL AWARD ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 136, S. 335.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 335) to reauthorize the Congressional Award Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 335) was read the third time and passed, as follows:

S. 335

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION OF THE CONGRESSIONAL AWARD ACT.

(a) EXTENSION OF REQUIREMENTS REGARDING FINANCIAL OPERATIONS OF CONGRESSIONAL AWARD PROGRAM; NONCOMPLIANCE WITH REQUIREMENTS.—Section 104(c)(2)(A) of the Congressional Award Act (2 U.S.C. 804(c)(2)(A)) is amended by striking ''and 2004'' and inserting ''2004, 2005, 2006, 2007, 2008, and 2009''.

(b) TERMINATION.—

(1) IN GENERAL.—Section 108 of the Congressional Award Act (2 U.S.C. 808) is amended by striking ''October 1, 2004'' and inserting ''October 1, 2009''.

(2) SAVINGS PROVISION.—During the period of October 1, 2004, through the date of the enactment of this section, all actions and functions of the Congressional Award Board under the Congressional Award Act (2 U.S.C. 801 et seq.) shall have the same effect as though no lapse or termination of the Board ever occurred.

(c) TECHNICAL AMENDMENTS.—The Congressional Award Act is amended—

(1) in section 103 (2 U.S.C. 803)—

(A) in subsection (a)(1) (B) and (C), by striking ''a a local'' and inserting ''a local''; and

(B) in subsection (b)(3)(B), by striking ''section'' each place it appears and inserting ''subsection''; and

(2) in section 104(c)(2)(A) (2 U.S.C. 804(c)(2)(A)), by inserting a comma after ''1993''.

ORDER FOR PRINTING—H.R. 6

Mr. MCCONNELL. Mr. President, I ask unanimous consent that H.R. 6 be printed as passed.

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

ORDERS FOR FRIDAY, JULY 15, 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. tomorrow, July 15. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period for morning business until 10 a.m., with Senators permitted to speak for up to 10 minutes each; provided further that at 10 a.m., the Senate proceed to the consideration of Calendar No. 158, H.R. 3057, the Foreign Operations bill, as provided under the previous order.

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

PROGRAM

Mr. MCCONNELL. Mr. President, tomorrow, the Senate will begin consideration of the Foreign Operations appropriations bill. Senator LEAHY and I will be here and ready for amendments. However, no votes will occur tomorrow. The next vote will be on Monday about 5:30 p.m. I anticipate the vote will be in relation to an amendment offered either Friday or next Monday to the Foreign Operations bill.

We are also attempting to clear some executive nominations, and a vote or votes may be necessary early next week on those nominations.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:21 p.m., adjourned until Friday, July 15, 2005, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 14, 2005:

DEPARTMENT OF HOMELAND SECURITY

STEWART A. BAKER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY. (NEW POSITION)

TRACY A. HENKE, OF MISSOURI, TO BE EXECUTIVE DIRECTOR OF THE OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS, DEPARTMENT OF HOMELAND SECURITY, VICE C. SUZANNE MENCER, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. DUNCAN J. MCNABB, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS 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. JOHN F. GOODMAN, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

WILLIAM D. BRYAN, 0000
JAMES R. PELTIER, 0000
BILLY W. SLOAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

BRUCE H. BOYLE, 0000
JON J. BRZEK, 0000
GARY W. CLORE, 0000
ALFONSO J. CONCHA, 0000
WAYNE A. MACRAE, 0000
PHILIP J. PELIKAN, 0000
LYNN E. PETERSON, 0000
LOUIS ROSA, 0000
JONATHAN M. SMITH, 0000
BRADLEY E. TELLEEN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JEFFREY G. ANT, 0000
SPIROS APOSTOLAKIS, 0000
BRIAN E. BEHARRY, 0000
FRANK A. BIVINS, 0000
DANIEL A. BROWN, 0000
PETER C. COLELLA, 0000
MASOUD EGHTEDARI, 0000
ADOLPH C. GARZA, 0000
SCOTT E. HALUSKA, 0000
NADJMEH M. HARIRI, 0000
JAMES M. HILL, 0000
JONATHAN B. JUNKIN, 0000
NEVANNA I. KOICHEFF, 0000
JOSEPH B. MICHAEL, 0000
JOSEPH D. MOLINARO, 0000
JOHN P. MOON, 0000
KEVIN T. PRINCE, 0000

BRIAN K. RITTER, 0000
FLOYD I. SANDLIN III, 0000
GEORGE D. SELLOCK, 0000
BRADLEY J. SMITH, 0000
JONATHAN M. STAHL, 0000
JERRY TORRES, 0000
SAM J. WESTOCK, 0000
BENJAMIN W. YOUNG, JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

SYED N. AHMAD, 0000
WILLIAM M. BOLAND, 0000
JEFFREY C. CASLER, 0000
FRANK A. COLON, 0000
DAVID E. DOW, 0000
DANIEL E. ELDREDGE, 0000
CHRISTOPHER C. FRENCH, 0000
BARRY L. HARRISON, 0000
DAVID M. HARRISON, 0000
ANDREW H. HENDERSON, 0000
LAWRENCE D. HILL, JR., 0000
SHELBY L. HLADON, 0000
MARY C. L. HORRIGAN, 0000
ALBERT S. JANIN IV, 0000
ROBERT F. JOHNSON, 0000
FRANK T. KATZ, 0000
JAMES C. KRASKA, 0000
KRISTIN E. KUBAS, 0000
ANGELA S. MILLER, 0000
JILLIAN L. MORRISON, 0000
MARY E. B. MOSS, 0000
KEVIN R. ONEIL, 0000
ROBERT J. ONEILL, 0000
TRACY V. RIKER, 0000
LISA B. SULLIVAN, 0000
SCOTT F. THOMPSON, 0000
DAVID G. WILSON, 0000
BARBARA H. ZELIFF, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ANTHONY A. ARITA, 0000
DALE A. BAKER, 0000
BRYAN L. BELL, 0000
KEVIN R. BRADSHAW, 0000
EDDY R. BUENO, 0000
DAVID T. CLONTZ, 0000
STEPHEN L. COOLEY, 0000
ERIC E. CUNHA, 0000
DONNA L. DAVISURGO, 0000
DOUGLAS H. DOUGHTY, JR., 0000
LYNN T. DOWNS, 0000
DEBRA L. DUNCAN, 0000
LEE A. FORDYCE, 0000
TYRONE E. GILMORE, 0000
PEDRO G. GUZMAN, 0000
ERIC R. HALL, 0000
ROY L. HENDERSON, 0000
BRIAN M. HERSHEY, 0000
EDWARD J. HILYARD, 0000
KURT J. HOUSER, 0000
BARBARA R. IDONE, 0000
STEVEN M. JEFFS, 0000
JOHN A. LAMBERTON, 0000
MARCUS S. LARKIN, 0000
CARLOS I. LEBRON, 0000
RICHARD E. MAKARSKI, 0000
RONALD R. MARTEL, 0000
SHIRLEY A. MAXWELL, 0000
DAVID L. MCKAY, 0000
DAVID D. MULLARKEY, 0000
BRADLEY B. PHILLIPS, 0000
WENDY H. PINKHAM, 0000
JACQUELINE PRUITT, 0000
SHANNON D. PUTNAM, 0000
LYNDA M. RACE, 0000
STEPHEN T. RICHARDSON, 0000
CORAZON D. ROGERS, 0000
GLORIA A. RUSSELL, 0000
GEORGE B. SCHOELER, 0000
GINA M. SIEGWORTH, 0000
PETER P. TOLAND, JR., 0000
CAMERON L. WAGGONER, 0000
THOMAS C. WHIPPEN, 0000
LINDA D. YOUBERG, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JAMES T. ALBRITTON, 0000
ROGELIO E. ALVAREZ, 0000
PAUL A. AMODIO, 0000
STEPHEN E. ARMSTRONG, 0000
ELIZABETH A. BEATY, 0000
EDWIN F. BOGDANOWICZ, 0000
GREGORY L. BOOTH, 0000
ROBERT A. BROOKS, JR., 0000
JEFFREY C. BROWN, 0000
KYLE A. BRYAN, 0000
EDWARD T. BUTZIRUS, 0000
JOHN D. CASSANI, 0000
WANDA A. CORNELIUS, 0000
TIMOTHY L. DANIELS, 0000
DAVID L. DEVLIN, 0000
STANLEY DOBBS, 0000
SONYA I. EBRIGHT, 0000
KRISTEN B. FABRY, 0000
KENNETH FINLEY, 0000
MARK A. FRIERMOOD, 0000
FRANK W. FUTCHER, 0000
RONALDO D. GIVENS, 0000
MARK R. GOODRICH, 0000
THOMAS J. GORMAN, JR., 0000
JAMES C. GOUDREAU, 0000
PHILIPPE J. GRANDJEAN, 0000
LESLIE T. HUFFMAN, 0000
TIMOTHY R. JETT, 0000
STACEY L. JONES, 0000
BERNARD D. KNOX, 0000
EMERY J. KUTNEY, JR., 0000
DAVID J. LARAMIE, 0000
ANDREA L. LEMON, 0000
JEFFERY J. MASON, 0000
ANDREW M. MATTHEWS, 0000
GARY A. MCINTOSH, 0000
MAURICE F. MEAGHER, 0000
PHILIP A. MURPHY-SWEET, 0000
RICHARD NALWASKY, 0000
PATRICK J. OCONNOR, 0000
CHRISTOPHER D. PARKER, 0000
KERRY L. PEARSON, 0000
PAUL P. RABANAL, 0000
GERALD P. RAIA, 0000
JOHN M. RYAN, 0000
JEFFREY A. SCHMIDT, 0000
ERIC J. SCHOCH, 0000
WILLIAM W. SCOTT, JR., 0000
EDWARD M. SHINE, 0000
ERIC S. STUMP, 0000
ALVIN L. SWAIN, JR., 0000
TROY D. TERRONEZ, 0000
JOHN B. THERIAULT, 0000
THOMAS J. VERRY, 0000
TODD E. WASHINGTON, 0000
KURT J. WENDELKEN, 0000
MARTY T. WILLIAMS, 0000
DIANA J. WILSON, 0000
RAYMOND P. WILSON, 0000
TODD E. YANIK, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

