CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

WATER RESOURCES DEVELOPMENT ACT OF 2005

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

The assistant legislative clerk read as follows:

A bill (S. 728) to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

The PRESIDING OFFICER. The Senator from Wisconsin.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

And finally,

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Vermont is recognized.

AMENDMENT NO. 4681

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

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

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

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

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

AMENDMENT NO. 4681, AS MODIFIED

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

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

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

Strike section 2007 and insert the following:

SEC. 2007. INDEPENDENT PEER REVIEW.

(a) DEFINITIONS.—In this section:

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

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

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

(c) SOUND PROJECT PLANNING.—

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

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

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

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

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

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

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

(2) PROJECT PLANNING REVIEW PANELS.—

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

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

(i) economic and environmental assumptions and projections;

(ii) project evaluation data;

(iii) economic or environmental analyses;

(iv) engineering analyses;

(v) formulation of alternative plans;

(vi) methods for integrating risk and uncertainty;

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

(viii) any related biological opinions.

(C) PROJECT PLANNING REVIEW RECORD.—

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

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

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

(D) DEADLINES FOR PROJECT PLANNING REVIEWS.—

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

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

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

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

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

(d) SAFETY ASSURANCE.—

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

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

(B) that uses innovative materials or techniques;

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

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

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

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

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

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

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

(e) EXPENSES.—

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

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

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

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

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

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

Mr. FEINGOLD. I thank the Chair.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In a nutshell, that is what the amendment does.

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Vermont is recognized.

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

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

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

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

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

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

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

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

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

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

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

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

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

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

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

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

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

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

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

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

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

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

> An organization of civil engineers yesterday questioned the soundness of large portions of New Orleans' levee system, warning that the city's federally designed flood walls were not built to standards stringent enough to protect a large city.
>
> The group faulted the agency responsible for the levees, the Army Corps of Engineers, for adapting safety standards that were ''too close to the margin'' to protect human life. It also called for an urgent reexamination of the entire levee system, saying there are no assurances that the miles of concrete ''I-walls'' in New Orleans will hold up against even a moderate hurricane.

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

> Corps officials said they had already taken steps to address problems identified in the letter, starting with an effort to replace miles of I-walls with sturdier structures. But agency officials insisted the Corps was not solely to blame for weaknesses in the system.
>
> ''We have done the best things we could have done. We live here,'' spokeswoman Susan J. Jackson said. . . .
>
> The American Society of Civil Engineers panel is one of three independent teams investigating the failure of the New Orleans levees, and until now it has been the most cautious in its public criticisms. The other investigating teams quickly endorsed its findings.
>
> ''We agree that every single foot of the I-walls is suspect,'' said Ivor van Heerden, leader of a Louisiana-appointed team of engineers. ''When asked, we have constantly urged anyone returning to New Orleans to exercise caution . . .

We are talking about a pretty serious situation here.

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

> In 2000, when I was writing a 50,000-word Washington Post series about dysfunction at the Army Corps of Engineers, I highlighted a $65 million flood control project in Missouri as Exhibit A. Corps documents showed that the project would drain more acres of wetlands than all U.S. developers do in a typical year, but wouldn't stop flooding in the town it was meant to protect. FEMA'S director called it ''a crazy idea''; the Fish and Wildlife Service's regional director called it ''absolutely ridiculous.''
>
> Six years later, the project hasn't changed—except for its cost, which has soared to $112 million.

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

> Larry Prather, chief of legislative management for the Corps, privately described it in a 2002 e-mail as an ''economic dud with huge environmental consequences.'' Another Corps official called it ''a bad project. Period.'' But the Corps still wants to build it.
>
> ''Who can take this seriously?'' Prather asked in his e-mail. That's a good thing question to ask about the entire civil works program of the Corps.

It goes on to say:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

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

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

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

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

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

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

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. I just did.

The PRESIDING OFFICER. The Senator from Missouri.

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

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

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

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

Do we want to subject these people to continued flooding?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

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

Mr. JEFFORDS. Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

I very much hope this amendment succeeds.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator from Arizona is recognized.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I will yield the floor.

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Iowa.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Oklahoma.

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

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

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

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

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

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

The Senator from Utah.

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

The PRESIDING OFFICER. The Senator from Wisconsin.

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

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

The Senator from New York.

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

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

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 4682

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

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

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

The assistant legislative clerk read as follows:

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Wisconsin.

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

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

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

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

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

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

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

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

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

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

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

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

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

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

The PRESIDING OFFICER. The Senator from Delaware is recognized.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

> Words alone will not restore trust in the Corps.

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

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

I yield back my time.

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

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

The PRESIDING OFFICER. The Senator from Missouri is recognized.

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

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

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

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

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

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

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

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

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

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

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

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

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

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

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

The PRESIDING OFFICER. The Senator from California.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Wisconsin.

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

The PRESIDING OFFICER. There is 31 minutes remaining.

Mr. FEINGOLD. I thank the Presiding Officer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

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

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

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

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

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

GAO went on to note that the planning studies:

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

Later in its report, GAO even says:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I ask unanimous consent they be printed following my remarks.

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

(See exhibit 1.)

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

The PRESIDING OFFICER. The Senator has 15½ minutes.

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

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

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

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

I ask unanimous consent that be printed in the RECORD.

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

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

COURSE CORRECTION

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

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

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

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

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

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

Those are simple steps in the right direction.

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

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

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

Mr. FEINGOLD. Winston-Salem Journal:

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

The Miami Herald:

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

San Francisco Chronicle:

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

The Commercial Appeal—Tennessee:

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

The Cleveland Plain Dealer:

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

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

EXHIBIT 1

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

COUNTING ON CORPS REFORM

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A CHANCE TO REFORM THE CORPS

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

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

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

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

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

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

AMENDMENT WOULD REFORM ARMY CORPS PROJECT FUNDING

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

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

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

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

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

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

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

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

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

We hope senators agree.

[From the Washington Post, June 7, 2006]

KATRINIA'S UNLEARNED LESSONS

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

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

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

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

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

PROTECT TAXPAYERS FROM BOONDOGGLES

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

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

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

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

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

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

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

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

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

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

[From the Tallahassee Democrat, July 9, 2006]

GET TO THE CORPS—FLORIDA SENATORS SHOULD BACK REFORMS

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

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

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

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

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

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

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

PUT A LOCK ON BOONDOGGLING

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

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

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

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

[From the Buffalo News, July 17, 2006]

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

(By Larry Schweiger)

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

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

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

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

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

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

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

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

[From the Concord Monitor, July 17, 2006]

PUT A STOP TO CORPS OF ENGINEERS BOONDOGGLES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

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

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

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

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

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

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

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

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

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

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

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

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

I could go on.

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

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

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

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

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

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

U.S. SENATE,
Washington, DC.

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

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

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

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

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

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

Sincerely,

GENE KARPINSKI,
President.

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

July 17, 2006.

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

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

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

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

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

Sincerely.

Rebecca Wodder, President, American Rivers.

Buck Parker, Executive Director, Earthjustice.

Brent Blackwelder, President, Friends of the Earth.

Martha Marks, President, Republicans for Environmental Protection.

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

Roger Schlickeisen, President and CEO, Defenders of Wildlife.

Fred Krupp, President, Environmental Defense.

Larry Schweiger, President and CEO, National Wildlife Federation.

Carl Pope, Executive Director, Sierra Club.

JUNE 9, 2006.

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

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

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

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

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

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

Sincerely,

ANDY BUCHSBAUM,
Director, Great Lakes Natural Resource Center.

SAM WASHINGTON,
Executive Director, Michigan United Conservation Clubs.

THE IZAAK WALTON LEAGUE OF AMERICA,

Gaithersburg, MD, July 17, 2006.

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

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

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

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

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

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

Sincerely,

BRADLEY REDLIN,
Director, Agricultural Programs.

TENNESSEE WILDLIFE RESOURCES AGENCY, ELLINGTON AGRICULTURAL CENTER,

Nashville, TN, July 17, 2006.

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

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

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

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

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

Sincerely,

TIM CHURCHILL,
Tennessee Wildlife Resources Agency.

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

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

The PRESIDING OFFICER. Who yields time?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

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

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

Mr. FEINGOLD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

Mr. INHOFE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

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

The PRESIDING OFFICER. Who yields time?

The Senator from Arizona.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. President, I yield the floor.

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

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

Who yields time?

The Senator from Wisconsin.

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

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

[Rollcall Vote No. 208 Leg.]

YEAS—54

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

NAYS—46

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

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

Mr. FEINGOLD. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 4682

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

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

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

The clerk will call the roll.

The legislative clerk called the roll.

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

[Rollcall Vote No. 209 Leg.]

YEAS—49

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

NAYS—51

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

The amendment (No. 4682) was rejected.

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

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

The motion to lay on the table was agreed to.

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

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

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

The PRESIDING OFFICER. Is there objection?

The Senator from Missouri is recognized.

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

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

Mr. TALENT. That will be fine.

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

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

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

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

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

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

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

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

I yield the floor.

AMENDMENT NO. 4684

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

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

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

SEC. 2007. WATER RESOURCES CONSTRUCTION PROJECT PRIORITIZATION REPORT.

(a) PRIORITIZATION REPORT.—

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

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

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

(B) each water resources project authorized for construction—

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

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

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

(3) PRIORITIZATION REQUIREMENTS.—

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

(i) be categorized by project type; and

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

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

(i) be classified by the project type that best represents the primary project purpose, as determined by the Coordinating Committee; and

(ii) be classified into the tier system described in subparagraph (A)(ii) within that project type.

(C) TIER SYSTEM REQUIREMENTS.—In establishing a tier system under subparagraph (A)(ii), the Secretary shall ensure that—

(i) each tier is limited to $5,000,000,000 in total authorized project costs; and

(ii) includes not more than 100 projects.

(4) REQUIREMENT.—In preparing reports under paragraph (1), the Coordinating Committee shall balance, to the maximum extent practicable—

(A) stability in project prioritization between reports; and

(B) recognition of newly-authorized construction projects and changing needs of the United States.

(b) NATIONAL PRIORITY CRITERIA.—

(1) IN GENERAL.—In preparing a report under subsection (a), the Coordinating Committee shall prioritize water resources construction projects within the applicable category based on an assessment by the Coordinating Committee of the following criteria:

(A) For flood and storm damage reduction projects, the extent to which the project—

(i) addresses critical flood damage reduction needs of the United States, including by reducing the risks to loss of life by considering current protection levels; and

(ii) avoids increasing risks to human life or damages to property in the case of large flood events, avoids adverse environmental impacts, or produces environmental benefits.

(B) For navigation projects, the extent to which the project—

(i) addresses priority navigation needs of the United States, including by having a high probability of producing the economic benefits projected with respect to the project and reflecting regional planning needs, as applicable; and

(ii) avoids adverse environmental impacts.

(C) For environmental restoration projects, the extent to which the project—

(i) addresses priority environmental restoration needs of the United States, including by restoring the natural hydrologic processes and spatial extent of an aquatic habitat while being, to the maximum extent practicable, self-sustaining; and

(ii) is cost-effective or produces economic benefits.

(2) BENEFIT-TO-COST RATIOS.—In prioritizing water resources projects under subsection (a)(3) that require benefit-to-cost ratios for inclusion in a report under subsection (a)(1), the Coordinating Committee shall assess and take into consideration the benefit-to-cost ratio and the remaining benefit-to-cost ratio of each project.

(3) FACTORS FOR CONSIDERATION.—In preparing reports under subsection (a)(1), the Coordinating Committee may take into consideration any additional criteria or subcriteria, if the criteria or subcriteria are fully explained in the report.

(4) STATE PRIORITIZATION DETERMINATIONS.—The Coordinating Committee shall

establish a process by which each State may submit to the Coordinating Committee for consideration in carrying out this subsection any prioritization determination of the State with respect to a water resources project in the State.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Coordinating Committee shall submit to Congress proposed recommendations with respect to—

(A) a process to prioritize water resources projects across project type;

(B) a process to prioritize ongoing operational activities carried out by the Corps of Engineers;

(C) a process to address in the prioritization process recreation and other ancillary benefits resulting from the construction of Corps of Engineers projects; and

(D) potential improvements to the prioritization process established under this section.

(2) CONTRACTS WITH OTHER ENTITIES.—The Coordinating Committee may offer to enter into a contract with the National Academy of Public Administration or any similar entity to assist in developing recommendations under this subsection.

Mr. MCCAIN. Mr. President, if I may ask the distinguished chairman, have we entered into a time agreement on this amendment?

Mr. INHOFE. Yes, we have. In fact, I will be bringing up mine, and we will consider them jointly. There will be 1 hour equally divided.

Mr. MCCAIN. I thank my colleague.

Mr. President, I ask unanimous consent that the Senator from Ohio be recognized for however much time he may take in support of the amendment.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I would like to second the remarks of Senator INHOFE about Senator JEFFORDS. I have had an opportunity to work with Senator JEFFORDS now for 8 years. We have had our good days and bad days, but we never had good days and bad days between us. I consider him to be an outstanding Senator and a gentleman. I appreciate the courtesies which he has extended me over the years of his distinguished career.

Mr. JEFFORDS. I thank the Senator for his remarks. It has been a privilege to work with him. We got some things done.

Mr. VOINOVICH. Mr. President, I rise in support of the Water Resources Development Act of 2006.

I commend Senators INHOFE, JEFFORDS, and BOND—and their staffs—for their hard work and strong leadership in putting together a bipartisan bill. As a member of the Environment and Public Works Committee, I am pleased to have been a part of this effort. But I want to make it clear that Senator INHOFE is the driving force and Senator BOND kept pushing us. If it wasn't for their unbelievable commitment to this, we wouldn't be here today.

It has been 6 years since the Congress last passed a Water Resources and Development reauthorization bill. I remember it because I was chairman of the subcommittee that handled the bill. The time has come to finally pass this legislation.

America's infrastructure and waterways system is the foundation of our economy. For too long, we have been ignoring our infrastructure, but Katrina was a wake-up call for all of us. In the wake of this disaster, we saw firsthand the devastating impact of a weak infrastructure on our people and our economy. The more we continue to fail to fund our water infrastructure, the more we are putting our Nation's competitiveness at risk in this global marketplace.

It has a new dimension to it because if we are going to compete in the global marketplace, we need to build the infrastructure for competitiveness, and we have had our heads in the sand in terms of the condition of that infrastructure. It is a critical piece of America's competitiveness.

Our infinite needs are overwhelming and being squeezed. We should be rebuilding an infrastructure so that the new generation has at least the same opportunity to enjoy our standard of living and quality of life.

Right now, our infrastructure is collapsing due to insufficient funding. Congress desperately needs to provide increased funding for the Army Corps of Engineers, including funding for levees and funding for additional engineers.

I have been concerned about the backlog of unfunded Corps projects since I was chairman of the Subcommittee on Transportation and Infrastructure in 1999. When I arrived in the Senate in 1999, the backlog of unfunded Corps operation and maintenance projects was $250 million. Today, it is $1.2 billion. At that time, there was a backlog of $38 billion active water resource projects waiting for Federal funding. I want to emphasize that.

Today, according to the administration, there are about $50 billion in Army Corps construction projects that are in need of Federal funding.

Despite these needs, the Corps is currently able to function only at 50-percent capacity at the rate of funding proposed by the budget. It is hard to believe when you consider what we have had with Katrina.

Annual appropriations for the Corps' construction accounts has fallen from a $4 billion average in the mid-1960s to a $1.5 billion average for 1996 through 2005.

The stark reality is at the current levels of construction appropriations, the Corps' water resource projects, we already have more water resource projects authorized for construction than we can complete. At the current low levels of construction, it would take 25 years to complete the active projects in the backlog without even considering additional project authorizations that are in this bill.

That is why I am supporting the prioritization amendment offered by Senator MCCAIN and Senator FEINGOLD.

I tried to get this kind of amendment back 5 or 6 years ago, but it was rebuffed. We don't want to do that. We don't want to prioritize anything. It might be someone's special project, and it may not get on the list where they would like it to be. So let's not do that.

Unfortunately, appropriations for the Corps program have not been adequate to meet the needs that have been identified in our Nation. We have also been asking the Corps to do more with less. I am all for trimming fat from the Federal budget and practicing fiscal discipline, but the Corps of Engineers budget is not fat—it is the bread and butter of our economy and our infrastructure.

I believe this amendment will reduce this backlog. This amendment would allow the Water Resources Coordinating Committee, an interagency task force that has been established in the underlying bill, to establish transparent, project-specific national priority criteria, classify projects either currently under construction or authorized into a tier system based on that criteria, and then issue a nonbinding prioritization report to the authorizing and appropriations committees.

I will bet you that a lot of what they have against this is because they do not want anyone to tinker with what they do. The fact is, I think we owe it to them to make sure they have some priority list as to the importance of these projects as well as the Office of Management and Budget to help guild them in their funding decisions. This report would also be made available to the public.

I believe this report would ensure that the most critical projects in the Nation are receiving adequate funding. Katrina showed us the importance of prioritization.

We need a comprehensive prioritization system to ensure that Congress has the information it needs to direct limited Federal resources to the most urgent projects.

When I was Governor of the State of Ohio, the State had hundreds of highway projects that every preceding Governor had promised each municipality would be built. It is whatever you want, you got it. The list was unbelievable. The projects would have cost the State of Ohio between $5 billion and $6 billion to build, whereas the State typically only received between $100 million and $300 million a year. At the time, it would have taken decades to build all the projects my constituents asked for, even if another new project was not added to the list for years.

In order to deal with the imbalance between demand and available revenue, I created an objective, criteria-driven project selection process called the Transportation Review Advisory Council, or TRAC. This process gives paramount consideration to effective management of the backlog to assure that it only includes needed projects that

are economically justified, environmentally acceptable, and supported by willing and financially capable, nonfederal sponsors. The State is required to balance this project list with the State's revenue projections.

The TRAC also is required to issue a 4-year fiscal forecast after Congress passes each highway bill to get an idea of how much money we are going to get. It made no sense for the State of Ohio to continue project development on projects worth millions of dollars that had no realistic hope of ever being built. I think my constituents are much better served by this system because the State is investing its resources in projects that will become a reality in the near future.

I am sure the President would understand this. When you have a highway bill, a lot of the Congressmen would put in earmarks on projects. And today when they are earmarking, they earmark it for projects that are on that list because they know that the money will be spent for the project.

We need to take similar steps in the Senate in addressing our water resource needs. It is long overdue with the limited resources that we have. Hopefully, one day we will face up to those limited resources in terms of our infrastructure. We need a prioritization.

I think Senator MCCAIN and Senator FEINGOLD have put together a very good amendment.

Again, I know it may be controversial for some of the authorizers, but it is time that we do this.

The passage of another WRDA bill cannot be delayed any further. It is simply too important to our Nation in terms of its benefits to our economy and environment and for the speedy recovery for the areas affected by Hurricane Katrina.

I call on President Bush and my colleagues in both the House and the Senate to work expeditiously to get this bill enacted into law as soon as possible.

Really from the bottom of my heart, I urge my colleagues to support this bill and this amendment.

Thank you, Mr. President.

AMENDMENT NO. 4683

Mr. INHOFE. Mr. President, I ask that the Inhofe-Bond amendment be brought up for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE], for himself and Mr. BOND, proposes an amendment numbered 4683.

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

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

The amendment is as follows:

(Purpose: To modify a section relating to a fiscal transparency and prioritization report)

Strike section 2004 and insert the following:

SEC. 2004. FISCAL TRANSPARENCY AND PRIORITIZATION REPORT.

(a) IN GENERAL.—On the third Tuesday of January of each year beginning January 2008, the Chief of Engineers shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

(1) the expenditures of the Corps of Engineers for the preceding fiscal year and estimated expenditures for the current fiscal year; and

(2) the extent to which each authorized project of the Corps of Engineers meets the national priorities described in subsection (b).

(b) NATIONAL PRIORITIES.—

(1) IN GENERAL.—The national priorities referred to in subsection (a)(2) are—

(A) to reduce the risk of loss of human life and risk to public safety;

(B) to benefit the national economy;

(C) to protect and enhance the environment; and

(D) to promote the national defense.

(2) EVALUATION OF PROJECTS.—

(A) IN GENERAL.—In evaluating the extent to which a project of the Corps of Engineers meets the national priorities under paragraph (1), the Chief of Engineers—

(i) shall develop a relative rating system that is appropriate for—

(I) each project purpose; and

(II) if applicable, multipurpose projects; and

(ii) may include an evaluation of projects using additional criteria or subcriteria, if the additional criteria or subcriteria are—

(I) clearly explained; and

(II) consistent with the method of evaluating the extent to which a project meets the national priorities under this paragraph.

(B) FACTORS.—The Chief of Engineers shall establish such factors, and assign to the factors such priority, as the Chief of Engineers determines to be appropriate to evaluate the extent to which a project meets the national priorities.

(C) CONSIDERATION.—In establishing factors under subparagraph (B), the Chief of Engineers may consider—

(i) for evaluating the reduction in the risk of loss of human life and risk to public safety of a project—

(I) the human population protected by the project;

(II) current levels of protection of human life under the project; and

(III) the risk of loss of human life and risk to public safety if the project is not completed, taking into consideration the existence and probability of success of evacuation plans relating to the project, as determined by the Director of the Federal Emergency Management Agency;

(ii) for evaluating the benefit of a project to the national economy—

(I) the benefit-cost ratio, and the remaining benefit-remaining cost ratio, of the project;

(II) the availability and cost of alternate transportation methods relating to the project;

(III) any applicable financial risk to a non-Federal sponsor of the project;

(IV) the costs to State, regional, and local entities of project termination;

(V) any contribution of the project with respect to international competitiveness; and

(VI) the extent to which the project is integrated with, and complementary to, other Federal, State, and local government programs, projects, and objectives within the project area;

(iii) for evaluating the extent to which a project protects or enhances the environment—

(I) for ecosystem restoration projects and mitigation plans associated with other project purposes—

(aa) the extent to which the project or plan restores the natural hydrologic processes of an aquatic habitat;

(bb) the significance of the resource to be protected or restored by the project or plan;

(cc) the extent to which the project or plan is self-sustaining; and

(dd) the cost-effectiveness of the project or plan; and

(II) the pollution reduction benefits associated with using water as a method of transportation of goods; and

(iv) for evaluating the extent to which a project promotes the national defense—

(I) the effect of the project relating to a strategic port designation; and

(II) the reduction of dependence on foreign oil associated with using water as a method of transportation of goods.

(c) CONTENTS.—In addition to the information described in subsections (a) and (b), the report shall contain a detailed accounting of the following information:

(1) With respect to general construction, information on—

(A) projects currently under construction, including—

(i) allocations to date;

(ii) the number of years remaining to complete construction;

(iii) the estimated annual Federal cost to maintain that construction schedule; and

(iv) a list of projects the Corps of Engineers expects to complete during the current fiscal year; and

(B) projects for which there is a signed cost-sharing agreement and completed planning, engineering, and design, including—

(i) the number of years the project is expected to require for completion; and

(ii) estimated annual Federal cost to maintain that construction schedule.

(2) With respect to operation and maintenance of the inland and intracoastal waterways under section 206 of Public Law 95–502 (33 U.S.C. 1804)—

(A) the estimated annual cost to maintain each waterway for the authorized reach and at the authorized depth; and

(B) the estimated annual cost of operation and maintenance of locks and dams to ensure navigation without interruption.

(3) With respect to general investigations and reconnaissance and feasibility studies—

(A) the number of active studies;

(B) the number of completed studies not yet authorized for construction;

(C) the number of initiated studies; and

(D) the number of studies expected to be completed during the fiscal year.

(4) Funding received and estimates of funds to be received for interagency and international support activities under section 318(a) of the Water Resources Development Act of 1990 (33 U.S.C. 2323(a)).

(5) Recreation fees and lease payments.

(6) Hydropower and water storage fees.

(7) Deposits into the Inland Waterway Trust Fund and the Harbor Maintenance Trust Fund.

(8) Other revenues and fees collected.

(9) With respect to permit applications and notifications, a list of individual permit applications and nationwide permit notifications, including—

(A) the date on which each permit application is filed;

(B) the date on which each permit application is determined to be complete; and

(C) the date on which the Corps of Engineers grants, withdraws, or denies each permit.

(10) With respect to the project backlog, a list of authorized projects for which no funds have been allocated for the 5 preceding fiscal years, including, for each project—

(A) the authorization date;

(B) the last allocation date;

(C) the percentage of construction completed;

(D) the estimated cost remaining until completion of the project; and

(E) a brief explanation of the reasons for the delay.

Mr. INHOFE. Mr. President, I yield 15 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 15 minutes.

Mrs. BOXER. Mr. President, I thank my chairman, Chairman INHOFE, for granting me this time.

I feel so strongly against this amendment. I really need the time to explain to my good colleagues why I think it ought to be voted down.

We have amendments before us from time to time and they come to us as reform. I totally understand that we need reform in this whole area of the way we prioritize projects that come before us. But I don't believe this is reform at all. In my view, I think this is a delegation of the responsibility of the Senate and the House over to the executive branch. I believe it is going to be put into the hands of people who won't know a thing about this subject matter, and it is going to bring politics right into this Chamber. We were elected by the people. The cities and counties count on us to do our homework, to do our due diligence and understand what the needs are of our people, what our flood control needs are in our States, what our other needs are in our States, the studies that need to be performed, and all of that. That is our job.

The McCain amendment just simply wraps it all up and tosses it over to the executive branch. It sets up a whole new bureaucracy that I think is absolutely unnecessary and, frankly, I think it is disastrous for this WRDA bill. Unlike the other amendment which we supported, which is peer review, that looked forward, this amendment looks back into this bill where we have sat for years and years.

Again, I thank Senators INHOFE, JEFFORDS, BOND, and BAUCUS and the leaders of this committee who have worked with us to ferret out the projects that didn't have merit. I can attest to the fact that I had an amendment that I wanted to move forward.

I was persuaded by my colleagues on both sides of the aisle that there was a better way to move forward.

We have done our work. This amendment is well intended. I know that. I know the people who have put it forward to us have good intentions. But I think it is going to make it more difficult for worthy projects to get needed funding. That includes projects that have an impact on public health and safety.

I may have a debate with Senator BOND over which project I think is the more worthy and we will sit and talk about it and we will argue about it. At the end of the day, there will be a decision. Why should the two of us toss that all over to the executive branch, no matter who is President? What does it have to do with them? It is our bill. The President has the right to veto it if he doesn't like it or sign it. But thrashing out what ought to be in it and what is good, we have done that. That is part of our job.

There is another problem with this amendment. It sets up a nightmare of a tier system. You have to fight your way into a tier in order to be funded. The administration—this one and the next one and the one thereafter—will be able to recommend which tier your State projects ought to be in. When the first tier reaches $5 billion, or when there are 100 projects in it, that tier is finished. So if you have a very important project, a large project, but let's say we all know we have to move to help the folks who are impacted by Hurricane Katrina, and they have priority—we all agree that it has a very high priority—if you represent a large State, you have a large project, you will never make it into the first tier. It is bad for my State.

Frankly, it is bad for any project that is large enough and can't get into the first tier—it gets knocked down. You get stuck in a lower tier simply because the project may protect more people. How does that make any sense whatsoever? It is an arbitrary system. It can label a project as second tier despite critical local public safety needs. It will undermine a project's chances of receiving appropriations.

We already know what a fight we have to convince our colleagues in the Committee on Appropriations that the projects in our State have merit. We subject these projects to tremendous scrutiny, first in this particular WRDA bill. As we struggle to get appropriations funds, we have to make the case. Then we have to go to conference and continue to make the case.

Under this amendment, I am sorry to say this is no reform. I ask rhetorically if this makes any sense. There is a very important committee that has been set up in the underlying bill. The committee has some very important functions, but now the McCain amendment adds this next function on to this committee, this coordinating committee which, by the way, is going to hire an executive director.

If anyone wants to learn how projects and laws get bogged down, here is an example. This committee that is going to be set up includes the following people: The Secretary of the Interior, the Secretary of Agriculture, the Secretary of Health and Human Services, the Secretary of Housing and Development, the Secretary of Transportation, the Secretary of Energy, the Secretary of Commerce, the Administrator of the EPA, the chairperson of the Council on Environmental Quality, and here is my favorite, the Secretary of Homeland Security.

We all know about their priority list. We just took a look at their priority list. Petting zoos should be protected before bridges and highways. They have included Old McDonald's Petting Zoo, a bourbon festival, a bean festival, the Kangaroo Conservation Center. This is what the Department of Homeland Security said ought to be prioritized.

Do we want to invite them into a new prioritization game for the WRDA projects? I hope not. What could come out of this is not good.