THOMAS C. ALEWINE, 0000
ADAM W. ARMSTRONG, 0000
JONATHAN G. BAKER, 0000
CHARLES R. BENSON, 0000
MARK D. BENTON, 0000
ERIK W. BERGMAN, 0000
DAVID T. BEVERLY IV, 0000
MICHAEL A. BIDUS, 0000
TRACY R. BILSKI, 0000
STEVEN M. BLACKWELL, 0000
STEVEN J. BLIVIN, 0000
DAVID C. BLOOM, 0000
TAMMY L. K. BLOOM, 0000
PRODROMOS G. BORBOROGLU, 0000
RUSTY C. BRAND, 0000
RONALD B. BURBANK, 0000
LLOYD G. BURGESS, 0000
TIMOTHY H. BURGESS, 0000
EDWARD G. BUTLER II, 0000
DONALD R. CARR, 0000
WILLIAM R. CARTER, 0000
ROBERT A. CATANIA, 0000
JEFFREY J. CAVENDISH, 0000
DOUGLAS D. CLARKE, 0000
JEFFREY C. CLEARY, 0000
PATRICK W. CLYDE, 0000
EUGENIO G. CONCEPCION II, 0000
ANTHONY A. CORSINI, 0000
SCOTT A. COTA, 0000
SAMUEL D. CRITIDES, JR., 0000
GILBERT M. CSUJA, 0000
LESLIE D. CUNNINGHAM, 0000
SURJYA P. DAS, 0000
SCOTT M. DEEDS, 0000
NANCY R. DELANEY, 0000
PAUL J. DEMIERI, 0000
DARIN L. DINELLI, 0000
GERALD F. DONOVAN, 0000
BARBARA J. DROBINA, 0000
MARGARET T. DUPREE, 0000
GREGORY D. EBERHART, 0000
KURT R. EICHENMULLER, 0000
CARL C. EIERLE, 0000
ERIC A. ELSTER, 0000
DAN E. FISHER, 0000
BRIAN T. FITZGERALD, 0000
KIM M. FORMAN, 0000
JOHN J. FROIO, 0000
KIRK P. GASPER, 0000
ERIC M. GESSLER, 0000
SAWSAN GHURANI, 0000
CARLOS D. GODINEZ, 0000
MARK M. GOTO, 0000
JONATHAN C. GROH, 0000
JAY R. GROVE, 0000
JAMES M. GRUESKIN, 0000
CARLOS GUEVARRA, 0000
TIMOTHY W. HALENKAMP, 0000
GREGORY P. HARBACH, 0000
JOHN V. HARDAWAY, 0000
JAMES F. HARRIS, 0000
STELLA M. HAYES, 0000
RUSSELL B. HAYS, JR., 0000
KEITH G. HOLLEY, 0000
KARINE M. HOLLISPERRY, 0000
CHRIS B. HYUN, 0000
ROBERT D. JACKSON, 0000
RICHARD H. JADICK, 0000
CHRISTINE L. JOHNSON, 0000
ROBERT W. JOHNSON, 0000
ERIC J. KASOWSKI, 0000
MICHAEL D. KAZEL, 0000
JANET R. KEAIS, 0000
SEAN R. KELLY, 0000
LISA A. KELTY, 0000
MATHIAS J. KILL, 0000
MARK KOSTIC, 0000
LORI M. KREVETSKI, 0000
GRAINGER S. LANNEAU, JR., 0000
DAVID S. LESSER, 0000
CHRISTOPHER T. LEWIS, 0000
TINA T. LIEBIG, 0000
MATTHEW L. LIM, 0000
GEORGE P. LINVILLE, 0000
ROBERT J. LIPSITZ, 0000
JOHN W. LOVE, 0000
SCOTT A. LUZI, 0000
TODD J. MAY, 0000
MICHAEL T. MAZUREK, 0000
KEVIN F. MCCARTHY, 0000
JEFFREY D. MCGUIRE, 0000
DAVID B. MCLEAN, 0000
WENDELL Q. MEW, 0000
DEANA J. MILLER, 0000
ELIZABETH A. MORAN, 0000
KENNETH F. MORE, 0000
LORRAINE S. NADKARNI, 0000
BENFORD O. NANCE, 0000
THOMAS J. NELSON, 0000
PETER J. PARK, 0000
ROBIN J. PARKER, 0000
SHELLEY K. PERKINS, 0000
KYLE PETERSEN, 0000
MATTHEW M. POGGI, 0000
RODNEY C. PRAY, 0000
CHRISTOPHER H. REED, 0000
PAUL L. REED, 0000
EDWARD A. REEDY, 0000
AMY M. REESE, 0000
PAUL B. ROACH, 0000
ALLISON J. ROBINSON, 0000
THOMAS D. ROBINSON, 0000
KIMBERLY W. ROMAN, 0000
ANDREW A. RUSNAK, 0000
MICHAEL B. RUSSO, 0000
HERMAN M. SACKS, 0000
MCHUGH L. A. SAVOIA, 0000
JAMES W. SCHAFFER, 0000
MARK A. SCHMIDHEISER, 0000
KATHRYN SCHMIDT, 0000
ERIK J. SCHWEITZER, 0000
KIRBY J. SCOTT, 0000
CRAIG S. SELF, 0000
GEORGE J. SEMPLE, 0000
ERIC M. SERGIENKO, 0000
DAVID SHAPIRO, 0000
CRAIG D. SHEPPS, 0000
WILLIAM T. SHIMEALL, 0000
ALFRED F. SHWAYHAT, 0000
PATRICK L. SINOPOLE, 0000
LLOYD W. SLOAN, 0000
CLIFFORD L. SMITH, 0000
CAROL SOLOMON, 0000
DANIEL J. SOLOMON, 0000
BRETT V. SORTOR, 0000
SEAN D. SULLIVAN, 0000
JOANNE M. SUTTON, 0000
FREDERIC R. SYLVIA, 0000
BRUCE J. TAYLOR, JR., 0000
JIM T. TRAN, 0000
JACK W. L. TSAO, 0000
PATRICIA F. TURNER, 0000
ANDREW F. VAUGHN, 0000
TODD L. WAGNER, 0000
GRANT C. WALLACE, 0000
DAVID K. WEBER, 0000
STEVEN E. WEINSTEIN, 0000
KENNETH WELLS, 0000
ROLAND O. WILLOCK, 0000
CHARLES E. WILSON, 0000
JEFFREY WINEBRENNER, 0000
DIANA B. WISEMAN, 0000
DOUGLAS YIM, 0000
TARA J. ZIEBER, 0000

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED. FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

DEANNA HANEK ABDEEN, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

WORTH SHIPLEY ANDERSON, OF VIRGINIA
ERIN PATRICIA ANNA, OF COLORADO
JEFFREY A. ARNOLD, OF WASHINGTON
JOHN M. ASHWORTH, OF TEXAS
KURT WILLIAM AUFDERHEIDE, OF VIRGINIA
RAFFI V. BALIAN, OF VIRGINIA
MICHAEL JUSTIN BELGRADE, OF CALIFORNIA
DAVID B. BERNS, OF THE DISTRICT OF COLUMBIA
THOMAS BOUGHTER, OF PENNSYLVANIA
JEFFERY L. BOURNES, OF VIRGINIA
JASON A. BRENDEN, OF MINNESOTA
JOHN EDWARD CAVENESS, OF GEORGIA
VALERIE JUDITH CHITTENDEN, OF MARYLAND
BRENT T. CHRISTENSEN, OF TEXAS

ANTHONY WAYNE CLARE, OF COLORADO
THOMAS CLIFTON DANIELS, OF TEXAS
PAUL STUART DEVER, OF FLORIDA
DION SHANNON DORSEY, OF TEXAS
JEAN C. DUGGAN, OF NEW YORK
BRINILLE ELIANE ELLIS, OF NEW YORK
MICHAEL PATRICK ELLSWORTH, OF CONNECTICUT
HEIDI BARTLETT EVANS, OF ALABAMA
JASON S. EVANS, OF OKLAHOMA
RALPH W. FALZONE, OF MARYLAND
SCOTT GENE FEEKEN, OF KANSAS
TRESSA RAE FINERTY, OF NEW YORK
NATASHA S. FRANCESCHI, OF CALIFORNIA
MICHAEL GARCIA, OF FLORIDA
STEPHEN ANDREW GUICE, OF TENNESSEE
HEIDI LYNN HANNEMAN, OF VIRGINIA
WILLIAM C. HENDERSON, OF VIRGINIA
IAN T. HILLMAN, OF IOWA
BELINDA K. JACKSON, OF VIRGINIA
MARC CHRISTOPHER JACKSON, OF VIRGINIA
BERNT B. JOHNSON, OF FLORIDA
JENNIFER L. JOHNSON, OF FLORIDA
ILA S. JURISSON, OF ARIZONA
MICHAEL CHRISTOPHER KATULA, OF RHODE ISLAND
COLLEEN PHALEN KELLY, OF KENTUCKY
ROBERT D. KING, OF MASSACHUSETTS
BROOKE E. KNOBEL, OF KANSAS
KEISHA KAMILLE LAFAYETTE, OF ALASKA
MELISSA J. LAN, OF MICHIGAN
LYNETTE C. LINDSEY, OF IOWA
CASEY KENT MACE, OF COLORADO
ELIZABETH A. MADER, OF PENNSYLVANIA
PEDRO JOSE MARTIN, OF FLORIDA
KAREN MAUREEN MCCREA, OF CALIFORNIA
NEIL SEAN MCGURTY, OF CALIFORNIA
JASON MEEKS, OF WISCONSIN
ERIC STERN MEYER, OF CALIFORNIA
TERRY D. MOBLEY, OF ARKANSAS
ELIZABETH KRENTZ MOSHER, OF VIRGINIA
ROLF A. OLSON, OF TEXAS
SEAN K. O'NEILL, OF NEW YORK
KEVIN R. OPSTRUP, OF VERMONT
ROBERT A. OSBORNE, OF MICHIGAN
FRANK KASPER PENIRIAN III, OF MICHIGAN
EMILY A. PLUMB, OF FLORIDA
ROBYN ANISE PUCKETT, OF GEORGIA
CHRISTOPHER PATRICK QUADE, OF CALIFORNIA
DEBORAH ROBINSON, OF COLORADO
MARJUT H. ROBINSON, OF TEXAS
JAMES A. RODRIGUEZ, OF VIRGINIA
SHANNON E. RUNYON, OF NEVADA
JENNIFER JAN SCHAMING-RONAN, OF VIRGINIA
AARON P. SCHEIBE, OF SOUTH DAKOTA
CONN J. SCHRADER, OF NEW YORK
PRIYADARSHI SEN, OF VIRGINIA
BRIAN ANTHONY SHOTT, OF VIRGINIA
MARSHA LYNNE SINGER, OF FLORIDA
MAUREEN A. SMITH, OF CONNECTICUT
RYAN DOUGLAS STONER, OF NEW YORK
JULIE MARIE STUFFT, OF OHIO
MELISSA A. SWEENEY, OF WASHINGTON
NANCY SZALWINSKI, OF TEXAS
AMY NOEL TACHCO, OF NEW YORK
DANIEL J. TIKVART, OF VIRGINIA
ALEXANDER J. TITOLO, OF NEW YORK
BYRON F. TSAO, OF TEXAS
SHARON UMBER, OF MINNESOTA
MARK WEINBERG, OF NORTH CAROLINA
PENELOPE ANNE WILKINSON, OF NEW JERSEY
CHRISTOPHER M. WURST, OF MINNESOTA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED: CONSULAR OFFICER OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

GREGORY WINSTON SLAYTON, OF VIRGINIA

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

ERIN C. BUTLER, OF THE DISTRICT OF COLUMBIA
JAMES K. CHAMBERS, OF OKLAHOMA
JAMES S. CRAMER, OF VIRGINIA
ROBERT W. DUNN, OF MISSOURI