In discussing this with my colleagues, they say: But, Senator BOXER, they are just going to recommend. We have the ability to sit down among ourselves—Democrats and Republicans—as we have done in this bill, and come to some decisions on what the priorities are. I believe the Committee on Appropriations, working with all of us, has a second bite at that apple.

I don't believe we need to ask this President or any future President to get into this issue and convene meetings, have studies, and waste money just to put together a list that they say is their priorities. What makes their priorities better than our priorities? They are not even elected. This is not even their job. How do you come forward—I ask my friend from Arizona, rhetorically, because he is not here—giving people who have no idea what this is about the power over the projects? They say it is just a recommendation, but we know they will take that seriously.

We remember the whole tizzy when they said they thought it was fine for the country of Dubai to run our ports. There was a big debate in the Senate. Most Members believed that was a mistake. That also came out of some committee.

We all fight to get here. We all work hard to get here. At a minimum, we are in touch with our States and we know the needs of our States. The Congress, not a political appointee, not some bureaucrat, but Members of the Senate should retain the central responsibility for establishing the border resource priorities for their States. Instead, this amendment leaves the recommendation of priorities up to a committee made up of Cabinet and other political appointees.

We are inviting politics into this debate. As Senator INHOFE said, this is one of those rare moments in history, this bill, where politics is left at the committee door. We worked together. We worked hard together. Now, with this McCain amendment, we are injecting partisan politics. In this case it is a Republican President. In future years it could be a Democratic President. It does not make any difference.

We should do our job. We should not punt the ball elsewhere. What are we here for? Anyone who votes for this, and I am sure there will be a few—I hope not too many—the message they are basically sending is that they do

not feel comfortable enough, they do not feel knowledgeable enough, they do not feel strong enough to stand up for what needs to be done in their States.

Again, I ask, do we really want to have the Department of Homeland Security deciding the critical water resource projects? They have enough to do to get their own priorities in order.

With all due respect to members of the Cabinet, we as individual Senators know our States' needs. We know our States' priorities. This is not reform; this is injecting, in my view, partisanship into a very bipartisan approach.

I trust my colleagues, whether Republican or Democrat, in this bill because they have to explain why their projects are worthy. This is not like an earmark where something is stuck in the bill in the middle of the night. This is a major reauthorization bill where every project is looked at very carefully. I don't believe any Cabinet is going to be more effective at telling us what projects should be funded.

As Members of Congress, let us not surrender our responsibility to an executive branch that, in my view, will not reflect the real needs of our people. I urge my colleagues to vote no, a very sound no, on this amendment. Let's send a message today that this Senate knows what it is doing in this bill.

I feel very comfortable with the leadership of Senators INHOFE and JEFFORDS, that we do know what we are doing in this bill. If you are for this bill, I hope you will vote no on the McCain amendment.

I give the remainder of my time to the good Senator, Mr. INHOFE. I thank him so much for the chance to speak against this amendment.

Mr. INHOFE. I thank the Senator from California for bringing up some very good points.

How much time is remaining?

The PRESIDING OFFICER. The total time remaining is 17 minutes 45 seconds.

Mr. INHOFE. Parliamentary inquiry because there is some confusion, without using our time to make the parliamentary inquiry: It is my understanding that while we have an hour equally divided on the two amendments that are going to be voted back to back, there is also 30 minutes equally divided on final passage. All of this time would be used prior to the three votes that come consecutively; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. INHOFE. If that is the case, there would be more like 30 minutes remaining because each side would have 45 minutes.

The PRESIDING OFFICER. The agreement contemplated that the final 30 minutes would be used after the initial hour so that the Senator's assumption is correct that he will have 15 minutes after the 17 minutes and 35 minutes is expired.

Mr. INHOFE. I ask unanimous consent on our side, and I suggest they probably want to do the same thing, that our time not be segregated as to the amendments versus final passage so we could have 45 minutes for either as we desire.

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

Mr. INHOFE. With that, I yield 10 minutes to the Senator from Missouri who has been very helpful and constructive in this legislation.

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

Mr. BOND. Mr. President, I thank the Senator for the time and also for the kind remarks. I appreciate the excellent leadership he has provided and the bipartisan nature with which he and Senator JEFFORDS brought this bill to the Senate.

It is important to take a look at the substance of what is going on in these prioritization amendments now before the Senate which deal with fiscal deadlines and requirements and, in turn, how projects should be prioritized. I hope our colleagues will listen carefully to the context of the WRDA legislation and the Corps reform.

Worthwhile projects of the Corps of Engineers should be funded. The inadequate funding of the levees in New Orleans was a bad mistake. We need to fund worthwhile levees, but the best route is not the total overhaul of the Corps and passage of the Feingold-McCain amendments, in this case, specifically, the prioritization amendment.

The Feingold-McCain amendment proposes a complete overhaul by establishing a new bureaucracy, the Water Resources Planning Coordinating Committee. We need another bureaucracy in the Federal Government like a bear needs tennis shoes. This idea is essentially a reprise of the Water Resources Council that existed during the Carter administration which was discredited due to its inability to get anything done. That is not surprising when you have members ranging from the Secretary of Health and Human Services, the Secretary of Housing and Urban Development, the Secretary of Homeland Security. These are just a few of the Cabinet members, along with others, proposed to provide review under the Feingold-McCain amendment. The Secretary of the Army is on there, not even a Cabinet position. I look forward to the Secretary of the Army, for example, providing input and review to the Department of Education on No Child Left Behind. That is essentially the same thing as having the proposed Feingold-McCain council consisting of noninterested, nontrained Cabinet members with other heavy responsibilities involved in the Corps of Engineers' very complicated 103-step process to come up with priorities and approval of projects.

Beyond a lack of interest in expertise, this council is structured for projects to fail. A meeting of the minds is very difficult. This is probably the reason such a council does not exist in any other forum. In the rare event a consensus would emerge, the 50 percent local cost share would increase to the point where communities could no longer afford to make their contributions for essential projects.

It sounds like a time-consuming, expensive, headache-producing bureaucracy to me, and I have seen them before. I can tell one when I see it. This is one area where trained experts who understand the process, from planning to construction, should be running our water project formulation process. There is a reason we rely upon those with appropriate training and expertise to develop and construct our infrastructure and safety needs. These decisions should be based on sound science, not on political judgment of people with no expertise in the area.

With thousands of projects and costs that change annually, prioritization of the projects and the process directed by Feingold-McCain would be extremely cumbersome. Achieving stability and prioritization would be nearly impossible.

The amendment Senator INHOFE and I have proposed would categorize and prioritize projects on scientifically sustainable reports. These reports will provide Congress with the necessary information to make tough values-related decisions. Our proposed approach supports and encourages a holistic approach to water resource management by considering a wide range of important factors.

Feingold-McCain fails to address multipurpose projects and thus results in inadequate cost-benefit ratios. Modernizing our locks and dams and improving our levees contribute to the entire way of American life: enhancing flood control, transportation, hydropower, water supply, and recreation. Each purpose of the project served determines demands prioritization, weighing all benefits in the analysis. And even then, how do you truly value safety and the health of human life?

Media reports and editorials have criticized and played the blame game. As a result, the Corps has received more than its share of public ridicule. What is not well publicized is the good work that the Civil Works Program of the United States Army Corps of Engineers has already done in its exhaustive inhouse budget prioritization. The Civil Works Program has the only infrastructure project analysis that is required to have cost-benefit ratios grounded in economic theory and extensive ongoing economic analysis.

From its inception, each economic water resource infrastructure project goes through multiple ''winnowing'' processes. In recent years, only 16 percent of the proposed projects generally pass on a ''national benefit,'' a positive benefit to cost ratio. Unless a project meets this threshold, the process will not allow for a favorable report of the chief of engineers.

The second winnowing is cost-share requirements where both studies and

construction require percentages of local moneys to match the amounts from the Federal Government as well as other contributions such as lands, easements, and rights-of-way.

Unless exempted by Congress, if a local cost-sharing agreement does not come forward, a project is not eligible for Federal funds.

Next is the actual budget appropriations process, which begins at the 38 districts of the Corps of Engineers 18 months before a President's budget is delivered.

Performance-based budgeting requires a highly detailed process, sorting the projects by benefits and costs and rated in a variety of categories, including risk factors for the environment, safety, security, and operations.

Each of the ''economic'' Corps projects is then subject to ''diminishing returns'' analysis that defines specific measurable performance benefits that may be gained through a number of levels of incremental funding.

In addition, unique elements or circumstances, such as judicial findings and orders, are taken into account. The recommendation is then sent to the Corps Division office that merges all district inputs into a division recommendation which goes to the Corps headquarters in Washington.

Once at headquarters, they are reviewed, merged, cross-walked, racked, stacked, jacked, and tacked, and finally nationally ranked on a benefit scale, to deliver a list to OMB.

I am exhausted—and I know my listeners are exhausted, those who are still listening—merely summarizing the current standards and the process that has to be followed—and we did not go into the 103 steps currently existing before the request even reaches Congress for appropriations.

But the Bond-Inhofe amendment goes further and categorizes and prioritizes projects scientifically and makes a supportable report to make it easier for us to make the important judgments. It is a time-consuming and extensive process already. The last thing the process needs is additional bureaucratic steps and redtape from those who have already skewed priorities and lack the expertise to make decisions.

OMB has its own criteria and priorities, with recent trend analysis showing they favor environmental restoration projects. For example, within the fiscal year 2007 construction account, only 90 out of the approximately 655 projects were accorded ''priority status'' that would allow for some level of funding.

The Feingold-McCain amendment would only add additional steps, lengthen the timetable, with fewer funded projects, the loss of jobs, and the inability to provide safety and the transportation we need.

Finally, of course, there is a congressional process where we must authorize and fund the projects. We establish our priorities, and they are contained in the amendment, the Bond-Inhofe amendment.

The Feingold-McCain amendment proposes a council that lacks the necessary expertise and adds redtape. We believe the Bond-Inhofe amendment makes sense, and it will add to what the WRDA legislation already includes: reasonable Corps reform amendments that would strike a balance, that disciplines new projects to criteria fairly applied, while addressing a greater number of water resources multipurpose priorities.

I urge my colleagues to support the Inhofe-Bond amendment and to oppose the Feingold-McCain amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Arizona.

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

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I would like to thank my friends from Oklahoma and Missouri for their courtesy in the way we have been addressing these two amendments.

Mr. President, I begin by asking unanimous consent that the Statement of Administration Policy be printed in the RECORD.

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

STATEMENT OF ADMINISTRATION POLICY, JULY 18, 2006

S. 728—WATER RESOURCES DEVELOPMENT ACT OF 2006

The Administration has strong concerns with the significant overall cost of S. 728. The Congressional Budget Office has estimated that the bill as reported by the Committee would authorize nearly $12 billion in discretionary spending, and a preliminary Administration review indicates that the cost of the manager's amendment would be greater. The Administration believes the bill should establish priorities among these activities and limit new authorizations to those projects that represent the highest priorities for Federal funding within the three main Corps mission areas: commercial navigation, flood and storm damage reduction, and aquatic ecosystem restoration. The Administration is committed to maintaining fiscal discipline in order to protect the American taxpayer and sustain a strong economy.

The Administration supports the intent of the manager's amendment in the nature of a substitute to S. 728 with regard to provisions that: (1) address high-return nationally significant water resource infrastructure efforts and aquatic ecosystem restoration opportunities in coastal Louisiana and along the Upper Mississippi River; (2) protect the Great Lakes from invasive fish species; and (3) improve the Corps of Engineers recreation services by providing a financing authority similar to that proposed in the President's Budget.

The Administration is committed to restoring the Everglades in partnership with the State of Florida. S. 728 would authorize construction of the Indian River Lagoon project, a significant South Florida aquatic ecosystem restoration project. It would also authorize construction of the Picayune Strand project, which has not completed its review by the Administration. We look forward to working with Congress on these and future authorizations for this priority restoration effort.

The Administration looks forward to working with the Senate to revise this legislation so that it will accomplish our shared goals and objectives.

THE NEED FOR BASIC REFORMS

The civil works program has played an important role in developing the Nation's water resources; however, it faces several interrelated problems: (1) the Corps has a large backlog of unfinished construction work, resulting in more projects facing delays and a $50 billion cost to complete the backlog of already-authorized projects; (2) the Corps is providing funding to construct projects outside of its three main missions, which reduces the funding available for higher priority needs; and (3) the Federal government pays a substantial share of project costs, which can lead to an over-allocation of resources to build new projects and upgrade existing ones. The bill does not address, and in some cases would exacerbate, these problems.

The President's last four Budgets have outlined the direction of the reforms needed to address these and other concerns. The Administration has proposed five principles to guide Corps authorizations and appropriations, which focus on: (1) improving how the Corps formulates its water resources projects, such as through changes to the 1983 principles and guidelines for proposed Federal water resources projects; (2) limiting new construction starts to projects with a very high net economic or environmental return per dollar invested; (3) setting priorities for allocating funding among the projects with ongoing construction work in the three main Corps mission areas; (4) de-authorizing commercial navigation projects with extremely low levels of commercial use, and projects whose main purpose falls outside the three main mission areas; and (5) addressing cost-sharing.

The FY 2007 Budget proposes specific economic, environmental, and public safety performance criteria for use in establishing priorities among ongoing construction projects. The Administration supports efforts to prioritize water resources construction projects consistent with this approach, and looks forward to working with Congress to accomplish this objective.

PLANNING FUTURE PROJECTS

The bill's proposals regarding the formulation of projects would undermine efforts to improve the economic and environmental performance of future projects. Subsection 2005(e)(1)(A)(ii) would increase the ability of local project sponsors to direct the project alternatives that the Corps may consider and recommend, and could preclude consideration of other reasonable alternatives. Subsection 2005(e)(I)(B) would prohibit the use of budgetary and other policy considerations in the formulation of proposed projects. Both of these changes would erode the ability of the Executive Branch and Congress to ensure that the projects proposed for authorization are well-justified and in the national interest.

The Administration supports the independent peer review of proposed projects. Section 2007 would restrict such reviews to 90 days from the start of the public comment period, which may not provide enough time to fully consider the public comments and would preclude using these panels to assess substantial changes to the project proposed by the Corps in response to the public comments. The Administration looks forward to working with Congress on this process.