DEPARTMENT OF STATE

STACY ADESSO, OF VIRGINIA
JAMAL A. AL-MUSSAWI, OF VIRGINIA
JONATHAN T. AUSTIN, OF MINNESOTA
JENNIFER A. BAH, OF ALABAMA
MATTHEW BARAZIA, OF VIRGINIA
FRANZ C. BAUERLEIN, OF VIRGINIA
JOHN C. BELLAIS, OF VIRGINIA
TODD BENSON, OF VIRGINIA
ERIK WAYNE BLACK, OF CALIFORNIA
MARK MELLAS BLISS, OF GEORGIA
NATHAN JAMES BOYACK, OF WASHINGTON
CAMERON T. BRADFORD, OF VIRGINIA
JAMES M. BREDECK, OF FLORIDA
CHRISTOPHER JUSTIN BROWN, OF VIRGINIA
BETH ANN BROWNSON, OF NEW YORK
MARY E. BUTCHKA, OF VIRGINIA
ALEXANDER B. CANTOR, OF THE DISTRICT OF COLUMBIA
SUSAN MARIE CARL, OF ALASKA
LEWIS ANTHONY CARROLL, OF NORTH CAROLINA
GLENN RICHARD CHAFETZ, OF VIRGINIA
JOSEPH FRANCIS CIAVOLA, OF THE DISTRICT OF COLUMBIA
ALEX COLON, OF VIRGINIA
JENNY REBECCA CORDELL, OF TEXAS
PRESTON W. CRISS, OF VIRGINIA
JAN MARLYS CUNNINGHAM, OF MARYLAND
NATHAN R. DEAMES, OF VIRGINIA
RACHEL ALEXANDRA DEAN, OF VIRGINIA
ANTHONY A. DEATON, OF CONNECTICUT
SARAH J. DEBBINK, OF WISCONSIN
RICHARD J. DERIENZO, OF NEW JERSEY
RONALD ANDREW DEL PRIORE, OF VIRGINIA
NIKEISHA AYANA DICK, OF VIRGINIA
ANITA KNOPP DOLL, OF NEW YORK
ANDREW T. DOMBROWSKI, OF VIRGINIA
STEPHEN A. DOYLE, OF VIRGINIA
KATHLEEN M. DUCKWORTH, OF VIRGINIA
MICHAEL A. DVORAK, OF VIRGINIA
ERIN MARIE WHITWORTH DYAL, OF VIRGINIA
MARGARET ANN EHR, OF MICHIGAN
EDWARD F. FINDLAY, OF VIRGINIA
ELI RAYMOND FRIAS, OF VIRGINIA
MARCIA HELEN FRIEDMAN, OF TEXAS
SERGIO GARCIA DE GORORDO, OF TEXAS
DANIEL H. GARRETT, OF MISSOURI
CURTIS MATTHEW GARTENMANN, OF VIRGINIA
ELAINE D. GEORGANDIS, OF MARYLAND
MAISHA MARIAH GOSS, OF THE DISTRICT OF COLUMBIA
CHRIS WALTER GRANTHAM, OF WASHINGTON
JULIET L. GREENBLATT, OF NEW YORK
JAMES MICHAEL GREENE, OF NEW MEXICO
EVAN THOMAS HAGLUND, OF THE DISTRICT OF COLUMBIA
DINA FAROUK HAMDY, OF FLORIDA
J. MICHAEL HAMMETT, OF CALIFORNIA
CHRISTOPHER STEPHEN HATTAYER, OF CONNECTICUT
KRISTIN J. HAWORTH, OF VIRGINIA
CHRISTINA J. HERNANDEZ, OF UTAH
KATHLEEN ELIZABETH HERNDON, OF VIRGINIA
JOHN WILLIAM HICKS III, OF MICHIGAN
CHRISTOPHER E. HIKADE, OF VIRGINIA
JEFFREY N. HOBBS, OF CALIFORNIA
THOMAS J. HOFER, OF VIRGINIA
SARAH K. HULL, OF MARYLAND
STEPHANIE E. JAMES, OF MICHIGAN
DAVID JEFFREY, OF WASHINGTON
DAVID J. JENDRISAK, OF NEW JERSEY
TODD S. JOHANNESSEN, OF VIRGINIA
CONNIE L. JOHNSON, OF VIRGINIA
ERIC N. JOHNSON, OF COLORADO
BENJAMIN J. KAPPES, OF VIRGINIA
ERIC M. KAPROWSKI, OF THE DISTRICT OF COLUMBIA
BRENTON V. KING, OF VIRGINIA
DAVID JAMES KLOESEL, OF TEXAS
KEVIN MATTHEW KREUTNER, OF THE DISTRICT OF COLUMBIA
ERIKA LEIGH KUENNE, OF COLORADO
DAVID S. KURTZER, OF MARYLAND
REBECCA LYNN LANDIS, OF CALIFORNIA
DANIEL B. LANGENKAMP, OF THE DISTRICT OF COLUMBIA
MAUREEN B. LATOUR, OF CALIFORNIA
MATTHEW LLOYD LEE, OF VIRGINIA
JEAN B. LEEDY, OF TEXAS
CHRISTINE LEHNERT, OF VIRGINIA
MATTHEW WILLIAM LEWIS, OF MARYLAND
AMANDA J. LILLIS, OF VIRGINIA
CARMELIA CYNTHIA MACFOY, OF ARKANSAS
RONITA M. MACKLIN, OF MARYLAND
KATRINA MARTIN, OF VIRGINIA
DANIEL S. MATTERN, OF INDIANA
MARK S. MENEFEE, OF CALIFORNIA
RUSSELL MENYHART, OF INDIANA
CHRISTOPHER MERRILL, OF THE DISTRICT OF COLUMBIA
BEVERLEY M. MITCHELL, OF NORTH CAROLINA
KENNETH A. MOSKOW, OF THE DISTRICT OF COLUMBIA
HART GABRIEL NELSON, OF MISSOURI
MARLENE MONFILETTO NICE, OF FLORIDA
TIMOTHY P. O'CONNOR, OF PENNSYLVANIA
SOOHEE OH, OF VIRGINIA
PAUL M. ONDIAK, OF VIRGINIA
MATTHEW S. PAPE, OF VIRGINIA
DARBY A. PARLIAMENT, OF COLORADO
CHRISTOPHER BRENT PATCH, OF UTAH
MARGARET HOLLIS PEIRCE, OF FLORIDA
ELLEN PETERSON, OF NEW YORK
JOHN PETTE, OF GEORGIA
MARK ANTHONY PETZOLT, OF VIRGINIA
JOSIAH THOMAS PIERCE, OF WYOMING
MOLLY KATHLEEN PLEDGE, OF VIRGINIA
PETER LUKE POLLIS, OF MICHIGAN
JEFFREY N. POWELL, OF VIRGINIA
CHRISTOPHER A. REPOLI, OF VIRGINIA
CYNTHIA STONE RICHARDS, OF VIRGINIA
IVAN RIOS, OF MARYLAND
KRISTIN M. ROBERTS, OF WASHINGTON
LINDA LEE ROSALIK, OF UTAH
MARK ROSENSHIELD, OF THE DISTRICT OF COLUMBIA
LASHELLE F. ROUNDTREE, OF MARYLAND
MOLLY M. SANCHEZ CROWE, OF ARIZONA
DRINA R. SCHROEDER, OF MARYLAND
JENNIFER M. SCHUELER, OF ILLINOIS
MIRIAM LYNNE SCHWEDT, OF THE DISTRICT OF COLUMBIA
JOHN M. SECCO, OF VIRGINIA
KAREN M. SINCLAIR, OF VIRGINIA
ALEXIS LYNN SMITH, OF COLORADO
CHRISTOPHER WELBY SMITH, OF VIRGINIA
REBECCA JANE STEWARD, OF ILLINOIS
WENDELL M. STILLS, OF VIRGINIA
MARK AUGUST TERVAKOSKI, OF THE DISTRICT OF COLUMBIA
KIRSTEN ELLEN THOMPSON, OF OREGON
TESSA KATHARINE VAN TIL, OF MICHIGAN
MICHAEL B. VEZZETTI, OF VIRGINIA
RIMA JANINA VYDMANTAS, OF GEORGIA
PAUL F. WEATHERWAX, OF VIRGINIA
ROBERT R. WEZDENKO, OF VIRGINIA
SARAH RUTH WILLIAMS, OF NORTH CAROLINA
RYAN DAVID WIRTZ, OF FLORIDA
CHRISTOPHER ERIC WRIGHT, OF VIRGINIA
YUVAL JOSEPH ZACKS, OF VIRGINIA
LUKE VARIAN ZAHNER, OF THE DISTRICT OF COLUMBIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED: CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

PETER ALAN PRAHAR, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE INTERNATIONAL BROADCASTING BUREAU FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED: CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

GAINES R. JOHNSON, OF WEST VIRGINIA
JAMES M. LAMBERT, OF FLORIDA

EXTENSIONS OF REMARKS

H.R. 458

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 2005

Mr. JONES of North Carolina. Mr. Speaker, Title Two of H.R. 458 is most important to those of us who represent districts with a heavy military presence.

It regulates so-called "military lenders," and protects servicemembers from abusive marketing and collection practices by high-cost lenders that are typically clustered outside of military installations, and who increasingly operate on the Internet. It also regulates title lenders and high-cost lenders that charge hidden fees and who frequently refinance loans to generate even more fees. Importantly, it codifies industry best practices rules for payday advance lenders.

Today's Armed Forces are the most effective in the history of the world. They have the same credit needs as the rest of us, but are uniquely vulnerable to abusive marketing and collection practices.

Many of the young men and women who have volunteered to serve in our military have limited experience in handling financial matters. They have relatively low incomes and can easily fall into debt and have to borrow to help pay expenses. Quite often, they have difficulty borrowing from traditional lenders and have to seek higher-cost credit from specialty lenders such as small loan companies, payday lenders, or finance companies. When relatively unsophisticated borrowers are unable to readily repay a loan from these lenders, they can become consumed with worries over their debt and this undercuts their abilities to fulfill their military duties.

Mr. Speaker, the New York Times pointed out abusive lending practices by companies like Pioneer Financial, a Missouri-based high-cost lender which exclusively targets services members, and according to Securities and Exchange Commission filings, employs a loophole to get around the Servicemembers Civil Relief Act (SCRA). According to that paper, Pioneer charges high rates and hidden fees and has the policy of refinancing their existing loans within the first year for the express purpose of generating more fees. Unfortunately, it's not just one company like Pioneer that requires servicemembers to prey on our Armed Forces personnel. Various types of creditors, including finance companies, small loan companies, payday lenders and others, have perpetrated abusive lending practices.

That is why this legislation, and Title Two in particular, is so important. Our men and women in uniform have earned the protections that H.R. 458 will provide them.

TRIBUTE TO THOMAS CARR

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 2005

Mr. VAN HOLLEN. Mr. Speaker, it is with great pleasure that I rise to commend one of my constituents, Thomas Carr, recipient of a fellowship to attend Harvard University's Senior Executives in State and Local Government Program at the John F. Kennedy School of Government.

As Chief of Montgomery County (MD) Fire and Rescue Service, Mr. Carr works to protect the community and educate the residents on safety precautions and fire prevention. His efforts were recognized by the National Fire Protection Association (NFPA), a primary supporter of the fellowship. Since 1896, the Association has been a leader promoting fire, electrical, building, and life safety awareness.

Mr. Carr, likewise, has been a leader in promoting fire, electrical, building, and life safety awareness to the citizens of our community. I applaud Thomas Carr and wish him continued success in the years ahead.

IN HONOR OF JOE NUCCI

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 2005

Mr. FARR. Mr. Speaker, I rise today to honor the memory of a man who was a rising star in the fresh produce industry. At age forty, Joe Nucci was one of the youngest leaders in his field. Tragically, Joe passed away suddenly July 7, 2005, while vacationing with his family in Florida.

Joe was born and raised in Salinas, California. In 1983, he graduated from Salinas High School and went on to study for two years at Hartnell College. He completed his college education at California State University Chico and spent a year in Buffalo, New York working with JC Brock Fresh Foods. In 1989, Nucci returned to California to take a position at Mann Packing Company, which was run by his father, Don Nucci, and his father's business partner Bill Ramsey.

One of Joe's first achievements at Mann Packing Company was finding a new use for a previously unpalatable product: broccoli stems. Impressing his coworkers and superiors with a new bagged broccoli coleslaw, it wasn't long before he advanced to Mann Packing Company's product development and quality assurance division, then to the position of vice president of marketing. In 2000, he became president and CEO of the Mann Packing Company. Under his leadership, the company grew at an unprecedented rate and became one of the produce industry's strongest innovators. The Produce Marketing Association recognized Joe's fairness, integrity, and innumerable talents and invited him to serve on their Board of Directors as secretary/treasurer. He was to become its chairman in 2006. His contributions to the United Fresh Fruit and Vegetable Association, the Produce for Better Health Foundation, and the International Fresh-cut Produce Association will not long be forgotten either.

Joe Nucci made tremendous strides to better his industry, local community, and our Nation. He will be remembered for his innovation, his leadership, and his devotion to his family. He is survived by his wife, Debbie; two sons, Michael and Matthew; three sisters, Lorri Nucci Koster, Gina Nucci, and DeDe Nucci Reyna; father Don Nucci; and mother Barbara Manning. Mr. Speaker, it is with great sadness that I rise to honor the memory of Joe Nucci.

TRIBUTE TO CAROLYN DULCHINOS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to and acknowledge the outstanding work of Carolyn Dulchinos, a Senior Policy Advisor for the Boulder County Board of Commissioners. This month, she will be leaving this position that she has served with distinction for over 10 years.

Ms. Dulchinos is a shining example of the dedication and commitment to public service and community values held by those who work in the public sector. Early on in her career—a career that is still young and filled with future promise—she was drawn to the calling of public service and has followed this path ever since.

In the mid-1980s, she worked as a staff assistant in the office of Congressman PETE STARK from California. She remained in Washington and worked for the American Association of Retired Persons and the National Association of Trial Lawyers. She also worked for a prestigious lobbying firm in Washington where she helped clients work through issues before Federal agencies. At this position, she also helped draft and enact legislation for the minting of commemorative coins to honor the 50th Anniversary of the D-Day invasion of Normandy. This is but a small yet significant example of her focus on the general public good that has defined her career up to now.

Since she began work for Boulder County in the spring of 1995, Ms. Dulchinos applied her skills and spirit of service to the citizens of this diverse and vibrant community. During her time with Boulder County she worked tirelessly with Boulder County's State legislative representatives to promote wise public policy at the Colorado State legislature. Through this work, she was instrumental in helping the Colorado legislature develop and fund innovative human service programs, such as a program called Impact. This program provides coordinated human services to help children at risk

of institutionalization remain in their own communities where they become productive citizens. She has also worked on issues of importance to Boulder County with Colorado's congressional delegation, such as the cleanup and closure of the former Rocky Flats nuclear weapons production facility, open space protection on Federal public lands in the county, and critical transportation funding needs.

Ms. Dulchinos also worked on and succeeded in accomplishing environmentally and economically sustainable administrative actions at Boulder County and legislation on multimodal transportation, land use, and open space, among many others. She has been a tremendous asset to the Board of County Commissioners and a workhorse for the office. She has the ability to simplify complex issues, get to the crux of an issue and communicate this effectively to decisionmakers and the public. She is known for her sense of humor and for her efforts to boost the morale and collegiality of the office through her memorable events commemorating employees' birthdays, going away parties, and retirements.

Although Ms. Dulchinos is leaving the county, I know that she will continue to be a contributing member of the community. She has a bright future ahead and I wish her the very best in her future endeavors.

IN HONOR OF SERGEANT KIP JACOBY

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 2005

Mr. SHAW. Mr. Speaker, I rise today to pay tribute to a courageous young man who died while serving our country in the war in Afghanistan.

Sergeant Kip Jacoby was a 21-year-old Florida resident who is described by his classmates as someone with a brilliant smile and perfect charm. He joined the Army a few short months after high school graduation and has served our Nation for three years as a member of the Special Forces ''Night Stalkers''. Kip loved his country and served honorably. On the Army's Web site, his family posted a message stating, ''He loved what he was doing, he knew the risks, and he was proud to be a soldier, fighting, so others wouldn't have to.''

On June 28, 2005, Kip was one of 16 soldiers whose helicopter was hit by an insurgent's rocket-propelled grenade. He was part of an elite American military team that was on mission to clear anti-governmental forces from Kumar Province of eastern Afghanistan. Kip Jacoby was awarded the Purple Heart posthumously.

Mr. Speaker, the people of this Nation will be forever grateful for Kip's selfless sacrifice and valiant service to our country. He died to protect freedom for America and to provide freedom for millions around the globe.

Sergeant Jacoby's distinguished service and commitment to freedom will never be forgotten.

PERSONAL EXPLANATION

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 2005

Mr. SCHIFF. Mr. Speaker, on rollcall No. 362, had I been present, I would have voted ''aye.''

HONORING THE HOMER HIGH SCHOOL BASEBALL TEAM FOR THEIR RECORD-SETTING SEASON

HON. JOHN J.H. ''JOE'' SCHWARZ

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 2005

Mr. SCHWARZ of Michigan. Mr. Speaker, it is my special privilege to honor the Homer Trojans baseball team for setting the national record for consecutive wins in high school baseball by winning 75 straight games. I commend the Trojans for the dedication required to accomplish such a remarkable feat.

The Trojans' streak began on opening day of the 2004 season with a victory over Addison. The team would eventually earn a State championship, with a record of 38 wins to zero losses. During the season, Homer shut out 20 opponents.

The Trojans continued to dominate the diamond in the 2005 season. Improving on their 2004 record, the Trojans shut out 21 opponents in 2005, a national record. They also had a streak of eight consecutive shutouts, which etched the team in the State record book again. The Trojans ended the 2005 season with a 37–1 record and a runner-up finish in the State.

In the world of sports, success is often determined based on wins and losses. However, the Trojans are not just a success for winning 75 consecutive games; they are a success because of the manner in which they win. Their astounding record is testament to not only their ability to pitch, hit, run, and field; it is indicative of their superb commitment to teamwork and maturity. The lessons they learned and skills they perfected will help prepare them for a bright future, whether it be on or off the baseball field. I am honored to have these fine young men as constituents, and I invite my colleagues to join me in honoring their accomplishments.

TRIBUTE TO MONTGOMERY COUNTY

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 2005

Mr. VAN HOLLEN. Mr. Speaker, it is with great pleasure that I rise today to commend Montgomery County for its commitment to recycling.

The Montgomery County Recycling Center received the 2005 Material Recovery Facility of the Year Award. This is the second time in 5 years that Montgomery County has received this award from the Solid Waste Processing Division of the American Society of Mechanical Engineers (ASME).

The criteria needed to receive this award include the facility's success in reaching its goals, environmental performance and safety, and the facility's role in solid waste processing and integrated waste management.

The plant is estimated to generate about $3,000,000 in revenue for fiscal year 2005. In addition, the plant underwent a processing system equipment overhaul in the summer of 2002 which increased its efficiency.

Recycling is a vital part of our effort to preserve our environment for future generations. I am very proud of Montgomery County's success in this area and I applaud the community leaders and citizens for their dedication to recycling.

IN HONOR OF EDNA KIMBRO

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 2005

Mr. FARR. Mr. Speaker, I rise today to honor the life of Edna Kimbro, State Parks Historian and architectural conservator. On June 26, 2005, Edna Kimbro, 57, died of cancer at her Watsonville residence. She is survived by her husband Joe, sons David and Joey, brother Todd, and granddaughter Sakura.

Ms. Kimbro was born on June 25, 1948. She graduated from the University of California Santa Cruz with a degree in Art History. In the 1970s, Kimbro bought the last remaining building of an early civilian Spanish settlement and began preserving it as best her finances would allow. In 1998 Kimbro, along with her husband and two sons, purchased a 150 year old adobe home in Watsonville, CA. To preserve the building, she traveled to Europe on a United Nations grant to study the earthquake resistant preservation of old mud brick based buildings. Sadly shortly after she returned home, the Lorna Prieta earthquake destroyed the 150 year old adobe home. This unfortunate event did not daunt her. Edna convinced State administrators to buy the damaged adobe, repair the damage, and create a State park.

Mr. Speaker, I am joined by Edna Kimbro's family and mends to honor her life and contributions to the preservation of California's history. Her memory will always be preserved in our minds, just as the adobe structures she worked so tirelessly to preserve.

INTRODUCTION OF THE UNITED STATES ARMY RELIEF ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 2005

Mr. UDALL of Colorado. Mr. Speaker, yesterday I introduced a bill with my colleague in the House, Representative ELLEN TAUSCHER, to increase the end-strength of the Army. A companion bill was introduced in the Senate by Senators LIEBERMAN, CLINTON, REED, NELSON, and SALAZAR. I am grateful to Sen. LIEBERMAN and Rep. TAUSCHER for their leadership on this issue, and to the Third Way organization for its recent report on this issue and its help on this bill.

We are introducing this legislation at a critical time for our military. The war in Iraq has put a tremendous strain on our Army, the Reserves and on National Guard units that were never intended for such long deployments, and ought to be used more effectively for homeland security.

There is deepening concern that our current force requirements cannot be sustained in Iraq and Afghanistan without depleting our reserves and diminishing our capacity to meet other global threats.

I am one who believes we have more work to do to thoroughly understand these other global threats and the strategies and tactics necessary to prepare for the kind of conflict we are facing in Iraq. The upcoming Pentagon defense review needs to look at increased troops levels in the context of our long-term security needs as well as the immediate challenges.

But in the meantime, the Bush Administration's lack of foresight in Iraq has left us with an immediate problem that cannot be ignored. Our troops are overstretched—not just in Iraq and Afghanistan but in 117 other countries around the world. Last year, nine of the Army's ten divisions were deployed to, preparing to deploy to, or returning from Iraq and Afghanistan. And we continue to rely too heavily on our Guard and Reserve.

Without this bill, we risk asking too much of our men and women in uniform who have performed so courageously and sacrificed so much in their service to this country. They, future recruits, and the country all need to know that we are committed to providing the resources necessary to keep our Army strong.

Let me emphasize that this is not about increasing troops so that President Bush can plan for more Iraqs; this is about rebuilding the strength of the incredible institution that is the U.S. Army.

Leadership begins with recognizing reality. Although we may wish we had a different starting place, this is the place that we find ourselves after much miscalculation and wishful-thinking by the Bush Administration.

So we ask the Administration today to heed our call and to heed the call of so many in the military community who understand the importance of increasing the Army's end strength. The defense of the United States is and must continue to be the first priority of our government.

IN HONOR OF PETTY OFFICER 2ND CLASS JAMES SUH

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 2005

Mr. SHAW. Mr. Speaker, I rise today to pay tribute to Petty Officer 2nd Class James Suh, a South Florida resident who served in the Navy for 5 years and was killed in the line of duty on June 28th, 2005, in Afghanistan. During his years at Deerfield Beach High School and the University of Florida, James excelled both athletically and academically finding himself with a rare opportunity to become a Navy Seal shortly after graduation from college.

James was loved by an entire community. His family and friends say he was a young man of exceptional character, intelligence and athleticism with a wry smile and unfalteringly dry sense of humor. Those who knew him saw his immense pride in two things: his close knit family and his job as a U.S. Navy Seal.

Roughly two weeks ago James was one of 16 soldiers whose helicopter was hit by an insurgent's rocket-propelled grenade. He was part of an elite American military team that was on a mission to clear anti-governmental forces from Kumar Province in Eastern Afghanistan. Sadly, our country lost 16 heroes that day.

Mr. Speaker, the family and friends of Petty Officer 2nd Class James Suh can be proud of his valiant service and selfless sacrifice in the name of freedom. He will always have the thanks of a grateful Nation.

PERSONAL EXPLANATION

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 2005

Mr. SCHIFF. Mr. Speaker, on rollcall No. 358, had I been present, I would have voted ''aye.''

TRIBUTE TO WALTER JOHNSON HIGH SCHOOL

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 2005

Mr. VAN HOLLEN. Mr. Speaker, it is with great honor that I rise to congratulate a high school in my District, Walter Johnson High School in Bethesda, Maryland, for winning the 2005 Washington Area ''It's Academic'' television quiz show Superbowl.

Walter Johnson High School is being recognized for its win in the Superbowl match, which featured regional champions Robert E. Lee High School from Central Virginia and Centennial High School from Baltimore.

The school's victory in the ''It's Academic'' program, which is an extracurricular activity at 81 schools across the region, demonstrates the benefits of academic competition in our schools. The hard work and commitment to academic excellence demonstrated by the students is commendable. In the midst of frequent critiques of our national education system, successes like this one highlight the great achievements of talented, intelligent young people in our schools.

As recognition for this accomplishment, the school's ''It's Academic'' team received a trophy, which will be displayed for the next year, and academic scholarship money for the school. The Superbowl match featured strong performances by seniors Zach Hommer and James Coan and juniors Alex Price and Adam Newman.

I commend Walter Johnson High School for its championship win and wish the ''It's Academic'' team continued success in future years.

IN REMEMBRANCE OF J.J. ''JAKE'' PICKLE

SPEECH OF

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. GONZALEZ. Mr. Speaker, I rise today to pay my respects to one of the giants of this institution and the State of Texas, a man who recently passed away, former Congressman J.J. ''Jake'' Pickle. Cancer finally beat him on June 18, 2005 and anyone who knew Congressman Pickle knew he did not quit on anything and fought until the end. His relentless approach to politics and life earned him the respect and admiration of the 10th Congressional District he served so well and his colleagues on both sides of the aisle. First elected in a special election in 1963, Congressman Pickle served 16 terms until stepping down in 1995. During his service in Washington, he chaired the House Subcommittee on Social Security and was instrumental in implementing improvements that ensured the trust fund's long term solvency for decades to come.

Too often, the term public servant is casually used for any person who worked in the public sector, but Congressman Pickle personified every facet of the phrase. Congressman Pickle distinguished himself in a variety of service positions, beginning as the University of Texas student body president, as a member of the National Youth Administration, and as organizational secretary for the State Democratic Executive Committee. After being elected to Congress, he relished returning to his district whenever possible and upon boarding the plane would walk up and down the aisles as if he were working a campaign rally and shake everyone's hand and talk to them. Learned at the knee of President Lyndon Baines Johnson, Congressman Pickle's politics hailed from an era still shaped by the Great Depression and small-town America, a time in which connecting with constituents was a must.

Campaigning was a full contact sport in the best sense of the phrase, and every 2 years, he would outwork much younger campaign aides and sought to meet every voter in his district. For Congressman Pickle, politics was a person-to-person enterprise, and he would talk to his constituents and find out their cares and concerns. Full of stories and a smile for everyone, he would engage every person in his path no matter if he happened upon them in the halls of the Capitol or in the streets of Austin.

Of course, his influence here in Washington greatly benefited Austin and Central Texas as he was crucial in ensuring funding for the University of Texas, his alma mater, and helped it become the world class facility it is today. Congressman Pickle fought to make sure his district and his state received their fair share. The university benefited in the millions of dollars he steered into its research, technological, and educational programs, and this was pivotal in making Austin one of our Nation's centers for high-tech enterprises such as Dell computers.

However, the vote Congressman Pickle was proudest of was the one he cast in favor of the 1964 Civil Rights Bill, which he thought would end his career. As one of six southern

Representatives who voted for that landmark piece of legislation, he thought voting his conscience and his principles would make him a one term Congressman. Thankfully that was not the case as he was given the opportunity to work tirelessly and use his unique set of skills in service of his district and Nation. We have truly lost a great American, and we are the poorer for it. Tonight, my prayers and thoughts are with the thousands of lives he touched and his family.

APPOINTMENT OF CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2005

SPEECH OF

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mrs. WILSON of New Mexico. Mr. Speaker, the Energy Policy Act of 2005 that recently passed the House by a vote of 249–183 included a narrowly drafted provision giving manufacturers and distributors of MTBE limited liability protections for claims based upon a defective product. I voted in favor of this legislation knowing that in conference with the Senate, MTBE compromise language would be negotiated with members from affected states that would be based on a concept of shared responsibility focused on cleanup.

MTBE has reduced smog from cars and trucks and improved air quality. But when MTBE gets in water, it smells and tastes bad and is hard to clean up, raising questions about whether we should continue to use it to produce cleaner burning gasoline.

For the last couple of weeks, I have contributed to the discussions on an MTBE compromise to recommend to the Energy conferees. I do not believe that the views of states impacted by MTBE contamination have been adequately taken into account to this point. We are no closer today to an acceptable compromise than we were 2 weeks ago. Additionally, I am greatly concerned by a draft EPA internal risk study that suggests that in high concentration, MTBE is a likely human carcinogen. This is the first indication we have had of a public health impact of MTBE.

I continue to believe that a lawsuit based system is the wrong way to address this problem. We should spend money on getting the spills cleaned up quickly rather than having a lawsuit based system where people fight in court for years and the lawyers get a big cut of the pie before any cleanup is done.

I voted in favor of the Democrat motion to instruct conferees because, at this point, I think we should move toward the Senate language and focus on solving the problem, not litigating it.

I would be willing to support an MTBE provision that would create a joint industry/government financed MTBE remediation trust fund that would cover state and local government remediation costs. But industry's contribution must be mandatory and the government's contribution must be guaranteed and not subject to appropriations.

CELEBRATING 100 YEARS AT DENTON MUNICIPAL ELECTRIC

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 2005

Mr. BURGESS. Mr. Speaker, I rise today to honor Denton Municipal Electric as it celebrates 100 years in the 26th District of Texas. Denton Municipal Electric has been serving the Denton community since 1905 when the city purchased the utility from Denton Water, Light and Power Company.

Since its start, Denton Municipal Electric has grown from serving fewer than 100 residents of downtown Denton to presently providing full electrical service to more than 37,000 customers over 300 miles of overhead power lines, 130 miles of underground cables and over 6,000 transformers. They provide various consumer-friendly programs including allowing customers to pledge money to their monthly bills to assist other customers with short-term financial problems, and incentive programs that credit customers' accounts for installing high-efficiency air conditioners or heat pumps.