RESTRICTING THE POWERS OF THE EXECUTIVE BRANCH

The Administration strongly objects to section 2006(f)(1)(C), which would limit the

ability of the Executive Branch to properly supervise the civil works program by prohibiting anyone from giving direction to the Chief of Engineers, including Senate-confirmed Presidential appointees in the Department of Defense, regarding any Corps report on a proposed project or any related recommendations for changes in law or policy. Such a provision would hinder the President's ability to fulfill his Constitutional duties. The bill would also require the Secretary to provide his recommendations to Congress on a proposed project within 90 days of the Chiefs report, which is not adequate time for a proper review and a determination of the Administration's position. In addition, this language should be revised to request rather than require the recommendation, in keeping with the President's constitutional authority to make recommendations he determines to be necessary and expedient.

The Administration strongly objects to Section 1003(o) which conditionally preauthorizes the construction of all projects identified in a future Corps report on options for improving storm damage reduction along the Louisiana coast. Congress should not preauthorize these yet-to-be-identified projects, whose total cost is likely to be measured in the tens of billions of dollars and is not included in Congressional Budget Office estimate, before the Executive Branch, Congress, and the public have had a full opportunity to review them.

The Administration objects to Section 1003(n) which creates a new agency—the Louisiana Water Resources Council—to manage and oversee a system-wide comprehensive plan of unspecified future projects in Louisiana. This provision would circumvent the normal chain of command within the Executive Branch and thereby reduce accountability for the costs to build these projects. The provision also raises constitutional concerns with regard to the Appointments Clause.

ADEQUATE AND APPROPRIATE COST-SHARING

The Administration objects to the authorizations in the bill that would have the effect of providing unwarranted waivers or reductions in non-Federal cost-sharing requirements. The Administration strongly opposes section 2039(a), which could be read as authorizing a major shift in future project costs—potentially costing billions of dollars to the general taxpayer. In addition, for the aquatic ecosystem restoration work along the Upper Mississippi River and Illinois Waterway and in the wetlands of coastal Louisiana, the cost-share paid by the general taxpayer should be no more than 50 percent, as it is for the Everglades restoration effort.

UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY NAVIGATION

The Mississippi River is a major artery for transporting America's bulk agricultural products, and the Administration is working to keep it that way. The Administration has identified work on the Upper Mississippi River and Illinois Waterway as one of the most important Corps operations and maintenance projects. The Administration would like to work with Congress to appropriately address the navigation and ecosystem needs of this part of the inland waterway.

COASTAL LOUISIANA

The Administration recommends that the Senate revise section 1003 to provide a single generic authorization covering all studies, construction, and science work needed to support the effort to restore coastal Louisiana wetlands, including but not limited to the work envisioned in the near-term restoration plan. This would expedite the approval process for projects and their implementation while providing greater flexibility in setting future priorities. Subsection 1003(j) should also be revised to provide for only a science program, which should be run by the U.S. Geological Survey and be funded on a cost-sharing basis and through appropriations from the Corps. Moreover, section 1003(i), and several other provisions in the bill, should be revised to avoid micromanaging the internal deliberations of the executive branch, and thereby interfering with the President's constitutional duty to execute the law.

OTHER CONCERNS

The Administration also opposes certain other provisions in the bill, including:

Section 2001, which could significantly diminish accountability, nationwide consistency, and oversight of Corps projects by limiting the ability of Corps headquarters and the Secretary of the Army to review proposed agreements with local project sponsors, and could expose the Federal government to liquidated damages in the event that Congress terminates funding for a project;

Section 2014, which would establish a binding 50-year Federal commitment to the periodic nourishment of sandy beaches and which could be construed as promoting ''shore protection'' instead of storm damage reduction as the program's objective; and

Section 3067, which would lead to the use of the Bonnet Carre Spillway in ways that could be harmful to the ecosystem of Lake Pontchartrain.

The Administration looks forward to working with Congress on these and other concerns as the legislation proceeds.

Mr. MCCAIN. Mr. President, I would just like to quote from the first paragraph of the Statement of Administration Policy:

The Administration has strong concerns with the significant overall cost of S. 728. The Congressional Budget Office has estimated that the bill as reported by the Committee would authorize nearly $12 billion in discretionary spending, and a preliminary Administration review indicates that the cost of the manager's amendment would be greater. The Administration believes the bill should establish priorities—

I repeat: ''The Administration believes the bill should establish priorities''—

among these activities and limit new authorizations to those projects that represent the highest priorities for Federal funding within the three main Corps mission areas: commercial navigation, flood and storm damage reduction, and aquatic ecosystem restoration.

The first paragraph of the administration's Statement of Administration Policy emphasizes their belief that this legislation should establish priorities amongst these activities. That is what this amendment is about. It is exactly that. The amendment is designed to help Congress make clear and educated decisions on which Army Corps projects should be funded based on our Nation's priorities.

I am pleased to be joined by Senators FEINGOLD, LIEBERMAN, and FEINSTEIN in offering this important amendment to the Water Resources Development Act.

Last August, this Nation witnessed a devastating national disaster. When Hurricane Katrina hit, it brought with it destruction and tragedy beyond compare; more so than our Nation has seen in decades. Almost a year later, the gulf coast region is still trying to rebuild and there is a long road ahead. We learned many lessons from this tragedy, and, as our Nation continues to dedicate significant resources to the reconstruction effort, we must ensure that those resources are being used in the most effective and efficient manner as possible. It is time the Congress takes a hard look at how our scarce Army Corps dollars are being spent overall and whether they are actually going to the most necessary projects.

Our current system for funding Corps projects is not working. Currently, projects are submitted by Members of Congress for funding without having a clear picture of how that project affects the overall infrastructure of our Nation's waterways or where it fits within our national waterways priorities.

Too often, it is a Member's seniority and party position that dictates which projects are funded and which ones will join the $58 billion backlog. Mr. President, I repeat, we have a $58 billion backlog of projects. And the bill before us is going to add another $12 billion in projects to the backlog. Do you know how much funding the Corps receives annually? Two billion dollars. So if you have $70 billion, and we are annually allocating $2 billion, that is 35 years. It is 35 years before any project that is on this list is funded.

Clearly, without a prioritization, that opens itself up to no way that we would have a way of determining which project is most important and which is not. There is no way to know which projects warrant these limited resources because the Corps refuses to give Congress its views on which projects are necessary. In fact, even when Congress specifically requests a list of the Corps' top priorities, it is unable to provide it. Remarkable. Remarkable. Unfortunately, the underlying bill does not address this problem.

To help my colleagues fully understand the extent of this problem, let me quote Representative HOBSON, chairman of the House Energy and Water Appropriations Committee, from his statement on the House floor on May 24, 2006:

Last fall, we asked the Corps to provide Congress with a ''top 10'' list of the flood control and navigation infrastructure needs in the country. The Corps was surprisingly unable or not allowed to respond to this simple request, and that tells me the Corps has lost sight of its national mission and has no clear vision for projects it ought to be doing in the future . . . . frankly, what is still lacking is a long-term vision of what the Nation's water resources infrastructure should look like in the future. ''More of the same'' is not a thoughtful answer, nor is it a responsible answer in times of constrained budgets.

This amendment is designed to address this problem and shed light on the funding process. It allows both Congress and the American people to have a clear understanding of where our limited resources should be spent.

The amendment will tap a multiagency committee created in the underlying bill. It will direct that committee to review Corps projects that are currently under construction or have been authorized during the last 10 years.

These projects would be evaluated by several commonsense, transparent criteria. They would also be divided and judged within their own project category, such as navigation, flood and storm damage reduction, and environmental restoration. Each project category would be broken into broad, roughly equal-sized tiers, with the highest tiers including the highest priority projects, and on down the ladder. This advisory report would then be sent to Congress and be made available to the public.

Some have said this amendment relinquishes congressional authority to the executive branch. That is a false allegation. The prioritization report is an effort to inform Congress, but it does not dictate spending decisions—just as the Department of Defense sends our authorizing committee, the Armed Services Committee, their priorities. Without knowing their priorities, how in the world can we know how to spend the dollars?

To more fully understand the need for a prioritization system, let's consider funding for Louisiana in the fiscal year 2006 budget. The administration's budget request included 41 line items or projects solely for Louisiana that totaled $268 million. That works out to $6.5 million per project, on average. The House Energy and Water appropriations bill included 39 line items or projects totaling $254 million—again, in the neighborhood of $6.5 million per project. The Senate bill included 71 line items or projects, to the tune of $375 million—averaging out to $5.3 million per project.

So while even more money was proposed for Louisiana under the Senate version, individual projects would receive less money, and, inevitably, this would result in delays in completing larger projects. So this really does come down, once again, to real-world consequences of earmarking. Communities actually lose under this earmarking practice.

Can we really afford long, drawn-out delays on flood control projects that people's lives depend on simply because too many Members are fighting for a small pool of money with no real direction? We need some kind of direction, clear understanding and guidance for funding Corps projects. While more money may ultimately be going to a State, if it is being parsed via earmarking in an appropriations bill, we will not be able to make significant progress on any project.

Ultimately, without guidance, Congress is able to cram as many projects as possible into appropriations bills while contending that each project is as important as the next. Drawing out completion on all of these projects puts people's lives in danger and is unacceptable.

Some may believe that under this amendment smaller projects will lose out. However, the size of the project has no impact on the prioritization system. In fact, this objective system will help find the hidden gems in the Corps project list and highlight their strengths to Congress.

It is time we end this process of blind spending, throwing money at projects that may or may not benefit the larger good. It is time for us to take a post-Katrina look at the world and decide whether we will learn from our experiences over the last year or whether we are content to continue business as usual.

Shouldn't we be doing all we can to reform the Corps and ensure that most urgent projects are being funded and constructed or are we more content with needless earmarks—too often at the expense of projects that are of most need?

As stated in a letter signed by the heads of the Taxpayers for Common Sense Action, the National Taxpayers Union, and the Council for Citizens Against Government Waste, in support of our amendment:

> Enough is enough . . . we need a systematic method for ensuring the most vital projects move to the front of the line so limited taxpayer funds are spent more prudently.

The Corps procedures for planning and approving projects, as well as the congressional system for funding projects, are broken. But they can be fixed. The reforms in this amendment are based on thorough program analysis and common sense. And let me be clear: A vote against this amendment is a vote against Government transparency and accountability. This amendment is a step toward a more informed public and a more informed Congress. We owe the American public accountability in how their tax dollars are spent.

I commend Senator FEINGOLD for his efforts to build and improve upon the Corps reforms we have explained before. Corps modernization has been a priority that Senator FEINGOLD and I have shared for years, but never before has there been such an appropriate atmosphere and urgent need to move forward.

I also thank Senators INHOFE and BOND for working with us throughout this process and helping us to incorporate many commonsense changes into the larger bill. While I still have concerns with the underlying bill, and particularly the number of projects that would be authorized, I hope that by adopting this amendment we can move this bill in a direction that will truly benefit the Nation.

I want to share with my colleagues not only the administration's support for this important prioritization amendment, it also has been endorsed by many outside groups, including Taxpayers for Common Sense Action, National Taxpayers Union, Citizens Against Government Waste, American Rivers, National Wildlife Federation, Earthjustice, Environmental Defense, Republicans for Environmental Protection, Sierra Club, and the World Wildlife Fund. And it has been positively commented on by the Heritage Foundation. The vote on this amendment will be key voted by the Taxpayers for Common Sense Action, National Taxpayers Union, Council for Citizens Against Government Waste, and the League of Conservation Voters.

We are also considering side by side the Inhofe-Bond amendment. As I have mentioned before, their version would be prepared by the Corps, controlled by the Corps, evaluated by the Corps, and reported by the Corps, locking out input from other relevant water resources agencies such as the Department of Homeland Security. That amendment, unlike my amendment, only looks at likely construction projects, forces the Corps to review every single project in its $58 billion backlog, soon to be $70 billion with the passing of this bill. It would also create a vague need to fund a relative rating system that does not require any final analysis or ranking. This would lead to an argument over semantics rather than quality of a project. Members would come to the floor to argue that the criteria that their project scored well in is the most important criteria, whereas another Member would be arguing for another criteria because their project scored well in that area. This system would only lead to further confusion over the worth of individual projects and distract Congress from the job at hand. Further, this system would use criteria clearly devised to skew ratings toward particular types of Corps projects. How would an environmental restoration project ever score well on a criteria designed to weigh a project's ability to lessen our dependence on foreign oil? How would a flood and storm damage reduction project do being judged by this criteria that is in the amendment, pollution reduction benefits associated with using water as a method of transportation of goods?

Additionally, the Inhofe-Bond amendment would require the rating report to be delivered only to the authorizing committee, thus sending the signal that this information is not intended to help set funding priorities and not intended to be transparent for the public. I urge my colleagues to oppose the amendment.

I point out again the problem we have here: $70 billion, $2 billion spent every year. That makes for $70 billion worth of authorized projects, $2 billion can be spent each year. That makes for some pretty ferocious competition. I think it is very important that we put some kind of prioritization into this kind of process; otherwise, it will be very hard for us to understand what is being done. But more importantly, it is certainly not clear that the projects that need the priority will receive them.

I ask unanimous consent that a memo published by the Heritage Foundation on this issue be printed in the RECORD.

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

[From the Heritage Foundation, July 19, 2006]

IMPROVING THE PERFORMANCE OF THE U.S. ARMY CORPS OF ENGINEERS

(By Ronald D. Utt, Ph.D.)

The extensive flooding of New Orleans caused by several breaks in the levee system during Hurricane Katrina led to an extensive debate about the performance of the Army Corps of Engineers in protecting Americans from natural disasters. In the months following Katrina's assault on the Gulf Coast, many public officials, civil engineers, and policy analysts began to question both the quality of the Corps' work and the spending priorities Congress imposes on it. In particular, there is considerable evidence that lobbyists and Members of Congress systematically redirect Corps' spending for the benefit of influential private interests at the expense of essential flood control and protection. An amendment proposed by Senators John McCain (R–AZ) and Russ Feingold (D–WI) would create an independent commission to review select Corps projects. This would be a major step towards reform of the Corps.

As a Heritage Foundation Backgrounder and the Washington Post have recently reported, a substantial portion of Corps spending supports harbor and channel maintenance that benefit specific shipping companies, new irrigation projects that benefit crops like rice that already receive extensive federal subsidies from the Department of Agriculture, recreational boating facilities, and beach replenishment programs to enhance the value of seaside vacation homes. As a result of these diversions to low-priority purposes, Corps' spending on flood and storm protection have accounted for only about 12 percent of its budget in recent years.

Absent any formal mechanism to rate Corps projects and establish priorities for investments that benefit ordinary Americans, not just lobbyists and special interests, the Corps will continue on the same ineffective course that contributed to last year's disaster in New Orleans. And with the Corps already working under a 35-year backlog of projects totaling $58 billion, these management deficiencies will persist for decades.