Denton Municipal Electric, along with providing safe, reliable and cost-effective electricity to its citizens, participates in numerous programs and activities in the Denton Community, including Hope for Kids, School-to-Careers, Communities in Schools, the Juneteenth Celebrations, Senior Citizen Safety Workshops, Electrical Demonstrations, Keep Denton Beautiful and Christmas decorating around the historic downtown square.

Mr. Speaker, it is with great honor that I stand here today to honor Denton Municipal Electric for its commitment to playing an active role in the development, improvement and success of the Denton community.

HONORING THE W.K. KELLOGG FOUNDATION ON THEIR 75TH ANNIVERSARY

HON. JOHN J.H. "JOE" SCHWARZ

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 2005

Mr. SCHWARZ of Michigan. Mr. Speaker, I rise today to call attention to an organization in my district that is known world-wide for its tireless dedication to altruism, education, and the betterment of society as a whole. The W.K. Kellogg Foundation was established by breakfast cereal pioneer W.K. Kellogg in 1930, to "help people help themselves." During his life, Mr. Kellogg left most of his fortune—$66 million in Kellogg Company stock and other investments—as an endowment for the foundation. These assets have since grown to nearly $7 billion. Since 1930, the foundation has awarded more than $4 billion in grants—including $1.6 billion to the people of Michigan.

Since the 1930s, the Kellogg Foundation has grown from programs that served south-central Michigan into an international organization that awards grants in the United States, Latin America and the Caribbean, and southern Africa. Yet whether in Battle Creek or Botswana, the Kellogg Foundation's emphasis remains just as it was in Mr. Kellogg's day: they exist to help people reach their full potential, and to build strong families and communities.

Though they have expanded internationally, the Kellogg Foundation remains committed to Mr. Kellogg's and my hometown of Battle Creek, Michigan. Last year alone, they awarded $9.4 million to local causes and programs. They are also a major local employer, and their employees generously volunteer their time and resources within the community.

In its 75 years of existence, the W.K. Kellogg Foundation has built a legacy of philanthropy and selflessness. The work that they fund has improved the lives of millions. I am deeply honored to have this institution in my district, and I ask my colleagues to join me in celebrating its 75th anniversary.

THE WAGES OF FAILURE ON WALL STREET

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 2005

Mr. FRANK of Massachusetts. Mr. Speaker, one of the gravest weaknesses in our financial system is the growing pattern of grossly excessive compensation which the leaders of some major firms are paying themselves, with the acquiescence of passive boards of directors. The issues raised by the extraordinarily large pay packages some top executives are granting themselves go beyond simply the inappropriateness of people enriching themselves at the expense of their stockholders and their employees. Increasing inequality in income distribution in this country has broader policy implications, and there is also the growing problem of perverse incentives that result from executives receiving grossly disproportionate compensation based on decisions they themselves take. That is, it is clear that some of the accounting abuses we have seen, and some decisions to sell large companies to others are being influenced not by the basic economics of these situations, but by the extent to which top decision-makers personally profit from these decisions.

One of the most egregious recent examples is the $32 million payment made to the co-president of Morgan Stanley, Stephen Crawford, for work of only a few months as part of the upheaval that led to the ouster of Philip Purcell. In the New York Times on Wednesday, July 13, there is an excellent editorial on this subject, which notes that "stockholders and employees are properly seething at the deal cut for Mr. Crawford . . . by a board that was oblivious to protecting the bank's reputation as it over-rewarded his fealty to Philip Purcell . . ."

Mr. Speaker, I believe that this is a subject which Congress must address. In particular, we must act to find ways to press boards of directors to do more to safeguard stockholders and employees from excessive compensation abuse, and we should in particular be looking at ways to curb the extent to which these sorts of compensation schemes based on various contingencies give perverse incentives to decision-makers. I and others on the Financial Services Committee will be offering some legislative proposals in this regard, and I offer the New York Times editorial here for Members' edification as an example of why some action is necessary in this regard.

[From the New York Times, July 13, 2005]

THE WAGES OF FAILURE ON WALL STREET

Words like golden parachute hardly do justice to the stunning $32 million worth of a not-so-fond adieu engineered at Morgan Stanley, the troubled Wall Street securities giant, for its departing co-president, Stephen Crawford. Stockholders and employees are properly seething at the deal cut for Mr. Crawford—after a mere three months on the job—by a board that was oblivious to protecting the bank's reputation as it over-rewarded his fealty to Philip Purcell, the chief executive who was driven out in a messy power struggle last month.

The board majority appointed by Mr. Purcell opened the bidding on failure's rewards by ushering Mr. Purcell to the exit with a $43 million sweetener. Now others from his team of loyalists—sycophants is the term outraged critics prefer—are lining up to walk the platinum plank behind Mr. Crawford, who never ran a business division at the bank yet rose to the top as Mr. Purcell's attentive protégé.

Mere groundlings juggling finances at their neighborhood A.T.M.'s must pause slack-jawed at how Wall Street insiders are so ludicrously compensated for plain failure at steering their companies. Few of life's losers land so affluently.

The repair task now falls to John Mack, the new chief executive and Morgan Stanley veteran. Facing a furor among stockholders and staff over the severance machinations, Mr. Mack had second thoughts about his own guaranteed salary of up to $25 million, so he is instead invoking a merit-pay standard for himself. This amounts to innovation at Morgan Stanley, where dozens of bankers, traders and managers quit when the Purcell team ascended and ensconced their own in top positions even as the bank lagged behind its competitors.

Mr. Mack is already seeking the return of the more respected departees who ran profitable divisions. He has retained the other Purcell co-president, Zoe Cruz; she was smart enough to turn down the board's garish compensation package.

The new chief won't get far with recovery, however, unless he impresses workers and investors with a fresh dedication to merit. That has to begin with the departure of the current directors—on terms worth no more than their true value in having compounded the turmoil at Morgan Stanley.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2005

SPEECH OF

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to offer my support for this bill, but also to voice my concerns with the Leadership and Administration's handling of other veterans' issues. This bill is recognized by members on both sides of the aisle as necessary to ensure veterans' compensation is adjusted regularly each year to keep up with inflation and other market trends by linking the increase to that of the Social Security COLA, which is based on changes in the Consumer Price Index.

This is a common-sense approach to ensure veterans' compensation keeps pace with the cost of living. It would make sense then that a similar approach would be taken using an appropriate formula to determine funding levels for other programs such as VA healthcare. Instead, House Leadership has refused to move legislation for the last three Congresses to reform the discretionary budget-appropriations process for VA healthcare, and the result is the current funding crisis that the VA is experiencing.

Less than two weeks after first telling Congress it could ride out the fiscal year with inadequate funding, then reversing and asking for $975 million in supplemental funds, the Administration admitted this week that it needs yet another $300 million to take care of veterans' health care needs through September. Had this House followed the Senate's lead and appropriated $1.5 million in emergency VA funding, we would have already covered the second shortfall just recently acknowledged by the White House, and the VA would have the funds to resume providing healthcare to our Nation's veterans.

Instead, while the differing supplemental measures wait to be reconciled, more than 50,000 veterans await health care appointments, clinical positions across the VA are not being filled, VA hospitals are deferring critical equipment purchases, there are shortages of medical supplies in some locations and the number of veterans of the wars in Iraq and Afghanistan seeking services at VA hospitals continues to rise.

The 2006 budget request was similarly short. What is even more troubling is that funding for veterans' health care beyond 2007 is cut significantly below the amount needed merely to account for inflation.

In a recent letter to House Veterans' Affairs Committee Chairman Steve Buyer, the directors of nine Veterans' Service Organizations pointed out that VA employees in VA facilities are denying and rationing care to tens of thousands of fully eligible veterans, even those with service-connected disabilities, serious chronic illnesses and deteriorating health.

These organizations also stated that veterans are being told they are not eligible for nursing home care when they are absolutely eligible by law. They are told that visits to VA and contract mental health practitioners must be limited to one visit per month irrespective of diagnosis or intensity of need. Veterans are told they cannot be seen for routine physical examinations or preventive visits because they are not "authorized" to receive such care. Veterans are told if they fail to appear for scheduled appointments, they will be dropped from VA rolls altogether and must re-apply for enrollment from the back of the line. While forcing untold numbers of veterans to wait unconscionable periods, VA denies the existence of a waiting list.

Mr. Speaker, this is deplorable. If the VA cannot provide healthcare to the veterans currently needing care, how can they take care of the men and women coming back from Iraq and Afghanistan requiring care?

I urge the Veterans' Affairs Committee and the House Leadership to take steps to address this problem so that we are not faced with similar problems in the future. Our veterans have served their country bravely and deserve better than this.

COMMEMORATING 60TH ANNIVERSARY OF CONCLUSION OF WAR IN THE PACIFIC AND HONORING VETERANS OF BOTH PACIFIC AND ATLANTIC THEATERS OF SECOND WORLD WAR

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise in support of H. Con. Res. 191, a resolution to commemorate the 60th anniversary of the conclusion of the war in the Pacific and to honor veterans of both the Pacific and Atlantic theaters of the Second World War. It is profoundly important that we remember the sacrifices our troops made in those terrible times. But more than remembering, we must convey the gratitude due to those soldiers who risked their lives in the defense of the innocent, the protection of freedom, and in the name of our great country.

To build a prosperous future, we must work to appreciate our past. It has not always been a peaceful one. From our country's founding over two centuries ago, American soldiers have engaged in many battles to defend our Nation and our way of life. Whether the call has been the defense of democracy, the ending of tyranny, or the protection of innocent civilians all over the world, American soldiers have answered with dignity and honor. This resolution reflects a will to remember the countless sacrifices of our soldiers in one of the most terrible wars of our history.

Aristotle wrote, "We make war that we may live in peace." Never was the need to engage greater than for President Roosevelt's America some 65 years ago. The spread of Nazism led our troops over the Atlantic into the first of what would soon be two major theaters of war. Our Armed Forces crossed the Atlantic to join the allies in an assault of Germany. Then, after the atrocious attack on Pearl Harbor in December 1941, they crossed the Pacific to engage the Japanese. These dark times witnessed monumental loss of life and called for the greatest levels of sacrifice, both from the troops and the families they left behind. Yet our spirit never wavered, and this country survived one of its greatest tests.

Mr. Speaker, we owe so much of this survival to the quality of our troops. They protected us then as they always have—with honor, courage and resilience. As we enjoy the freedoms afforded to this great Nation, we must remember and celebrate the achievements of our veterans. We are forever grateful for their gift of peace. This is a gift we will never be able to fully repay, but one that continues to engender respect and gratitude. It is the spirit of gratitude that gives birth to this resolution, and in that spirit I am privileged to offer my full support.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 2005

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber on July

11, 2005. I would like the record to show that, had I been present, I would have voted ''yea'' on rollcall votes No. 363 and No. 364.

CONGRATULATING SGT. LEIGH ANN HESTER, FIRST WOMAN AWARDED THE SILVER STAR MEDAL SINCE WORLD WAR II

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 2005

Mr. COOPER. Mr. Speaker, I rise today to recognize and congratulate U.S. Army Sgt. Leigh Ann Hester, a recent recipient of the Silver Star Medal—the Army's third highest award for valor in combat.

On June 16 in Iraq, 23-year-old Sgt. Hester became the first female soldier to be awarded the prestigious Silver Star Medal in more than 60 years. At the awards ceremony at Camp Liberty, Sgt. Hester was recognized ''for exceptionally valorous achievement'' during Operation Iraqi Freedom.

Sgt. Hester serves in the 617th Military Police Company, a National Guard unit from Kentucky, and was working in my hometown of Nashville when she was called to duty. Sgt. Hester comes from a family dedicated to serving our country and fighting for freedom on foreign soil. Her grandfather won a Bronze Star in World War II. Her uncle served valiantly in Vietnam. When asked about her service in Iraq and her Silver Star, Sgt. Hester told one newspaper that she was simply ''doing my job like any other soldier here.''

On March 20th, while her unit was being ambushed by enemy fire and under counter attack, Sgt. Hester helped to thwart an insurgent assault against a convoy of 26 supply vehicles that were ambushed by about 50 insurgents, southeast of Baghdad. According to an Army account, ''[Sgt.] Hester led her team through the 'kill zone' and into a flanking position, where she assaulted a trench line with grenades and M203 grenade-launcher rounds.'' Sgt. Hester killed at least three insurgents according to her award citation.

We honor Sgt. Hester now because the ''job'' she chose to do on March 20th was one so many Americans before her have also selflessly chosen: she put the lives of her fellow soldiers before her own. Her bravery distinguished her that day, just as her love of country and passion for freedom led her to join the National Guard in April of 2001.

Sgt. Hester has said she is looking forward to the day when her service in Iraq will be complete. She is looking forward to spend time with family and friends and her hopes for a new career. Sgt. Hester wants to continue to protect the lives of others when she comes home. She plans to pursue a career in law enforcement, a goal she has had since she was a child.

On behalf of the 5th District of Tennessee and the members of the House of Representatives, I thank Sgt. Leigh Ann Hester for her commitment to service—service to her country, her community and her fellow soldiers on the field of battle. I am honored to salute her today for her courage and her achievements. My thoughts and gratitude go out to her, her family and all of our men and women in combat who work to protect this Nation and bring peace to the world. And I look forward to the day when I can join with her friends and family in welcoming her back home.