Senators John McCain and Russ Feingold propose to remedy this deadly deficiency with an amendment to the Water Resources Development Act that would require independent peer review if a project costs more than $40 million, the Governor of an affected state requests a review, a federal agency with statutory authority to review a project finds that it will have a significant adverse impact, or the Secretary of the Army determines that a project is controversial. Their amendment would also require an independent safety review for flood control projects involving issues of public safety. While the McCain-Feingold proposal is a big step in the right direction, the independent review commission should also be encouraged to comment on the Corps' broad resource allocations to ensure that priority projects involving issues of public safety are not delayed because of diversions to beach resorts, environmental remediation, and irrigation crops already in substantial surplus.

Mr. McCAIN. The Heritage Foundation memo says:

Absent any formal mechanism to rate Corps projects and establish priorities for investments that benefit ordinary Americans, not just lobbyists and special interests, the Corps will continue on the same ineffective course that contributed to last year's disaster in New Orleans. And with the Corps already working under a 35-year backlog of projects totaling $58 billion, these management deficiencies will persist for decades.

I hope my colleagues on this side of the aisle who almost always pay close attention to the Heritage Foundation and their findings will pay attention to this one as well.

I again thank my friend from Oklahoma for his courtesy in consideration of this amendment.

I reserve the remainder of the time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it further demonstrates that people can have honest disagreements. I look forward to responding to some of the comments that were made by the Senator from Arizona.

I yield 7 minutes to the Senator from Missouri, Mr. TALENT.

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

Mr. TALENT. I thank the chairman for yielding and compliment him and Senator BOND for their work in getting the Water Resources Development Act on the Senate floor finally. It has been literally years getting it here. I think it is a very important measure. Transportation infrastructure is very important. If we are going to maintain our global competitiveness, our economic growth, we have to be able to get goods from one place to another. We have to be able to protect people from natural disasters. We have to control and use the water resources this Nation is blessed with, and we cannot do it without this bill.

I want to address specifically the provisions in the bill that authorize the modernization of locks and dams on the upper Mississippi River—locks and dams which, if they were people, would be old enough to collect Social Security; locks and dams which are so small relative to the needs of modern transportation that barges must routinely be broken down into two halfs, in essence, before they can go through the locks and dams; locks and dams which are in such need of maintenance that you can take a picture of one and then come back and take a picture of the same lock a month later and you will find that concrete has literally fallen off it.

The case for river transportation is so strong, it is a matter of common sense. It is a cheap, environmentally sound method of moving goods. I say inexpensive because it costs roughly a third of the cost of shipping by rail; environmentally friendly because one medium barge tow can carry the same freight as 870 traffic trail trucks. So obviously, by fixing locks and dams, we can relieve highway congestion, reduce shipping costs, reduce fuel consumption, and we can reduce air emissions. We will also create jobs.

The construction of new 1200-foot locks and lock extensions will provide more than 48 million man-hours of employment over the next 10 to 15 years. We can also move the country's goods more efficiently. Sixty percent of the country's corn exports, 45 percent of soybean exports go on the Mississippi River to their destination. It is absolutely important to the transportation of coal, steel, and concrete. We have a new concrete facility going into Sainte Genevieve, MO. It was a number of years before they were able to begin building it, but they have. The reason that plant is going in there is because the river is there, because they can bring products in and they can move products out. It is vitally important that we do this. We have been waiting a number of years. We are at least going to be able to authorize doing it in this bill. We then have to fund it.

I want to say a few words about what I think is the most important issue regarding our Nation's transportation infrastructure, and that is less about how we prioritize than whether we are going to build it at all. Transportation infrastructure is absolutely crucial to the competitiveness and future of any economy. Other nations know that. That is why they are building it. Brazil, for example, which is certainly not a country with an economy as prosperous as ours, is building water transportation infrastructure. I know people are concerned about the revenues of the Federal Government and about the deficit. I certainly am as well. But that is not a reason to avoid investments in capital infrastructure. If you are a homeowner and you have a hole in your roof, you have to fix the hole in the roof. You have to fix it somehow because it doesn't go away if you don't fix it. It gets worse. Then it costs more when you finally do decide to fix it.

We have been talking about priorities. It is certainly reasonable to discuss how we are going to prioritize the projects that we have backlogged. But I note with interest that both sides seem to agree that after this bill passes, if it passes, we will have $70 billion in backlogged projects and evidently $2 billion a year to spend on them. I wonder if anybody else noted the irony of that. We are arguing about how to prioritize $2 billion, when we have $70 billion in backlog. Perhaps we ought to be arguing about how we can reduce the backlogs faster by finding more money. Unless somebody is aware of some technology that is going to allow us to transport goods across the country other than through rivers or rail or trucks, we had better figure out how we are going to fix this, and we had better figure it out fast.

A lot of people who are concerned—I don't mean here in the Senate so much but over in the Office of Management and Budget—about passing trade agreements will reassure us that it is OK to have trade agreements with other countries, even though they have lower wage levels, because they say we are

competitive anyway because we have a better financial system, a better telecommunications systems, and we have a better transportation system. Then the same people begrudge every attempt to invest in the transportation system. The reality is that however we prioritize the money, we are falling behind every year. In 10 or 15 years from now, maybe sooner, we are going to have fallen so far behind, we will never be able to catch up. When the next generation does not have the transportation infrastructure they need to be competitive, as we had because the earlier generation gave it to us, I don't think we will be able to explain it away by saying we were arguing over how to prioritize it. I think they will want to know how we are going to build it. Because right now, however you prioritize it, we have a heck of a lot more priorities than we have money to spend. I hope we can put a little bit of the energy that we are now putting into prioritization—and I don't begrudge anybody the debate over this—into how we are going to fund the transportation infrastructure that this generation and the next generation needs before the Chinese fund theirs and the Third World countries fund theirs, and our people are out in the cold.

I thank the Senator from Oklahoma for his efforts and for yielding.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

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

Mr. NELSON of Florida. Mr. President, under Senate rules, I ask unanimous consent that I be allowed to show a prompt on the Senate floor, a bottle of water.

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

Mr. NELSON of Florida. Mr. President, this is the bottle. This is a glass of clean water that is put on our desk to drink. This is the bottle of water that I scooped up out of the Saint Lucie River which is one of the estuaries that will be dealt with in this Water Resources Development Act that we are now considering. You can see the dramatic difference between the two. This one is laden with algae and with all kinds of particulates. This is the kind of clean water that we would like our rivers and estuaries to be.

Thank goodness we have this bill and we are going to pass it. It is going to address these kinds of problems. Specifically in this bill is the Everglades restoration and two important projects, the Indian River Lagoon, from which this water came. It is the Saint Lucie River estuary that leads into the Indian River. You can see why that estuary is messed up. When I went out there and scooped up this bottle of water, it was a dead river. That river, the Saint Lucie, flows into the Indian River, which is not a river, it is a lagoon. It is a bay. This Senator grew up on the banks of the Indian River.

Where I grew up, there are the pelicans diving for fish because there are plenty of fish. There is Mr. Osprey up there swooping down and getting his dinner. You look up in that dead pine tree and there is old Mr. Eagle. He is up there waiting for Mr. Osprey to go down and scoop up and get his dinner. Then Mr. Eagle is going to take off after Mr. Osprey, and Mr. Osprey is going to drop that fish and Mr. Eagle is going to swoop it up. That is going to be his dinner. Yet there is nothing out there in a river that has water like this—no pelicans, no bird life. You cannot even see it. You can see the density of this water. You cannot even see below the surface of the water. Thank goodness we have up this WRDA bill. This bill also is going to authorize the Fakahatchee Strand and the waters that dump into the St. Lucie, like this to the east of Lake Okeechobee, dumped into the Caloosahatchee River to the west, and a similar kind of water goes out to tidewater in the Gulf of Mexico to the Caloosahatchee River. This is what we are going to correct with this WRDA bill.

And, also, we are going to—in the managers' package they have accepted an amendment that the two Senators from Florida have offered, which is to get an examination of this report that came out about a 70-year-old dike that rings Lake Okeechobee; 40,000 people live in the vicinity of the perimeter of Lake Okeechobee, and the report predicts there is a one-in-six chance of dike failure with each year that passes. So we are getting an emergency examination and report in this bill of the sanctity and security of that dike, with all of those lives that are at stake.

Overall, all of this is so important for us. This is the greater part of a 20-year project of the restoration of the Everglades, the river of grass, which for over a half century we have messed up by diking and draining and sending this water of Mother Nature out to tidewater, instead of preserving it for what it was intended by Mother Nature—to keep flowing south through the Everglades and ultimately out into the Florida Bay.

I am so grateful that the leadership on both sides of the aisle has brought this bill to the floor. It is with great joy that I will be voting for this legislation.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

Mr. President, the Water Resources Development Act is critically important for our nation because it provides our States and local jurisdictions with the support they need to manage their water resources, and improve flood and storm control damage protection.

The Senate's passage of this legislation maintains our commitment to the protection of our rivers, streams and lakes.

And it also maintains our commitment to protect our aquatic ecosystems, which are so delicate and yet so vital to critical species.

I am proud that the Senate will pass a good, comprehensive bill that also includes key coastal restoration and hurricane projects to further assist the rebuilding efforts in the State of Louisiana following Hurricanes Katrina and Rita.

I am also very proud that my State of Vermont will receive important project authorizations, including restoration programs for the upper Connecticut River; the repair, remediation and removal of small dams throughout the State; and the construction of a dispersal barrier to protect Lake Champlain from invasive species.

As we stand on the verge of passing the Water Resources Development Act, I would once again like to thank Chairman INHOFE for his leadership. We would not be at this point without his persistence and hard work.

I would also like to thank Senators BAUCUS and BOND for their hard work in advancing this bill.

Mr. President, it may have taken us six long years to get here, but the impact of this bill will be felt for decades to come.

I urge my colleagues to support this bill as it moves through conference.

Mr. President, I yield 3 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 3 minutes.

Ms. LANDRIEU. Mr. President, I had to come to the floor and speak briefly and thank the ranking member and the chairman for their extraordinary help in crafting this bill to help meet the needs of Louisiana's vanishing coast. This coastline just doesn't belong to Louisiana, it belongs to the Nation. It is America's last coastal zone, with millions of acres of wetlands that serve as hosts of the oil and gas industry and that cradle, if you will, the great Mississippi River, which is the greatest river system on the North American Continent. It provides for the extensive fisheries industry.

This is a picture of southeast Louisiana. But if you head southwest, it is also host to major river systems, the Calcasieu Ship Channel, et cetera. This coast is threatened. This is a pretty extraordinary graph that we found recently, which shows the track of every major hurricane since 1955. The blue line is the track of Hurricane Rita, a category 4 to 5 hurricane. Katrina is the yellow line that went through the eastern part of our State, and then, of course, Rita on the western part on the Texas-Louisiana line.

This gulf coast is America's only energy coast. All of the oil and gas offshore is produced right here. Most of the refineries, platforms, et cetera, are beside these great wetlands. This bill is going to make substantial investments

along this coastline to keep our river open, to keep our ports operating, to protect these wetlands, and to help create a stronger barrier.

Obviously, we need to be doing this all over the country, this Atlantic coast. There is money for that as well. Of course, I am not as familiar with those projects. I can tell you that this WRDA bill—of course, my partner and colleague, Senator VITTER, is on the authorizing committee, and he deserves a tremendous amount of credit for his work.

I wanted to say that the ecosystem project of Louisiana's coastal area is funded, as well as significant navigation and hurricane protection and wetlands restoration projects. In addition, there are some innovations important to America. There are some new technologies that will allow us to protect these areas, to build stronger levees, to protect this coast with better materials that cost less—way less—and we can stretch the dollars in this bill far more than we have been able to do in the past because although this is a very large bill with a $10 billion authorization, it is not enough, as some of our colleagues have said.

Mr. President, the technology—and we will soon send to the RECORD an example of the technologies—will help us to make these projects stretch. I thank the ranking member for his courtesy and the chairman for all of his help.

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

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I rise, too, in strong support of this WRDA bill with my Louisiana colleague and many others because of the enormously important work it will do for the country, including the State of Louisiana, particularly after the devastating hurricanes of Katrina and Rita.

I, too, thank the chairman of the Environment and Public Works Committee, Chairman INHOFE, and the ranking member, Senator JEFFORDS, and Senators BOND and BAUCUS, and everybody who has made this very important bill possible, including our great staff, including Angie Johncarlo, Ruth VanMark, Letmon Lee, Stephen Aaron, Catharine Ransom, and Jo-Ellen Darcy. I thank them all for their hard and, in so many cases, their ongoing work.

This bill is vitally important to the country and is vitally important to Louisiana, and it was before 2005. It was important before Hurricanes Katrina and Rita, but it is 10 times more important after those devastating storms and in light of our continuing and increasing needs following those storms.

I want to highlight some very important aspects. One is fundamental Corps reform, which is important, which will get done one way or another in this bill. Now, in terms of Corps reform, I favor the model of Chairman INHOFE. I also point out that I have been working, with his help and the help of many others, on a Louisiana water resources council to ensure proper oversight, vetting, review, and ongoing outside independent expert review of all of the projects in the Louisiana hurricane area.

That concept was first embodied in a separate stand-alone bill that I introduced on March 15 as S. 2421. I am happy to say that through a managers' amendment it will be included in all substantial and major ways in this WRDA bill. It is very important to bring outside expertise to bear to review on an ongoing basis, to do that peer review for those projects and to integrate those projects into an overall plan for our Louisiana coast.

There are other important needs that the bill meets. The comprehensive hurricane, flood, and coastal protection program is fully authorized in this bill. Immediately, it authorizes 5-year near-term coastal restoration projects and will exceed $1.2 billion, establishes a science and technology program of at least $500 million, requires consistency and integration in all of the programs, and makes sure they work together.

Other crucial Louisiana needs addressed in the bill are hurricane protection for Terrebonne and Lafourche. The bill authorizes the Morganza to the gulf hurricane protection project that has been ready for 3 years now. This is long overdue and it finally comes in this important WRDA bill, addressing the travesty of the Mississippi River Gulf Outlet, MRGO, fixing that environmental disaster and making sure that the negative impacts of it, as we saw through Katrina, never happen again. And other crucial needs are addressed, such as the Port of Iberia, Vermillion hurricane protection, east Baton Rouge, Red-Ouachita River Basin, Atchafalaya Basin, Calcasieu River and Pass, Larose to Golden Meadow, Vidalia Port, and St. Charles. They are all directly met in this bill.

Again, I thank the chairman, the ranking member, and others on the committee for their leadership to meet these crucial Louisiana needs and certainly these crucial national needs. I strongly and fully support the bill.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time. The Senator from Wisconsin.

Mr. FEINGOLD. I yield myself time off of the McCain-Feingold prioritization amendment.

I rise in strong support of the McCain-Feingold prioritization amendment. I am pleased to be a cosponsor. As Senator MCCAIN points out, it recognizes we must respond to the tragedy of Katrina and to our current flawed planning process by making sure that limited taxpayer dollars go to the most worthy water resources projects.

That doesn't sound like a lot to ask. As we all know, our Nation is staring down deficits that just a few years ago were unimaginable. We have a backlog of $58 billion in projects that are authorized but not built, and that number will be closer to $70 billion when this bill passes. Clearly, we need some way of identifying projects that are most needed.

Right now, Congress does not have any information about the relative priority of the current massive backlog of unauthorized projects, and we don't have any way of evaluating the relative priority of the new projects. What we do have is individual Members arguing for projects in their States or districts but no information about which projects are most important to the country's economic development or transportation systems or our ability to protect our citizens and our property from natural disasters.

Our current prioritization process is not serving the public good. The McCain amendment would make sure Congress has the tools to more wisely invest limited resources while also increasing public transparency in decisionmaking. It does so by utilizing an interagency task force set up in the underlying bill, the Water Resources Coordinating Committee, to evaluate likely Corps projects in three different categories: flood damage reduction, navigation, and ecosystem restoration. The committee will establish broad national priorities to apply to those projects.

The amendment sets out minimum requirements that projects in each category have to meet, so that, for example, flood reduction projects must be evaluated in part whether they reduce the risk of loss of life. But the committee is free to consider other factors as long as it is clear about which factors it is considering.

Projects in each of these project types will be placed in tiers based on how great a priority they represent, and this information will be provided to Congress and the public in a nonbinding annual report. That is it. Congress and the public get information to help them make decisions involving millions—or even billions—of dollars. Surely that isn't too much to ask.

Modernizing all aspects of our water resources policy will help restore credibility to a Federal agency that is plagued by public skepticism in the wake of Katrina. The Corps has admitted serious design flaws in the levees it built in New Orleans, and it is clear that the Corps' mistakes contributed significantly to the damage New Orleans suffered.

I can tell you, when I was down in New Orleans just last week, even more than complaints about FEMA, I heard complaints about the Corps. And just as we have worked as a body to improve FEMA, we need to work to improve the Corps. Our constituents and the people of New Orleans deserve no less.

The Corps does important work. The real problem, as the senior Senator

from Arizona points out, that this amendment seeks to get at is us in Congress. Congress has long used the Army Corps of Engineers to facilitate favored pork-barrel projects, while periodically expressing a desire to change its ways. If we want to change our ways, we can start by passing the McCain prioritization amendment which will help us make sure the Corps continues to contribute to our safety, environment, and economy, without wasting taxpayer dollars.

The Inhofe-Bond so-called prioritization amendment does not accomplish that. In fact, that competing amendment would do nothing more than create a bureaucratic nightmare. It would require every project in the $58 billion backlog to be rated. Even the Corps admits there are many projects in the backlog that will never be built. Some of the projects being deauthorized in this WRDA bill were first authorized in the 19th century. So why would we expend such time and resources evaluating projects that have no chance of being built? We can prioritize in a smarter, more manageable way.

Their amendment creates an ill-defined relative rating system for criteria but doesn't require any final analysis or ranking. How is that going to help us decide where to allocate taxpayer dollars? It won't. The relative rating system is nothing more than a throwaway single line with no substance.

What is most telling is that there is no provision to allow for the information to be made available to the public so they can look over our shoulders and make sense of whether our decisions about national water resource priorities make sense.

Furthermore, their amendment, rather than using impartial criteria on which to weigh projects, would use criteria which would be applied across project types and which appear to be reverse-engineered to elevate inland navigation projects: for example, criteria such as ''availability cost alternate transportation methods relating to the project''; ''[R]eduction of dependence on foreign oil associated with using water as a method of transportation of goods''; ''pollution reduction benefits associated with using water as a method of transportation of goods.''

These criteria serve to elevate generically inland navigation projects at the expense of flood and storm damage reduction projects and environmental restoration projects.

Obviously, I do not have an issue with inland navigation projects.

The PRESIDING OFFICER. The time on the amendment has now expired.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I may continue under the remaining time on the bill.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Reserving the right to object, I inquire as to how much time remains.

The PRESIDING OFFICER. The amount of time combined is 10 minutes 58 seconds under the control of Senator INHOFE and 2 minutes 41 seconds under the control of the Senator from Vermont.

Mr. INHOFE. No objection.

The PRESIDING OFFICER. Who yields time? Does the Senator from Vermont or the Senator from Oklahoma yield? Does the Senator from Vermont yield time?

Mr. INHOFE. That is correct, I do not yield time. I just don't object to his using some of the time on the bill.

The PRESIDING OFFICER. The Senator from Vermont yields time.

Mr. FEINGOLD. I thank my colleagues.

The Mississippi River is a critical artery for Wisconsin and national commerce, and many other rivers serve the same role. However, I do take issue with the process that uses broadly applied criteria that will obviously only be met by a small subset of projects at the expense of other valuable project types that fall within the mission area of the Corps of Engineers.

Lastly, if any of my colleagues are tempted to vote for the Inhofe-Bond alternative, I encourage them to take a close look at it. It is clearly designed to look more substantial than it really is because in a nine-page amendment, four pages are dedicated to simply reinserting the same language on a fiscal transparency report that the amendment initially deleted.

Unfortunately, the existing inadequate, opaque funding process is better than the prioritization process created by the Inhofe-Bond amendment. A deliberately flawed and skewed prioritization system would be more harmful than the current ineffective one. As such, whatever one's position may be on the McCain-Feingold-Lieberman-Feinstein amendment, I strongly encourage my colleagues to oppose the Inhofe-Bond prioritization amendment.

I certainly thank my colleagues for the additional time, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, I yield myself such time as I may consume. It is my intention to yield back some time. We have some colleagues we want to accommodate. I think if I do that, time will also be yielded back from the other side.

While I don't agree with those who tried to argue that there are currently no prioritization projects, I do acknowledge that we can do a better job. That is exactly what the Inhofe-Bond amendment will do.

The administration has priorities right now. They can set priorities. It is called the budget. The administration sets its funding priorities through the President's budget request. For the last couple of fiscal years, President Bush has relied on a measure called the remaining benefit-remaining cost ratio.

The Inhofe-Bond amendment requires the Corps of Engineers to provide critical and easy-to-understand information to Congress that can then be used to make tough budgetary decisions that we have to make when the funds are so limited.

The amendment sets out four national priorities—I mention this because this contradicts something said by the Senator from Wisconsin: No. 1, to reduce the risk of loss of human life and risk to public safety; No. 2, to benefit the national economy; No. 3, to protect and enhance the environment; and No. 4, to promote the national defense.

Let me just say in closing that no one can vote either for their amendment or against our amendment saying that one of them is going to be spending more money or there is pork. It is a wash. They are both the same. Voting for the Inhofe-Bond amendment is not going to reduce the amount of money that is going to be spent on projects or voting for the other amendment is not going to do that, either. Not one of these is a large spending bill or a small spending bill. I would like to get that out of the way.

Our amendment sets out our national goals. The Corps is directed to develop a relative ranking system to report how well each project meets these four priorities.

I really think enough has been said on this issue. I am prepared at this point, if the other side is, to yield back and accommodate some of our colleagues. I do so at this time.

Mr. JEFFORDS. Mr. President, first, I commend my partner for the cooperation we have had on this bill.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to amendment No. 4684, the McCain amendment.

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

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

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The result was announced—yeas 19, nays 80, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—19

Alexander	DeWine	Lieberman
Bingaman	Dodd	McCain
Brownback	Ensign	Nelson (FL)
Burr	Feingold	Sununu
Chafee	Gregg	Voinovich
Coburn	Kyl	
DeMint	Landrieu	

NAYS—80

Akaka	Biden	Cantwell
Allard	Bond	Carper
Allen	Boxer	Chambliss
Baucus	Bunning	Clinton
Bayh	Burns	Cochran
Bennett	Byrd	Coleman

Collins
Conrad
Cornyn
Craig
Crapo
Dayton
Dole
Domenici
Dorgan
Durbin
Enzi
Feinstein
Frist
Graham
Grassley
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kerry
Kohl
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Martinez
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Thomas
Thune
Vitter
Warner
Wyden

NOT VOTING—1

Kennedy

The amendment (No. 4684) was rejected.

Mr. STEVENS. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 4683

The PRESIDING OFFICER (Mr. SESSIONS). The question now is on agreeing to the amendment of the Senator from Oklahoma, Mr. INHOFE.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 211 Leg.]

YEAS—43

Alexander
Allard
Allen
Bennett
Bond
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Enzi
Frist
Grassley
Hagel
Hatch
Hutchison
Inhofe
Isakson
Lott
Lugar
Martinez
McConnell
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—56

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brownback
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Dayton
DeWine
Dodd
Dorgan
Durbin
Ensign
Feingold
Feinstein
Graham
Gregg
Harkin
Inouye
Jeffords
Johnson
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Stevens
Sununu
Wyden

NOT VOTING—1

Kennedy

The amendment (No. 4683) was rejected.

Mr. BOND. I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. COBURN). The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I ask unanimous consent that the managers' amendment at the desk be agreed to and the motion to reconsider be laid upon the table.

Mr. JEFFORDS. This amendment has been cleared on our side.

The PRESIDING OFFICER. Is there an objection?

Mr. McCAIN. I object.

The PRESIDING OFFICER. The objection is heard.

REMOVAL OF MARINE CAMELS

Mr. WARNER. Mr. President, I seek recognition to engage in a colloquy with the distinguished manager of this bill, Senator INHOFE, and the distinguished Senator from Rhode Island, Mr. REED, pertaining to a provision that would clarify that funds from the Department of Defense account for environmental remediation at formerly used Defense sites may be used for the removal of abandoned marine camels at any formerly used Defense site under the jurisdiction of the Department of Defense.

First, perhaps for those who are not familiar with marine and naval terminology, it would be useful to point out that a ''marine camel'' is nothing more than a large timber fender. These wooden fenders, or bumpers, are of the type that have been used since the days of sail to cushion a ship as it lays alongside a pier, or to act as a buffer between two or more ships when they are tied up alongside each other, either at a pier, a mooring, or at anchor. The purpose of the camel is to prevent damage to a ship or a pier that would otherwise occur when a ship rocks against a pier or against another ship due to shifting tides, currents, wakes from passing ships, and so forth.

The problem this provision seeks to solve is that over the many years these marine camels have been in use at naval facilities, marine terminals, and moorings controlled and operated by the Department of Defense, they have been lost, sunk, or otherwise have become hazardous debris, often containing hazardous substances, in the waters and on the shores of formerly used Defense sites in Narragansett Bay.

The purpose of this colloquy is to establish that the provision that has been included in the Water Resources Development Act is not an expansion of existing authority. This provision is clear that use of Department of Defense funds is linked to formerly used Defense sites that are under the jurisdiction of the Department of Defense. Therefore, this provision clarifies but does not expand the authority or responsibility of the Department of Defense to undertake environmental restoration.

Mr. INHOFE. My colleague on both the Armed Services and Environment and Public Works Committees is correct. This Water Resources Development Act provision is simply to clarify existing authority. The other bill managers and I were informed that there was some confusion as to whether funds from the Department of Defense environmental remediation account for formerly used Defense sites could be used to remove abandoned marine camels located in the waters of formerly used Defense sites in Narragansett Bay. It was our intent to clarify that the Department could in fact use these funds to remove debris linked to a formerly used Defense site even if that debris has drifted off land and into the water. Of course, any debris in the water not linked to a formerly used Defense site could not be cleaned up using funds from this account, and I believe the language in the bill reflects that distinction.

Mr. WARNER. Further, it is also my understanding and I wish to make clear as part of our discussion that this provision is not intended to give a priority to clean up sites in Narragansett Bay over other formerly used Defense sites that present a greater risk to public health and safety.

The Department of Defense establishes the priority for cleanup of formerly used Defense sites on the basis of risk to the public. The Senate Armed Services Committee has long supported the Department's policy of prioritizing environmental cleanup based on risk. We stand committed to that principle today. I ask my distinguished colleague to confirm that he shares my understanding on these fundamental points.

Mr. INHOFE. Again, I agree completely with my colleague. There is absolutely no intent to change the Department's current policy of prioritization through this provision. Those sites presenting the greatest risk to the public should be cleaned up first. This provision is silent with regard to where on that priority list sites in Narragansett Bay may fall.

Mr. WARNER. With that understanding, I support this provision and I believe it may be helpful in ensuring that this cleanup in the Narragansett Bay takes place, as it should.

Mr. REED. Mr. President, I thank my colleagues for including this provision in the Water Resources Development Act. More than 100 abandoned camels litter Narragansett Bay, creating a safety hazard for boaters and divers and contaminating the bay's water with creosote, which has been listed by the Environmental Protection Agency as a probable human carcinogen. Camels were commonly used as fendering systems at the Newport Navy Base, the Quonset Point Naval Air Station carrier pier, Davisville Naval Construction Battalion Center, and the Melville Fuel Depot. As my colleagues from Virginia and Oklahoma pointed out, this

language claries that funding from the formerly used Defense sites' account could be used to remove abandoned marine camels located in the waters of formerly used Defense sites in Narragansett Bay, including removal of debris that is linked to a formerly used Defense site even if that debris has drifted off land and into the water. The ecological health and water quality of Narragansett Bay is vital to the economy of Rhode Island, and I believe that this language will aid in the cleanup of this precious natural resource.

AQUATIC NUISANCE SPECIES

Mr. LEVIN. Mr. President, as the leaders of this bill know, aquatic nuisance species cause unwanted and potentially harmful environmental changes in the Nation's waters. Aquatic nuisance species are introduced through various pathways, with ballast water on ships being the most predominant. Having a strong program to address the challenges presented by new introductions, allow rapid response actions, screen imports of aquatic organisms, and conduct research in all of these areas is extremely important and something this Congress needs to address.

In an attempt to develop a system to confront the challenges presented by these species, Senator COLLINS and I have sponsored comprehensive legislation to address this issue. While the Water Resources Development Act addresses protecting our Nation's waters, my colleague from Maine and I have decided not to address the need for comprehensive aquatic nuisance species legislation in this bill because the Environment and Public Works Committee leadership has committed to try to move a comprehensive bill forward this year.