HONORING ELSIE MELOCHE

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Elsie Meloche, a resident of the 5th Congressional District of Florida, and a woman who has achieved a great deal in her long life. On July 19, 2005 Elsie Meloche will be 102.

Mrs. Meloche was born in Leipzig, Germany but immigrated to the United States through Ellis Island on February 16, 1909. She moved with her family to Massachusetts shortly thereafter, making their home in Holyoke. Mrs. Meloche married Wilford B. Meloche and in 1972, moved to St. Petersburg, Florida where she made her home until 2003 and then moved to Arbor Trail in Inverness, Florida.

During her lifetime, Mrs. Meloche worked many different jobs before retiring from Westover Air Force Base in Chicopee, Massachusetts. With her free time she currently enjoys dancing, bingo, and reading a good book.

Mr. Speaker, I ask that you join me in honoring Elsie Meloche today. I hope we all have the good fortune to live as long as she has and with as much enjoyment. She is truly a remarkable woman and someone with an appreciation for the importance of friends, family, and happiness.

Daily Digest

HIGHLIGHTS

Senate passed H.R. 2360, Department of Homeland Security Appropriations.

Senate

Chamber Action

Routine Proceedings, pages S8247–S8330

Measures Introduced: Fifteen bills were introduced, as follows: S. 1396–1410. **Pages S8301–02**

Measures Reported: H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, with an amendment in the nature of a substitute. (S. Rept. No. 109–103)

S. 662, to reform the postal laws of the United States, with an amendment in the nature of a substitute. **Page S8301**

Measures Passed:

Department of Homeland Security Appropriations: By 96 yeas to 1 nay (Vote No. 189), Senate passed H. R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, after taking action on the following amendments proposed thereto: **Pages S8248–90**

Adopted:

Corzine Amendment No. 1208, to express the sense of the Senate that Federal standards should be established to protect United States chemical facilities from terrorist attacks. **Pages S8249–50**

Gregg (for Nelson (FL)) Amendment No. 1117, to provide for clear, concise, and uniform guidelines for reimbursement for hurricane debris removal for counties affected by hurricanes. **Page S8254**

Gregg (for Nelson (FL)) Amendment No. 1118, to provide for a report describing changes made to Federal emergency preparedness and response policies and practices in light of the May 20, 2005 Department of Homeland Security Inspector General's Report. **Page S8254**

Gregg (for Collins) Amendment No. 1137, to allow additional uses for funds provided under the law enforcement terrorism prevention grants. **Pages S8254–55**

Gregg (for Lott) Amendment No. 1108, to express the sense of the Senate regarding a study of the potential use of FM radio signals for an emergency messaging system. **Page S8255**

Gregg (for Lautenberg) Amendment No. 1197, to clarify authorization for port security grants. **Page S8255**

Gregg (for Nelson (FL)) Amendment No. 1194, to require the Under Secretary for Emergency Preparedness and Response to propose new inspection guidelines within 90 days of enactment that prohibit inspectors from entering into a contract with any individual or entity for whom the inspector performs an inspection for purposes of determining eligibility for assistance from the Federal Emergency Management Agency. **Page S8255**

Dorgan Modified Amendment No. 1111, to prohibit the use of funds appropriated under this Act to promulgate the regulations to implement the plan developed pursuant to section 7209(b) of the 9/11 Commission Implementation Act of 2004, to limit United States citizens to a passport as the exclusive document to be presented upon entry into the United States from Canada by land. **Page S8255**

Gregg (for Sarbanes) Amendment No. 1206, to require that funds be made available for the United States Fire Administration. **Pages S8279–82**

Gregg (for Landrieu) Amendment No. 1110, to give priority for port security grants to ports with high impact targets, including ports that accommodate liquified petroleum vessels or are close to liquified natural gas facilities. **Pages S8279–80**

Gregg (for Reid) Modified Amendment No. 1160, to require a report on the Homeland Security Advisory System. **Pages S8279–80**

Reid (for Byrd/Stabenow) Amendment No. 1224, to make certain funding revisions with respect to firefighter assistance grants, preparedness and recovery, interoperable communications grants, disaster relief, and the counterterrorism fund. **Pages S8280, S8282**

Durbin (for Boxer/Inhofe) Modified Amendment No. 1216, to provide for the strengthening of security at nuclear power plants. **Page S8282**

Gregg (for Sessions/Hatch) Modified Amendment No. 1140, to provide $5 million for costs incurred to train state and local personnel to perform immigration functions. **Page S8282**

Gregg (for Martinez/Ried) Modified Amendment No. 1144, to express the sense of the Senate regarding threat assessment of major tourist attractions. **Page S8282**

Gregg (for Kennedy) Amendment No. 1225 (to Amendment No. 1139), to provide funds for the Legal Orientation Program. **Pages S8282–83**

Gregg (for Sessions/Hatch) Modified Amendment No. 1139, to appropriate $1 million for entering information into the National Crime Information Center database. **Pages S8282–83**

Rejected:

By 38 yeas to 60 nays (Vote No. 179), Ensign Amendment No. 1219 (to Amendment No. 1124), of a perfecting nature. **Page S8251**

Gregg (for Ensign) Modified Amendment No. 1124, to transfer appropriated funds from the Office of State and Local Government Coordination and Preparedness to the U.S. Customs and Border Protection for the purpose of hiring 1,000 additional border agents and related expenditures. **Page S8251**

By 42 yeas to 56 nays (Vote No. 182), McCain Modified Amendment No. 1171, to increase the number of detention beds and positions or FTEs in the United States consistent with the number authorized in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), as amended. **Pages S8252–53**

Durbin (for Stabenow) Amendment No. 1217, to provide funding for interoperable communications equipment grants. **Page S8253**

By 46 yeas to 52 nays (Vote No. 185), Gregg Further Modified Amendment No. 1220, to allocate funds for certain terrorism prevention activities, including rail and transit security. **Pages S8265–66**

By 33 yeas to 64 nays (Vote No. 187), Frist Amendment No. 1223, to protect classified information and to protect our servicemen and women. **Pages S8268, S8279**

By 44 yeas to 53 nays (Vote No. 188), Reid Amendment No. 1222, to prohibit Federal employees who disclose classified information to persons not authorized to receive such information from holding a security clearance. **Pages S8253, S8268–79**

Withdrawn:

Akaka Amendment No. 1113, to increase funding for State and local grant programs and firefighter assistance grants. **Pages S8255–60**

Byrd Amendment No. 1200, to provide funds for certain programs authorized by the Federal Fire Prevention and Control Act of 1974. **Page S8283**

McCain Modified Amendment No. 1150, to increase the number of border patrol agents consistent with the number authorized in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458). **Page S8283**

During consideration of this measure today, the Senate also took the following actions:

By 45 yeas to 53 nays (Vote No. 180), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974, with respect to Schumer Amendment No. 1189, to provide that certain air cargo security programs are implemented. Subsequently, the point of order that the amendment would provide spending in excess of the subcommittee's 302(b) allocation was sustained, and the amendment thus fell. **Pages S8251–52**

By 36 yeas to 62 nays (Vote No. 181), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974, with respect to Schumer Amendment No. 1190, to appropriate $70,000,000 to identify and track hazardous materials shipments. Subsequently, the point of order that the amendment would provide spending in excess of the subcommittee's 302(b) allocation was sustained, and the amendment thus fell. **Page S8252**

By 35 yeas to 63 nays (Vote No. 183), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 402(b)(5) of H. Con. Res. 95, Congressional Budget Resolution, with respect to the emergency designation provision in Durbin (for Stabenow) Amendment No. 1217, to provide funding for interoperable communications equipment grants. Subsequently, a point of order that the emergency designation provision would violate section 402(b)(5) of H. Con. Res. 95 was sustained and the provision was stricken. **Page S8254**

By 43 yeas to 55 nays (Vote No. 184), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974, with respect to Reid (for Byrd)

Amendment No. 1218, to provide additional funding for intercity passenger rail transportation, freight rail, and mass transit. Subsequently, the point of order that the amendment would provide spending in excess of the subcommittee's 302(b) allocation was sustained, and the amendment thus fell.

Pages S8264–66

By 53 yeas to 45 nays (Vote No. 186), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974, with respect to Shelby Modified Amendment No. 1205, to allocate funds for certain terrorism prevention activities, including rail and transit security. Subsequently, the point of order that the amendment would provide spending in excess of the subcommittee's 302(b) allocation was sustained, and the amendment thus fell.

Pages S8260–64, S8266–68

A unanimous-consent agreement was reached providing that Hatch Amendment No. 1221, to clarify the source of funds allocated under Amendment No. 1171 to H.R. 2360, previously agreed to on July 13, 2005, was modified. **Page S8252**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Gregg, Cochran, Stevens, Specter, Domenici, Shelby, Craig, Bennett, Allard, Byrd, Inouye, Leahy, Mikulski, Kohl, Murray, Reid, and Feinstein. **Page S8290**

Congressional Award Act Authorization: Senate passed S. 335, to reauthorize the Congressional Award Act. **Page S8328**

Foreign Operations Appropriations—Agreement: A unanimous-consent agreement was reached providing for the consideration of H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, at 10 a.m. on Friday, July 15, 2005; provided further, that the committee amendment in the nature of a substitute be agreed to and considered as original text for the purpose of further amendment. **Page S8290**

Energy Policy Act—Agreement: A unanimous-consent agreement was reached providing that H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy, be printed, as passed.

Page S8328

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report requested in section 2106 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13) providing information on matters relating to the Palestinian Security Services and Palestinian Authority reform; which was referred to the Committee on Foreign Relations. (PM–17) **Page S8298**

Nominations Received: Senate received the following nominations:

Stewart A. Baker, of Virginia, to be an Assistant Secretary of Homeland Security.

Tracy A. Henke, of Missouri, to be Executive Director of the Office of State and Local Government Coordination and Preparedness, Department of Homeland Security.

1 Air Force nomination in the rank of general.

1 Marine Corps nomination in the rank of general.

Routine lists in the Foreign Service, Navy.

Pages S8328–30

Messages From the House: **Pages S8298–99**

Measures Referred: **Page S8299**

Measures Placed on Calendar: **Pages S8299, S8328**

Executive Communications: **Pages S8299–S8301**

Additional Cosponsors: **Pages S8302–04**

Statements on Introduced Bills/Resolutions: **Pages S8304–26**

Additional Statements: **Pages S8296–98**

Amendments Submitted: **Pages S8326–27**

Authority for Committees to Meet: **Pages S8327–28**

Privilege of the Floor: **Page S8328**

Record Votes: Eleven record votes were taken today. (Total–189) **Pages S8251–54, S8265–66, S8268, S8279, S8290**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 8:21 p.m. until 9:30 a.m., on Friday, July 15, 2005. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8328.

Committee Meetings

(Committees not listed did not meet)

CAPITOL VISITOR CENTER

Committee on Appropriations: Subcommittee on Legislative Branch held a hearing to examine the progress of the Capitol Visitor Center, receiving testimony from Alan M. Hantman, Architect of the Capitol; Bob Hixon, Capitol Visitor Center Project Manager; and Bernard L. Ungar, Director, and Terrell Dorn, Assistant Director, both of the Physical Infrastructure Issues, Government Accountability Office.

Hearing recessed subject to the call.

BUSINESS MEETING

Committee on Appropriations:

Committee ordered favorably reported H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, with an amendment in the nature of a substitute.

MILITARY JUSTICE

Committee on Armed Services: Subcommittee on Personnel concluded a hearing to examine military justice and detention policy in the global war on terrorism, after receiving testimony from Senator Wyden; Daniel J. Dell'Orto, Principal Deputy General Counsel, Department of Defense; Major General Thomas J. Romig, JAGC, USA, Judge Advocate General, U.S. Army; Rear Admiral James E. McPherson, JAGC, USN, Judge Advocate General, and Rear Admiral James M. McGarrah, CEC, USN, Director, Office of the Administrative Review of Detention of Enemy Combatants, both of the U.S. Navy; Brigadier General Kevin M. Sandkuhler, USMC, Staff Judge Advocate to the Commandant of the Marine Corps; Major General Jack L. Rives, USAF, Deputy Judge Advocate General, and Brigadier General Thomas L. Hemingway, USAF, Legal Advisor to the Appointing Authority for the Office of Military Commissions, both of the U.S. Air Force; William P. Barr, Arlington, Virginia, former Attorney General of the United States; Stephen A. Saltzburg, George Washington University Law School, Washington, D.C.; and John D. Hutson, Franklin Pierce Law Center, Concord, New Hampshire.

TERRORISM RISK INSURANCE ACT OF 2002

Committee on Banking, Housing, and Urban Affairs: Committee held a hearing to examine the Department of the Treasury's report to Congress entitled: 'Assessment: The Terrorism Risk Insurance Act of 2002', focusing on assessing the likely capacity of the property and casualty insurance industry to offer insurance for terrorism risk after the termination of the Terrorism Risk Insurance Program, receiving testimony from John W. Snow, Secretary of the Treasury; and Ben S. Bernanke, Chairman, Council of Economic Advisers.

Hearing recessed subject to the call.