Mr. INHOFE. I do understand the concerns about the impacts of aquatic nuisance species. I want to assure the Senate that it is my intention to resume discussions on a bill and try to bring a comprehensive bill to the Senate floor this year.

Mr. LEVIN. I thank the chairman and ranking member for their commitment to continue the process and look forward to working with you and continuing the discussion on this issue.

COMPREHENSIVE EVERGLADES RESTORATION PLAN

Mr. MARTINEZ. Senator INHOFE, as you know, the 2000 WRDA bill authorized the Comprehensive Everglades Restoration Plan. CERP created a permanent and independent peer review panel. The process used to develop CERP had broad public and technical review and participation. Therefore, all CERP projects have already gone through an initial planning stage. However, there are approximately 50 CERP projects that still need additional authorization from Congress. During conference negotiations with the House, would you be willing to examine the impact of additional peer review on CERP projects and its current independent review process?

Mr. INHOFE. Senator MARTINEZ, I am aware of the CERP review process established in WRDA 2000, and during conference we will examine its established independent review process to ensure that Everglades restoration is not unduly impeded.

Mr. MARTINEZ. Thank you, Senator INHOFE. I appreciate your leadership and diligence on this important issue.

SECTION 2019

Mr. INHOFE. I am aware that section 2019 of the WRDA bill before us has some problems with how we have attempted to deal with balancing the needs of municipal water suppliers and hydroelectric power generation. Complicating the issue is how CBO has scored our proposals to achieve balance. I fully intend to resolve this issue and do not intend to preempt existing statutory authorities that govern the Corps' ability to reallocate storage and provide municipal and industrial water supply. I ask my colleague, the senior Senator from New Mexico, to accept my assurances that I will work towards a compromise that treats all parties fairly.

Mr. DOMENICI. I thank my colleague for his efforts on these difficult issues and appreciate his consideration of the importance of hydroelectric generation to the nation's power supply. I also appreciate his working with me to ensure that this has no unintended impact on existing authorities that govern the Corps' ability to reallocate storage. I look forward to working with the senior Senator from Oklahoma on these issues.

COMPREHENSIVE EVERGLADES RESTORATION PLAN

Mr. NELSON of Florida. Senator FEINGOLD, as you know, the legislation establishing the Everglades Restoration Comprehensive Plan creates a permanent, independent peer review panel with extensive responsibilities for reviewing the Everglades restoration plan in detail. The Corps of Engineers has contracted with the National Academy of Sciences to establish that panel, and it has been working productively for years, issuing a number of major reports. Would this legislation create duplication with that panel?

Mr. FEINGOLD. Senator NELSON, I am familiar with the excellent peer review system that has been established for the comprehensive Everglades project. In many ways, that peer review system is a model for this amendment. There is nothing in this amendment that would keep the Director of Independent Peer Review from determining that the Everglades peer review is the functional equivalent of the peer review or substitute for the peer review required by this amendment and satisfies this requirement. In many ways, the Everglades peer review goes beyond that required by this amendment, and works smoothly with the requirements of this amendment.

Mr. NELSON of Florida. I appreciate and agree with your understanding of this amendment. I fully support the view that expensive controversial Corps of Engineers projects should be subject to independent peer review. In case there is any possible need for clarification of this issue, would the Senator from Wisconsin be willing to work with me during the conference on this bill?

Mr. FEINGOLD. Absolutely.

Mr. LAUTENBERG. Mr. President, I rise to speak in support of S. 728, the bill to reauthorize the Water Resources Development Act, WRDA.

I want to join my colleagues in expressing my sincere appreciation to Environment and Public Works Committee Chairman INHOFE and Ranking Member JEFFORDS, and to Senator BOND, who chairs the Subcommittee on Transportation and Infrastructure, and Senator BAUCUS, who serves as the ranking member of the Subcommittee. I also want to commend their dedicated staff for their hard work and consideration on this important legislation. The leaders in our committee and their staff have literally worked for years to bring this bill to the floor for consideration, and they deserve credit for their patience and perseverance.

I particularly thank Senator INHOFE and Senator BOND for the New Jersey project authorizations they have included in this bill. As do other States, New Jersey depends on the Army Corps to carry out projects that are vital to our economy. This bill contains authorizations for three important projects in New Jersey. The first is a South River storm damage and ecosystem restoration project. The second is a Raritan Bay and Sandy Hook Bay project at Union Beach which will address hurricane and storm damage and provide for beach nourishment over the 50-year life of the project. The third is a Manasquan to Barnegat Inlets project to address hurricane and storm damage and provide for beach nourishment over the 50-year life of the project.

The bill also contains a contingent authorization for a Great Egg Harbor Inlet to Townsends Inlet project for hurricane and storm damage reduction and periodic nourishment over the 50-year life of the project. I also appreciate the bill managers' willingness to accept my language on the shore protection demonstration program. This program will help us learn how to nourish our shore in smarter and cheaper ways.

While I supported the Feingold-McCain amendment regarding independent peer review, I hope this won't be construed to take anything away from the underlying bill or the hard work of its managers. The underlying bill is one that I am pleased to support, and I will vote for its final passage.

Mr. AKAKA. Mr. President. I want to express my support of S. 728, the Water Resources Development Act, WRDA, of 2006. S. 728 authorizes the U.S. Army Corps of Engineers to study water resource problems, undertake construction projects, and make major modifications to existing projects. It has

been 5 years since the last WRDA was enacted into law and I thank my colleague, the Senior Senator from Missouri, for his leadership in bringing this bill to the floor. This is a bipartisan piece of legislation that must be passed to address our Nation's critical navigation, flood control, and environmental restoration needs.

I am a cosponsor of S. 728 because I recognize the need to authorize essential flood control, shore protection, dam safety, storm damage reduction, and environmental restoration projects. These projects carried out by the U.S. Army Corps of Engineers protect communities across the country from destruction caused by severe weather and flooding, and also promote protection and restoration of our Nation's ecosystems. In addition, the legislation establishes standards that balance the safety and interest of the public with the economic and environmental feasibility of projects.

I am pleased that provisions from S. 2735, the Dam Safety Act of 2006, which I introduced with Senator BOND, are included in the managers' amendment to S. 728. This will advance dam safety in the United States and prevent loss of life and property damage from dam failures at both the Federal and State programmatic levels. Specifically, the reauthorization of the National Dam Safety Program Act will provide much needed assistance to State dam safety programs that regulate 95 percent of the 80,000 dams in the United States. Of the approximately $13 million authorized annually through 2011, $8 million will be divided among the States to improve safety programs and $2 million will be dedicated for research to identify more effective techniques to assess, construct, and monitor dams. In addition, $700,000 will be available for training assistance for State engineers, $1 million for the employment of new staff and personnel for Federal Emergency Management Agency, and $1 million for the National Inventory of Dams.

An additional provision that mirrors S. 2444, the National Dam Safety Program Act, which I introduced with Senator INOUYE, is included in S. 728. This authorizes appropriations of $25 million for small dam removals and dam rehabilitation projects. Although the amount included in S. 728 is not as large as in S. 2444, this is still an important first step in ensuring the safety of the public. I will continue to work with my colleagues to ensure that both public and private dams receive the maintenance they need.

The cost of failing to maintain our Nation's dam infrastructure is extremely high. There have been at least 29 dam failures in the United States during the past 2 years causing more than $200 million in property damage. In my home State in March, the Ka Loko Dam, a 116-year earthen dam, on the island of Kauai breached during heavy rains killing seven people. This tragic event serves as an important reminder of the responsibility held by the State and local governments, but also of the leadership role of the Federal Government in supplementing State resources and developing national guidelines for dam safety.

I urge my colleagues to join me in supporting S. 728. Again, I express my appreciation to my colleagues Senators BOND, INHOFE, JEFFORDS, FEINGOLD, BOXER, SPECTER and MCCAIN for their leadership in bringing this bill to the floor. This bill is essential in improving economic growth, safety, and the quality of life of all Americans.

Mr. OBAMA. Mr. President, I rise today in strong support of the Water Resources Development Act. First, let me commend my colleague from across the Mississippi River, Senator BOND, for his efforts in bringing this bill to the floor. I was pleased to support his efforts in the Environment and Public Works Committee and to be an original cosponsor of this bill.

Last year, Senator BOND and I worked together on a letter, signed by 40 of our colleagues, saying it was time for this bill to be considered on the floor of the Senate. When we were told that 40 was not enough, that we needed 60 signatures, we came back and got 81.

That was 7 months ago, and I am pleased that the Senate is now on the verge of passing this bill because this is an important bill both to my State of Illinois and to the entire country. It authorizes and revises the policies and practices of the U.S. Army Corps of Engineers in waterway navigation, including the construction of locks and dams, the construction of levees and wetlands restoration to promote flood control, and other ecosystem and environmental mitigation activities.

For two decades, Congress has enacted revisions and updates to WRDA roughly every 2 years. It is now been 6 years since the last WRDA bill and, in light of the devastation wrought by Hurricanes Katrina and Rita last year, this bill is long overdue.

Recently, the American Society of Civil Engineers conducted a report card of the Nation's infrastructure and gave a D-minus to our navigable waterways. More than 50 percent of our lock and dam systems in the United States are functionally obsolete, and that figure will rise to 80 percent in the next 10 years.

Now, if you are not from a farm State, you might not understand why navigable waterways are important to all of us. But a major component of the cost of farm commodities is the cost of transportation. That affects both the price of food that we buy in grocery stores and the price of homegrown fuels that fuel our cars. If U.S. agriculture is to remain competitive in the worldwide market during the 21st century, we need to improve our transportation infrastructure.

Countries such as Brazil and China understand the importance of efficient commerce for their farmers and have made significant investments in improvements. Unfortunately, American farmers still rely on pre-World War II-era infrastructure when transporting their goods to market. When we talk about the responsibility of Congress and the U.S. Government to create jobs and economic development, upgrading these locks and dams is part of that responsibility.

This bill provides $1.8 billion for lock and dam upgrades along these waterways to replace transportation infrastructure almost 70 years old. This is an important provision to Illinois farmers and to everyone around the world who uses the products that we grow in Illinois.

The bill also provides an unprecedented $1.6 billion in Federal funds for ecosystem restoration along the Illinois and Mississippi Rivers to improve fish and wildlife habitat as well as land and water management.

Finally, there is a small, but important, provision to authorize continued funding for the electric barriers that prevent the Asian carp from entering into the Great Lakes. The Asian carp is an invasive species with a voracious appetite that, if left unchecked, would disrupt the natural ecosystem in the Great Lakes and crowd out the native fish. Senator VOINOVICH and I were able to get a temporary fix put into the supplemental appropriations bill, but we need a more permanent guarantee of funding, and WRDA will provide just that.

I will also take a minute to discuss the subject of reforming the Army Corps of Engineers. Serious questions have been raised as to how the Corps develops its calculations and analyses for projects. I believe that subjecting some projects to an independent review process is necessary to ensure that taxpayer dollars are used in the most effective manner.

In closing, I commend Chairman INHOFE and Ranking Member JEFFORDS for their leadership, and I thank the EPW Committee staff for their fine efforts in preparing this bill. I am pleased to cosponsor this bill and urge my colleagues to support it as well.

Mr. SARBANES. Mr. President, our Nation's waterways, harbors, and ports are vital to our economic prosperity, the safety of those who navigate our waters, and to our quality of life. It is estimated that one out of every five jobs in the United States is dependent, to some extent, on commercial activities handled by our ports and harbors. In many instances, ship and barge transport is the safest, cheapest, and cleanest transportation mode. Likewise, our waterways provide critical habitat for fish and wildlife, recreational opportunities for boaters, and contribute to the health and well-being of millions of people through their diversity, beauty, history, and natural environment. This legislation authorizes the U.S. Army Corps of Engineers to undertake water resource projects of great importance to our Nation's and

our states' economy and maritime industry, public safety and to our environment.

I am particularly pleased that the measure includes a number of provisions for which I have fought to help ensure the future health of the Port of Baltimore, the Chesapeake Bay, and Maryland's waterfront communities. With more than 4,000 miles of shoreline around the Chesapeake Bay and Atlantic Ocean, 126 miles of deepwater shipping channels leading to the Port of Baltimore, some 70 small navigation projects critical to commercial and recreational fisherman and to local and regional economies, Maryland is a State which relies heavily on the navigation, flood control, and environmental restoration programs of the U.S. Army Corps of Engineers. Over the years, I and other members of the Maryland congressional delegation have worked hard to maintain and improve the Federal channel system—serving the Port of Baltimore and other communities throughout Maryland, to address the severe shoreline erosion problems on Maryland's Atlantic Coast, and to bring the Army Corps of Engineers' expertise to bear in the restoration of the Chesapeake Bay and Maryland's rivers and streams. While other ports are just now beginning to deepen their channels to 45 or 50 feet, we succeeded in deepening the port's main shipping channel to 50 feet 16 years ago making navigation safer, easier, and cheaper for ships using the channel and assuring that the route can handle the deep draft bulk cargo carriers in use today.

We recently completed two critical safety improvements to the Port's channel system—the straightening of the Tolchester ''S'' turn and the widening and deepening of the Brewerton channel eastern extension—as well as some long-needed improvements to Baltimore harbor's anchorages and branch channels. We constructed a hurricane protection project at Ocean City, MD to help protect the citizens and the billions of dollars in public and private infrastructure in the area and restored the beach at the north end of Assateague Island National Seashore. We also completed numerous environmental restoration projects throughout the Chesapeake Bay watershed from Jennings Randolph Lake in western Maryland to the Poplar Island Environmental Restoration Project—the largest and most environmentally significant island habitat restoration project ever undertaken in the Chesapeake Bay. These projects would not have taken place without the authorities and funding provided in previous Water Resources Development Acts. The measure before us will enable several, much-needed water resource infrastructure projects in Maryland to move forward.

First, the bill authorizes a 50-percent expansion of the Poplar Island environmental restoration project, to provide additional dredged material capacity for the Port of Baltimore and additional habitat for the Chesapeake Bay's wildlife. Initially authorized by section 537 of the Water Resources Development Act, WRDA, of 1996, the Poplar Island project has proved to be a tremendous success and a model for the Nation on how to dispose of dredged material.