Nominations:

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the nominations of Mark A. Limbaugh, of Idaho, who was introduced by Senator Craig, and R. Thomas Weimer, of Colorado, who was introduced by Senator Allard, each to be an Assistant Secretary of the Interior, after the nominees testified and answered questions in their own behalf.

NATIONAL PARK SERVICE

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded a hearing to examine the National Park Service's business strategy for operation and management of the national park system, the National Parks Business Plan Initiative (BPI), including development and implementation of business plans, use of business consultants, and incorporating business practices into day-to-day operations, after receiving testimony from Bruce Sheaffer, Comptroller, National Park Service, Department of the Interior; Thomas C. Kiernan, National Parks Conservation Association, Washington, D.C.; Reginald Hagood, Student Conservation Association, Arlington, Virginia; and Geoffrey A. Baekey, PricewaterhouseCoopers, LLP, Boston, Massachusetts.

NOMINATIONS

Committee on Environment and Public Works: Committee concluded a hearing to examine the nominations of Marcus C. Peacock, of Minnesota, to be Deputy Administrator, Susan P. Bodine, of Maryland, to be Assistant Administrator, Office of Solid Waste, who was introduced by Representative Duncan, and Granta Y. Nakayama, of Virginia, to be Assistant Administrator, Office of Enforcement and Compliance Assurance, all of the Environmental Protection Agency, after the nominees testified and answered questions in their own behalf.

NOMINATION

Committee on Foreign Relations: Committee concluded a hearing to examine the nomination of Henry Crumpton, of Virginia, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large, Department of State, after the nominee testified and answered questions in his own behalf.

CAPITAL REGION SECURITY

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine how prepared the National Capitol Region is for terrorism, focusing on how the National Capitol Region (NCR) is spending its homeland security grant funding, the organizational structures established to provide coordinated security, and if the NCR can be used as a model for security in other regions of the country, after receiving testimony from William O. Jenkins, Jr., Director, Homeland Security and Justice Issues, Government Accountability Office; Thomas J.

Lockwood, Director, Office of National Capital Region Coordination, Department of Homeland Security; George W. Foresman, Assistant to the Governor of Virginia for Commonwealth Preparedness, Richmond; Dennis R. Schrader, Director, Governor's Office of Homeland Security in the State of Maryland, Annapolis; and Edward D. Reiskin, Deputy Mayor, Public Safety and Justice for the District of Columbia.

HOMELAND SECURITY

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the Department of Homeland Security, focusing on an evaluation of the Department's operations, policies and structures to ensure that form and function are aligned to maximize the ability to achieve the security outcomes associated with the overriding mission of protecting the homeland, after receiving testimony from Michael Chertoff, Secretary of Homeland Security.

TERRORISM

Committee on Health, Education, Labor, and Pensions: Committee met to discuss preparing an effective and immediate public health response in the aftermath of a terrorism attack, with Leah M. Devlin, North Carolina Department of Health and Human Services, Raleigh; Tara O'Toole, University of Pittsburgh Medical Center, Pittsburgh, Pennsylvania; Elin Gursky, Advancing National Strategies and Enabling Results (ANSER), Arlington, Virginia; John M. Clerici, McKenna Long and Aldridge, and Chuck Ludlam, both of Washington, D.C.; George Barrett, Teva North America, North Wales, Pennsylvania; David P. Wright, PharmAthene, Annapolis, Maryland; Clay Elward, Caterpillar, Inc., Peoria, Illinois; Bronwen A. Kaye, Wyeth, Madison, New Jersey; George W. Conk, Fordham Law School, New York, New York; David Franz, National Agricultural Biosecurity Center, Manhattan, Kansas; and John Pournoor, 3M Corporation, St. Paul, Minnesota.

INDIAN HEALTH CARE IMPROVEMENT ACT AMENDMENTS

Committee on Indian Affairs/Committee on Health, Education, Labor, and Pensions: Committees concluded a joint hearing to examine S. 1057, to amend the Indian Health Care Improvement Act to revise and extend that Act, after receiving testimony from Charles W. Grim, Director, Indian Health Service, Department of Health and Human Services; Rachel A. Joseph Lone-Pine Paiute Shoshone Reservation, Lone Pine, California, on behalf of the National Steering Committee for the Reauthorization of the Indian Health Care Improvement Act, National Indian Health Board, and the National Congress of American Indians; Don Kashevaroff, Seldovia Village Tribe, Seldovia, Alaska, on behalf of the Tribal Self-Governance Advisory Committee, and the Alaska Native Tribal Health Consortium; Richard Brannan, Northern Arapaho Tribe, Fort Washakie, Wyoming; Ralph Forquera, Seattle Indian Health Board, Seattle, Washington; Mary Williard, Yukon-Kuskokwim Health Corporation, Bethel, Alaska, on behalf of the Alaska Native Health Board; and Robert M. Brandjord, Minnesota, on behalf of the American Dental Association.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

BUSINESS MEETING

Committee on the Judiciary: Committee approved their rules of procedure for the 109th Congress.

Also, committee resumed markup of S.1088, to establish streamlined procedures for collateral review of mixed petitions, but did not complete action thereon, and recessed subject to the call.

NOMINATIONS

Committee on Veterans Affairs: Committee concluded a hearing to examine the nominations of James Philip Terry, of Virginia, to be Chairman of the Board of Veterans' Appeals, Department of Veterans Affairs, who was introduced by Senator Allen, and Charles S. Ciccolella, of Virginia, to be Assistant Secretary of Labor for Veterans' Employment and Training, who was introduced by Senator Warner, after the nominees testified and answered questions in their own behalf.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 42 public bills, H.R. 3276–3317; and 5 resolutions, H.J. Res. 59–60; H. Con. Res. 209; and H. Res. 362–363 were introduced. **Pages H5912–14**

Additional Cosponsors: **Pages H5914–16**

Reports Filed: Reports were filed today as follows:

H.R. 1905, to amend the Small Tracts Act to facilitate the exchange of small tracts of land (H. Rept. 109–169, Pt. 1);

H.R. 1442, to complete the codification of title 46, United States Code, ''Shipping'', as positive law, amended (H. Rept. 109–170); and

H.R. 1461, to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes, amended (H. Rept. 109–171, Pt. 1). **Page H5912**

Energy Policy Act of 2005—Motion to Instruct Conferees: The House rejected the Capps motion to instruct conferees on H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy, which was debated yesterday, July 13, by a yea-and-nay vote of 201 yeas to 217 nays, Roll No. 373. **Page H5807**

Later, the Chair appointed the following Members of the House to the conference committee on the bill: from the Committee on Energy and Commerce, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. Barton of Texas, Hall, Bilirakis, Upton, Stearns, Gillmor, Shimkus, Shadegg, Pickering, Blunt, Bass, Dingell, Waxman, Markey, Boucher, Stupak, Wynn, and Ms. Solis; Provided that Mrs. Capps is appointed in lieu of Mr. Wynn for consideration of secs. 1501–1506 of the House bill, and secs. 221 and 223–225 of the Senate amendment, and modifications committed to conference; **Page H5809**

From the Committee on Agriculture, for consideration of secs. 332, 344, 346, 1701, 1806, 2008, 2019, 2024, 2029, and 2030 of the House bill, and secs. 251–253, 264, 303, 319, 342, 343, 345, and 347 of the Senate amendment, and modifications committed to conference: Messrs. Goodlatte, Lucas, and Peterson of Minnesota; **Page H5809**

From the Committee on Armed Services, for consideration of secs. 104, 231, 601–607, 609–612, and 661 of the House bill, and secs. 104, 281, 601–607, 609, 610, 625, 741–743, 1005, and 1006 of the Senate amendment, and modifications committed to conference: Messrs. Hunter, Weldon of Pennsylvania, and Skelton; **Page H5809**

From the Committee on Education and the Workforce, for consideration of secs. 121, 632, 640, 2206, and 2209 of the House bill, and secs. 625, 1103, 1104, and 1106 of the Senate amendment, and modifications committed to conference: Messrs. Norwood, Sam Johnson of Texas, and Kind; **Page H5809**

From the Committee on Financial Services, for consideration of secs. 141–149 of the House bill, and secs. 161–164 and 505 of the Senate amendment, and modifications committed to conference: Messrs. Oxley, Ney, and Ms. Waters; **Page H5809**

From the Committee on Government Reform, for consideration of secs. 102, 104, 105, 203, 205, 502, 624, 632, 701, 704, 1002, 1227, and 2304 of the House bill, and secs. 102, 104, 105, 108, 203, 502, 625, 701–703, 723–725, 741–743, 939, and 1011 of the Senate amendment, and modifications committed to conference: Messrs. Tom Davis of Virginia, Issa, and Ms. Watson; **Page H5809**

From the Committee on the Judiciary, for consideration of secs. 320, 377, 612, 625, 632, 663, 665, 1221, 1265, 1270, 1283, 1442, 1502, and 2208 of the House bill, and secs. 137, 211, 328, 384, 389, 625, 1221, 1264, 1269, 1270, 1275, 1280, and 1402 of the Senate amendment, and modifications committed to conference: Messrs. Sensenbrenner, Chabot, and Conyers; **Page H5809**

From the Committee on Resources, for consideration of secs. 204, 231, 330, 344, 346, 355, 358, 377, 379, Title V, secs. 969–976, 1701, 1702, Title XVIII, secs. 1902, 2001–2019, 2022–2031, 2033, 2041, 2042, 2051–2055, Title XXI, Title XXII, and Title XXIV of the House bill, and secs. 241–245, 252, 253, 261–270, 281, 311–317, 319–323, 326, 327, 342–346, 348, 371, 387, 391, 411–414, 416, and 501–506 of the Senate amendment, and modifications committed to conference: Mr. Pombo, Mrs. Cubin, and Mr. Rahall; **Page H5809**

From the Committee on Rules, for consideration of sec. 713 of the Senate amendment, and modifications committed to conference: Messrs. Dreier, Lincoln Diaz-Balart of Florida, and Ms. Slaughter; **Page H5809**

From the Committee on Science, for consideration of secs. 108, 126, 205, 209, 302, 401–404, 411, 416, 441, 601–607, 609–612, 631, 651, 652, 661, 711, 712, 721–724, 731, 741–744, 751, 754, 757, 759, 801–811, Title IX, secs. 1002, 1225–1227, 1451, 1452, 1701, 1820, and Title XXIV of the House bill, and secs. 125, 126, 142, 212, 230–232, 251–253, 302, 318, 327, 346, 401–407, 415, 503,

601–607, 609, 610, 624, 631–635, 706, 721, 722, 725, 731, 734, 751, 752, 757, 801, Title IX, Title X, secs. 1102, 1103, 1105, 1106, 1224, Title XIV, secs. 1601, 1602, and 1611 of the Senate amendment, and modifications committed to conference: Mr. Boehlert, Mrs. Biggert, and Mr. Gordon; Provided that Mr. Costello is appointed in lieu of Mr. Gordon for consideration of secs. 401–404, 411, 416, and 441 of the House bill, and secs. 401–407 and 415 of the Senate amendment, and modifications committed to conference; **Pages H5809–10**

From the Committee on Transportation and Infrastructure, for consideration of secs. 101–103, 105, 108, 109, 137, 205, 208, 231, 241, 242, 320, 328–330, 377, 379, 721–724, 741–744, 751, 755, 756, 758, 811, 1211, 1221, 1231, 1234, 1236, 1241, 1281–1283, 1285, 1295, 1442, 1446, 2008, 2010, 2026, 2029, 2030, 2207, and 2210 of the House bill, and secs. 101–103, 105, 107, 108, 281, 325, 344, 345, 383, 731–733, 752, 1211, 1221, 1231, 1233, 1235, 1261, 1263, 1266, and 1291 of the Senate amendment, and modifications committed to conference: Messrs. Young of Alaska, Petri, and Oberstar; and **Page H5810**

From the Committee on Ways and Means, for consideration of Title XIII of the House bill, and secs. 135, 405, Title XV, and sec. 1611 of the Senate amendment, and modifications committed to conference: Messrs. Thomas, Camp, and Rangel. **Page H5810**

Suspensions: The House agreed to suspend the rules and pass the following measures which were debated on Wednesday, July 13:

Condemning the terrorist attacks in London, England on July 7, 2005: H. Res. 356, condemning in the strongest terms the terrorist attacks in London, England, on July 7, 2005, by a 2/3 yea-and-nay vote of 416 yeas with none voting ''nay'', Roll No. 375; and **Pages H5808–09**

Commemorating the 60th anniversary of the conclusion of the war in the Pacific and honoring the veterans of WWII: H. Con. Res. 191, amended, commemorating the 60th anniversary of the conclusion of the war in the Pacific and honoring veterans of both the Pacific and Atlantic theaters of the Second World War, by a 2/3 yea-and-nay vote of 399 yeas with none voting ''nay'', Roll No. 379. **Pages H5880–81**

Agreed to amend the title so as to read: commemorating the 60th anniversary of the conclusion of the War in the Pacific and honoring veterans of both the Pacific and Atlantic theaters of the Second World War. **Page H5881**

Suspensions—Failed: The House failed to agree to suspend the rules and pass the following measure, which was debated on Wednesday, July 13:

East Asia Security Act of 2005: H.R. 3100, to authorize measures to deter arms transfers by foreign countries to the People's Republic of China, by a 2/3 yea-and-nay vote of 215 yeas to 203 nays, Roll No. 374. **Pages H5807–08**

Moment of Silence: The House observed a moment of silence in memory of the victims of the London bombings and in support of the British people. **Page H5808**

Water Resources Development Act of 2005: The House passed H.R. 2864, 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, by a yea-and-nay vote of 406 yeas to 14 nays, Roll No. 378. **Pages H5810–80**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Transportation & Infrastructure now printed in the bill was considered as an original bill for the purpose of amendment. **Pages H5879–80**

Agreed to:

Duncan amendment (no. 1 printed in H. Rept. 109–160) that makes a number of technical and conforming changes to project-related provisions, and authorizes or modifies additional projects brought to the Committee's attention; **Pages H5863–69**

Menendez amendment (no. 2. printed in H. Rept. 109–160) that provides an authorization for the environmental restoration project in Liberty State Park, New Jersey, contingent on a favorable Chief's report being issued prior to December 31, 2005; **Pages H5869–70**

Stupak amendment (no. 3 printed in H. Rept. 109–160) that directs the Secretary of the Army Corps to budget and request appropriations for operation and maintenance of harbor dredging projects based only upon criteria used for such projects in FY04; and **Pages H5870–72**

Kind amendment (no. 7 printed in H. Rept. 109–160) that adds a new provision requiring the Secretary to make an annual report to Congress on whether lock and dam construction and ecosystem restoration projects are being carried out at comparable rates. **Pages H5876–78**

Rejected:

Rohrabacher amendment (no. 4 printed in H. Rept. 109–160) that sought to allow U.S. ports to levy a container or tonnage fee on imports (by a recorded vote of 111 ayes to 310 noes, Roll No. 376); and **Pages H5872–73, H5878–79**

Flake amendment (no. 6 printed in H. Rept. 109–160) that sought to amend the Mississippi River-Illinois Water Way Project to allow construction of locks and dams if certain requirements are met (by a recorded vote of 105 ayes to 315 noes, Roll No. 377). **Pages H5873–76, H5879**

H. Res. 346, the rule providing for consideration of the bill was agreed to yesterday, July 13.

Privileged Senate Message: The House received a privileged message from the Senate requesting that the House return to the Senate the papers accompanying H.R. 2985, Legislative Branch Appropriations Act for FY 2006. **Page H5810**

Meeting Hour: Agreed that when the House adjourn today, it adjourn to meet at 12:30 p.m. on Monday, July 18 for morning hour debate, and when the House adjourns on Monday, it adjourn to meet at 9 a.m. on Tuesday July 19. **Page H5910**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, July 20. **Page H5882**

Celebrating Walt Disney's contributions to our nation: The House agreed by unanimous consent to H. Res. 355, celebrating Walt Disney's contributions to our nation. **Pages H5883–84**

Agreed to the Tom Davis of Virginia amendment to the preamble. **Page H5884**

Presidential Message: Read a message from the President wherein he submitted a report providing information on matters relating to the Palestinian Security Service and Palestinian Authority reform—referred to the Committee on International Relations and ordered printed (H. Doc.109–44). **Page H5910**

Senate Message: Message received from the Senate today appears on pages H5803 and H5910.

Senate Referrals: S. 1395 was held at the desk. **Page H5803**

Quorum Calls—Votes: Four yea-and-nay votes and two recorded votes developed during the proceedings of today and appear on pages H5807, H5808, H5808–09, H5878–79, H5879, H5880 and H5880–81. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 7:14 p.m.

Committee Meetings

OVERSIGHT—BUREAU OF LAND MANAGEMENT/FOREST SERVICE NATIONAL FIRE PLAN

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies held an oversight hearing on Bureau of Land Management/Forest Service National Fire Plan. Testimony was heard from the following officials of the USDA: Mary Rey, Under Secretary, Natural Resources and Environment; and Dale Bosworth, Chief, Forest Service; Robert A. Robinson, Managing Director, Natural Resources and Environment, GAO; Lynn Scarlett, Assistant Secretary, Policy, Management and Budget, Department of the Interior; and Bruce D. McDowell, Fellow National Academy of Public Administration.

MID-SESSION REVIEW BUDGET FISCAL YEAR 2005

Committee on the Budget: Held a hearing on Mid-Session Review Budget of the United States Government Fiscal Year 2006. Testimony was heard from Joshua B. Bolten, Director, OMB.

COLLEGE ACCESS AND OPPORTUNITY ACT OF 2005

Committee on Education and the Workforce: Subcommittee on 21st Century Competitiveness approved for full Committee action, as amended, H.R. 609, College Access and Opportunity Act of 2005.

STATE HIGH RISK POOL FUNDING EXTENSION ACT; PATIENT SAFETY AND QUALITY IMPROVEMENT ACT

Committee on Energy and Commerce: Subcommittee on Health approved for full Committee action the following bills: H.R. 3204, State High Risk Pool Funding Extension Act of 2005; and H.R. 3205, Patient Safety and Quality Improvement Act.

PROJECT BIOSHIELD—ONE YEAR LATER

Committee on Government Reform: Held a hearing entitled ''One Year Later: Evaluating the Effectiveness of Project BioShield.'' Testimony was heard from the following officials of the Department of Health and Human Services: Stewart Simonson, Assistant Secretary, Public Health Emergency Preparedness; and Anthony S. Fauci, M.D., Director, National Institute of Allergy and Infectious Diseases, NIH; John Vitko, Jr., Director, Homeland Security Science and Technology Advisory Committee, Department of Homeland Security; and public witnesses.

HOMELAND SECURITY DEPARTMENT REVIEW

Committee on Homeland Security: Held a hearing entitled ''The Secretary's Second-Stage Review: Rethinking the Department of Homeland Security's Organization and Policy Direction.'' Testimony was heard from Michael Chertoff, Secretary of Homeland Security.

NORTH KOREAN NUCLEAR NEGOTIATIONS

Committee on International Relations: Subcommittee on Asia and the Pacific held a hearing entitled ''North Korean Nuclear Negotiations: Strategies and Prospects for Success.'' Testimony was heard from public witnesses.

FEDERAL PRISON INDUSTRIES COMPETITION IN CONTRACTING ACT OF 2005

Committee on the Judiciary: Began markup of H.R. 2965, Federal Prison Industries Competition in Contracting Act of 2005.

NEW YORK TRIBAL LAND CLAIMS

Committee on Resources: Held a hearing entitled ''Status of Settling Recognized Tribes' Land Claims in the State of New York.'' Testimony was heard from Michael Olsen, Acting Principal Deputy Assistant Secretary, Indian Affairs, Department of the Interior; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Forests and Forest Health held a hearing on the following bills: H.R. 233, Northern California Coastal Wild Heritage Wilderness Act; H.R. 1129, Pitkin County Land Exchange Act of 2005; H.R. 2720, Salt Cedar and Russian Olive Control Demonstration Act; and H.R. 2875, Public Lands Corps Healthy Forests Restoration Act of 2005. Testimony was heard from the following officials of the Department of the Interior: Chad Calvert, Deputy Assistant Secretary, Lands and Minerals Management; and Jim Tate, Science Advisor to the Secretary; Joel Holtrop, Deputy Chief, National Forest System, Forest Service, USDA; Sam Aanestad, Senator, State of California; and public witnesses.

NASA AUTHORIZATION ACT OF 2005

Committee on Science: Ordered reported, as amended, H.R. 3070, National Aeronautics and Space Administration Authorization Act of 2005.

MISCELLANEOUS MEASURES

Committee on Small Business: Ordered reported, as amended, the following bills: H.R. 230, National Small Business Regulatory Assistance Act of 2005; H.R. 527, Vocational and Technical Entrepreneurship Development Act of 2005; H.R. 2981, To amend the Small Business Act to expand and improve the assistance provided by Small Business Development Centers to Indian tribe members, Native Alaskans, and Native Hawaiians; and H.R. 3207, Second-Stage Small Business Development Act of 2005.

OVERSIGHT—CELL USE ON AIRCRAFT

Committee on Transportation and Infrastructure: Subcommittee on Aviation held an oversight hearing on Cell Phones on Aircraft: Nuisance or Necessity? Testimony was heard from Nicholas Sabatini, Associate Administrator, Aviation Safety, FAA, Department of Transportation; Julius Knapp, Deputy Chief, Office of Engineering and Technology, FCC; Laura Parsky, Deputy Assistant Attorney General, Criminal Division, Department of Justice; and a public witness.

DISASTER RELIEF EQUITY ACT; RURAL DISASTER ASSISTANCE FAIRNESS ACT

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings and Emergency Management approved for full Committee the following bills: H.R. 3208, Disaster Relief Equity Act of 2005; and H.R. 2338, amended, Rural Disaster Assistance Fairness Act of 2005.

VETERANS' MEASURES

Committee on Veterans' Affairs: Ordered reported the following measures: H.R. 3200, Servicemembers' Group Life Insurance Enhancement Act of 2005; and H. Res. 361, Recognizing the 75th anniversary of the establishment of the Veterans Administration on July 21, 1930.

WELFARE AND WORK DATA

Committee on Ways and Means: Subcommittee on Human Resources held a hearing on Welfare and Work Data. Testimony was heard from Wade F. Horn, Assistant Secretary, Children and Families, Department of Health and Human Services.

BRIEFING—GLOBAL UPDATES

Permanent Select Committee on Intelligence: Met in executive session to receive a Briefing on Global Updates. Testimony was heard from departmental witnesses.

Joint Meetings

ENERGY POLICY ACT

Conferees met to resolve the differences between the Senate and House passed versions of H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy, but did not complete action thereon, and will meet again on Tuesday, July 19, 2005.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D 739)*

H.R. 120, to designate the facility of the United States Postal Service located at 30777 Rancho California Road in Temecula, California, as the ''Dalip

Singh Saund Post Office Building''. Signed on July 12, 2005. (Public Law 109–22)

H.R. 289, to designate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the ''Sergeant First Class John Marshall Post Office Building''. Signed on July 12, 2005. (Public Law 109–23)

H.R. 324, to designate the facility of the United States Postal Service located at 321 Montgomery Road in Altamonte Springs, Florida, as the ''Arthur Stacey Mastrapa Post Office Building''. Signed on July 12, 2005. (Public Law 109–24)

H.R. 504, to designate the facility of the United States Postal Service located at 4960 West Washington Boulevard in Los Angeles, California, as the ''Ray Charles Post Office Building''. Signed on July 12, 2005. (Public Law 109–25)

H.R. 627, to designate the facility of the United States Postal Service located at 40 Putnam Avenue in Hamden, Connecticut, as the ''Linda White-Epps Post Office''. Signed on July 12, 2005. (Public Law 109–26)

H.R. 1072, to designate the facility of the United States Postal Service located at 151 West End Street in Goliad, Texas, as the ''Judge Emilio Vargas Post Office Building''. Signed on July 12, 2005. (Public Law 109–27)

H.R. 1082, to designate the facility of the United States Postal Service located at 120 East Illinois Avenue in Vinita, Oklahoma, as the ''Francis C. Goodpaster Post Office Building''. Signed on July 12, 2005. (Public Law 109–28)

H.R. 1236, to designate the facility of the United States Postal Service located at 750 4th Street in Sparks, Nevada, as the ''Mayor Tony Armstrong Memorial Post Office''. Signed on July 12, 2005. (Public Law 109–29)

H.R. 1460, to designate the facility of the United States Postal Service located at 6200 Rolling Road in Springfield, Virginia, as the ''Captain Mark Stubenhofer Post Office Building''. Signed on July 12, 2005. (Public Law 109–30)

H.R. 1524, to designate the facility of the United States Postal Service located at 12433 Antioch Road in Overland Park, Kansas, as the ''Ed Eilert Post Office Building''. Signed on July 12, 2005. (Public Law 109–31)

H.R. 1542, to designate the facility of the United States Postal Service located at 695 Pleasant Street in New Bedford, Massachusetts, as the ''Honorable Judge George N. Leighton Post Office Building''. Signed on July 12, 2005. (Public Law 109–32)

H.R. 2326, to designate the facility of the United States Postal Service located at 614 West Old County Road in Belhaven, North Carolina, as the ''Floyd Lupton Post Office''. Signed on July 12, 2005. (Public Law 109–33)

S. 1282, to amend the Communications Satellite Act of 1962 to strike the privatization criteria for INTELSAT separated entities, remove certain restrictions on separated and successor entities to INTELSAT. Signed on July 12, 2005. (Public Law 109–34)

COMMITTEE MEETINGS FOR FRIDAY, JULY 15, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, and International Security, to hold an oversight hearing to examine the United States' relationship with the World Trade Organization, focusing on the role of the World Trade Organization and its impact on national sovereignty and economic security, 9:30 a.m., SD–562.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

9:30 a.m., Friday, July 15

Senate Chamber

Program for Friday: After the transaction of any morning business (not to extend beyond 10 a.m.), Senate will begin consideration of H.R. 3057, Foreign Operations Appropriations.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, July 18

House Chamber

Program for Monday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

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