Instead of the traditional practice of treating the dredged material as a waste and dumping it overboard, we are putting approximately 40 million cubic yards of clean dredged material from the shipping channels leading to the Port of Baltimore into a productive use, restoring 1,140 acres of remote island habitat in the Chesapeake Bay, creating a haven for fish and wildlife, and helping reduce sediment degradation of the Bay's water quality. This represents a win-win situation for two of Maryland's most important assets—the Port of Baltimore and the Chesapeake Bay.

Last year, the Army Corps of Engineers completed two studies—a Baltimore Harbor and Channels Dredged Material Plan, DMMP, and an integrated General Reevaluation Report, GRR/Supplemental Environmental Impact Statement, SEIS, on the Poplar Island Environmental Restoration Project—which identified a critical need for new dredged material placement capacity for the Port of Baltimore by 2009 in order to meet Federal and State of Maryland requirements and recommended the expansion of Poplar Island as a preferred alternatives for addressing the dredged material capacity gap in an economically and environmentally sound manner. A subsequent Chief's Report submitted to Congress on March 31, 2006, recommended a 575-acre expansion of the existing Poplar Island and the raising of the island's existing upland cells to add approximately 28 million cubic yards of dredged material placement capacity and extend the project life by approximately 7 years. This measure authorizes the expansion of the existing Poplar Island project as recommended in the Chief's Report. It authorizes $256.1 million for the expansion project, bringing the total cost of the existing project and the expansion project to $643.4 million, with an estimated Federal cost of $482.4 million and an estimated non-Federal cost of $161 million. The Poplar Island environmental restoration project has been a top priority of mine, of the Maryland Port Administration and of the shipping and environmental communities for many years, and I am delighted that this legislation will enable us to move forward with the expansion of this project.

Second, the bill contains three additional provisions authorizing a total of nearly $100 million which are critical to our continuing efforts to restore the Chesapeake Bay. It reauthorizes and expands a program that we established in section 510 of WRDA 1996 known as the Chesapeake Bay Environmental Restoration and Protection Program, raising the authorized funding from the current level of $10 million to $30 million. It increases the funding for Chesapeake Bay native oyster restoration to $50 million—a $20 million increase over current levels. And it authorizes the Smith Island ecosystem restoration project to reverse the tremendous loss of wetlands and submerged aquatic vegetation around Smith Island, MD.

In 1984, the U.S. Army Corps of Engineers completed a comprehensive study—the first such study ever undertaken—of the present and future uses and problems of Chesapeake Bay's water and related land resources. Since then the Corps has undertaken or participated in a variety of projects to help restore the Chesapeake Bay's water quality and living resources, including sewage treatment plant upgrades, making beneficial use of dredged materials, removing impediments to fish passage, mitigating the impacts of shoreline erosion, and restoring wetlands, habitat and oyster reefs. But despite these efforts, the Chesapeake Bay's health continues to languish.

To restore the integrity of the ecosystem and to meet the goals established in the Chesapeake 2000 Agreement, nutrient and sediment loads must be significantly reduced, oyster populations must be increased, SAV and wetlands must be protected and restored, and remaining blockages to fish passage must be removed, among other actions. As the lead Federal agency in water resource management, the Corps has a vital role to play in this endeavor, and the programs authorized in this measure will enable the Corps to continue to participate in this effort. The funding increase provided for the Chesapeake Bay Environmental Restoration and Protection Program will allow the Corps to expand design and construction assistance to State and local authorities for a variety of environmental restoration projects in the bay. The additional funds provided for native oyster restoration will help support the Chesapeake 2000's goal of increasing oyster populations by tenfold by the year 2010. And the new authority to construct the Smith Island environmental restoration projects will help stem the alarming loss of SAV and wetlands along the coastline of Martin National Wildlife Refuge and Smith Island, protecting approximately 720 acres and restoring about 1,400 acres of valuable habitat.

Third, the measure provides the funding necessary to complete the C&O Canal rewatering project in Cumberland, MD. In 1952 a 1.2-mile section of the historic C&O Canal and turning basin at its Cumberland terminus was filled in by the Corps of Engineers during construction of the Cumberland, MD, and Ridgely, WV, flood protection project. The National Park Service and State and local authorities have long sought to rebuild and rewater the C&O Canal in this area to restore the integrity of the historic canal and assist in

revitalizing the area as a major hub for tourism and environmentally sound economic development. The Corps investigated the feasibility of reconstructing and rewatering the turning basin and canal near its terminus and determined that it is feasible to rewater the canal successfully without compromising the flood protection for the city of Cumberland.

Subsequently, Senator MIKULSKI and I secured a provision in WRDA 1999 authorizing the Corps to construct this project at a then-estimated total project cost of $15 million. Those estimates were based on a 50-percent design document completed in 1998. Since that time, the estimated cost of the project has increased due, in large part, to the finding of archeological objects and petroleum in the canal turning basin and prism as well as design refinements. The provisions included in this bill increase the authorized funding level for the project from $15 million to $25.75 million and will ensure that the full 1.2-mile section of canal and turning basin are completed.

Fourth, the bill contains provisions to facilitate the restoration of the Anacostia River, one of the most degraded rivers in the Chesapeake Bay watershed and in the Nation.

Through a cooperative and coordinated Federal, State, local, and private effort, significant progress has been made over the past decade to restore the Anacostia watershed. Today there are more than 60 local, State, and Federal agencies involved in Anacostia watershed restoration efforts, and more than $100 million in Federal, State, and local funds have been invested in this endeavor. The U.S. Army Corps of Engineers has played a key role in improving tidal waterflow through the marsh, reducing the concentration of nitrogen and phosphorus, and restoring wetlands, but the job of restoring the Anacostia watershed is far from complete. The provisions in this legislation require the Secretary of the Army, in coordination with the Mayor of the District of Columbia, the Governor of Maryland, the county executives of Montgomery County and Prince George's County, MD, and other stakeholders, to develop and make available to the public a 10-year comprehensive action plan to provide for the restoration and protection of the ecological integrity of the Anacostia River and its tributaries.

I wish to compliment the distinguished chairmen of the committee and the subcommittee, Senators INHOFE and BOND, and the ranking members, Senators JEFFORDS and BAUCUS, for including these provisions and for their work on this legislation. This legislation is long overdue, and I urge my colleagues to join me in supporting this measure.

Mr. HARKIN. Mr. President, I am very pleased that we are finally going to conclude the Water Resources Development Act. My hope is that the conference with the House can be completed before the Congress recesses in early October. This is a good bill, providing for flood control, improvements to navigation, and considerable improvements to the environment. The bill also provides some real improvements to the way the Corps works.

I am very pleased that the bill includes improvements for navigation and environmental improvements for the Upper Mississippi River. It includes five expanded locks, a number of long-overdue efficiency improvements, and a major boost to the Corps of Engineers' environmental programs. I was pleased to work with Senator BOND to develop this important and very balanced proposal. The unfortunate thing is that our Upper Mississippi lock and dam measure was first introduced in 2004 and then made a part of the Senate WRDA bill that year. But we are only now getting a chance to move it to the Senate floor.

I have been deeply involved with navigation because of its importance to farmers in Iowa and across the upper Midwest. River transportation is critical to keeping commodity costs low enough to remain competitive.

When shipping on the river is constrained, costs rise. When that happens, prices for moving bulk farm commodities by alternative means, mainly rail, go up as well. These price differentials seem relatively small compared to the total price, but they make a huge difference in farm income.

Clearly, river traffic on the Mississippi is incredibly important to producers in my State and elsewhere in the upper Midwest. As a result of traffic congestion on the Mississippi, producers face longer shipping times, which are very costly. Clearly, traffic management and helper boats to push long barges through crowded locks will be very helpful, and this bill will help that happen. In the long run, though, that won't be enough. It is incredibly important that we address ways to modernize a number of the locks on the upper Mississippi.

And we face substantial improvements from our competitors in their transportation capabilities, particularly in Brazil. I visited there a few years ago and saw firsthand how Brazil was rapidly moving to improve its Amazon River facilities. In contrast, we are sitting with 60-year-old locks that raise our costs.

I would also note that moving goods like corn down to the Gulf by river instead of by rail, and building material up from the Gulf in the same manner means considerable saving in fuel both lowering costs and air pollution.

Existing law requires exhaustive analysis of future river use levels decades into the future. The studies required for such predictions are, by their nature, highly speculative at best. While many have been critical of the methods of the U.S. Army Corps of Engineers, the Corps is essential to our ability to compete, to ensure that we keep the arteries and veins of America's river transportation system in smooth running order. We must remain competitive. We cannot wait any longer to authorize construction for 1,200-foot locks so barge tows can move through the upper Mississippi and Illinois without being split.

Of course, navigation needs cannot be our sole concern. Over the years, I have heard time and time again from constituents and national leaders concerned about the environment, about the need to maintain a balance among navigation, flood control and the environment. Habitat for many species—indeed, the Mississippi River ecosystem as a whole—has deteriorated since the construction of the original lock system in the 1930's.

The Mississippi River is home to a wide variety of fish and birds, as well as other wildlife. These animals and abundant plant life are important to the character and life of the Mississippi River. Approximately, 40 percent of North America's waterfowl and shorebirds use the Mississippi Flyway.

Parts of the Upper Mississippi River may serve as the most important area for migrating diving ducks in the United States. And the Mississippi River serves as habitat for breeding and wintering birds, including the bald eagle.

We are all aware of the problems that have plagued the Corps' actions on the Mississippi River. However, the Corps has pledged and is putting a much stronger emphasis on environmental protection. We need to work with the Corps to ensure that all updates and renovations of the locks and dams are done with the utmost care for the environment and the wildlife that depends on the Mississippi River habitat.

In addition to that mitigation, we need to give the Corps the authorization and the funding it needs to accomplish real ecosystem restoration, and not just make up for the lost habitat of specific identified species. The legislation we are proposing does just that.

This is going to be a challenge in these difficult budget times, but not to do so would be penny-wise and pound-foolish. We need to be thinking both of the long-term economic health of our agricultural producers and shippers, in tandem with the long-term health of the diverse ecosystems on the river.

I would like to note that I am pleased that bill authorizes improvements to the Des Moines flood control system. Des Moines suffered major flooding in 1993 and clearly needs the improvements to reduce the chance of flooding in the future.

I believe the legislation we are proposing strikes the correct balance. I urge our colleagues to support this important bill.

Mr. DURBIN. Mr. Presient, I thank Chairman INHOFE and Senator JEFFORDS and both of their staffs for their tireless effort writing this bill. It has not been an easy bill to write due to the many competing demands on water resources as well as interests regarding Corps reform.

Traditionally, Congress passes WRDA every 2 years, ensuring that the Corps of Engineers can stay current in studying the most pressing water resource problems, constructing projects, and modifying existing projects to meet various needs across the country.

We have been waiting 6 long years for a bill to reauthorize navigation, ecosystem restoration, fish and wildlife conservation, and flood and storm damage reduction projects all over the country.

Today, I am pleased to see this bill on the floor of the Senate, a measure that is the product of bipartisan negotiations and has the support of 80 Senators.

I strongly support this legislation.

Most significant to my home State of Illinois is the bill's authorization of navigation improvements and restoration of the ecosystem of the Upper Mississippi River and Illinois Waterway System. This project will increase lock capacity and improve the ecosystem of both the Upper Mississippi River and the Illinois River.

Specifically, this bill authorizes improvements to Locks 12, 14, 18, 20, 22, and 24 on the Mississippi River. It also authorizes the construction of 7 new 1,200-foot locks at Locks 20, 21, 22, 24, and 25 on the Mississippi River and at the LaGrange and Peoria Locks on the Illinois River. Many of the locks on the rivers were built nearly 70 years ago and are in desperate need of an overhaul. Inland waterway shipping relies on the successful operation of these locks. Frequent delays caused by the antiquated lock system increase shipping costs, which hurts American farmers.

Updating these locks is critical for industry and agriculture in the Midwest and in my home State of Illinois. Every year, the river moves $12 billion worth of products. It moves 1 billion bushels of grain—about 60 percent of all grain exports—to ports around the world. More than half of Illinois' annual corn crop and 75 percent of all U.S. soybean exports travel via the Upper Mississippi/Illinois River system. Shipping via barge keeps exports competitive and reduces transportation costs. That is good for producers and consumers. In addition, increased barge shipping displaces shipments by rail and truck, which lowers transportation costs for all businesses nationwide.

There are significant cost savings and environmental benefits to updating these locks as well. Barges operate at 10 percent of the cost of trucks and 40 percent of the cost of rail traffic. They also emit much less carbon monoxide, nitrous oxide, and hydrocarbons, and use less fuel to transport the equivalent tonnage of products.

It is estimated that the construction of the 7 locks will create 48 million man-hours of jobs and provide 3,000 to 6,000 jobs per year, including many high-paying manufacturing jobs. Currently, in the Upper Mississippi River Basin alone, more than 400,000 jobs are connected to the river. This includes 90,000 well-paid manufacturing jobs.

In addition, this project manages to balance the navigation needs of commercial shippers on our inland waterways with ecosystem restoration. Quite simply, this project authorizes the most ambitious ecosystem restoration project in the history of the Corps of Engineers. At a time when many believe this waterway is losing its habitats and eco-diversity, this $1.65 billion ecosystem restoration project is an important step toward fostering wildlife and natural habitats along the inland waterway system.

This restoration project will restore over 100,000 acres of habitat and create new recreational opportunities and additional jobs in the area.

Ecosystem restoration projects that are authorized in this bill include flood plain restoration, island building, construction of fish passages, island and shoreline protection and tributary confluence restoration, among others. When this project was developed, I worked diligently to ensure that the natural ecosystem of the Mississippi and Illinois Rivers received the same attention as the navigational needs of the area.

I also thank the managers of this bill for the inclusion of a project that is critically important to Illinois as well as the entire Great Lakes region—the authorization to make permanent the Chicago Sanitary and Ship Canal Dispersal Barrier system. This project is critical to protecting the Great Lakes from the Asian Carp, an invasive species now found in the Mississippi River. Asian carp can grow to 4 feet, weigh 60 pounds, and are capable of consuming up to 40 percent of their body weight in plankton per day. While the Mississippi River and the Great Lakes were once separate water systems, the construction of the Chicago Sanitary and Ship Canal connected these two water bodies. Today, the Asian carp threatens a $4.1 billion sport and commercial fishing industry in the Great Lakes. Permanent operation of the barrier system to prevent the Asian carp from entering the waters of the Great Lakes is critical to the protection of this valuable ecosystem. I appreciate the inclusion of language in this bill that recognizes the threat of the Asian carp and the need to protect the Great Lakes ecosystem from this invasive species.

Finally, we must recognize that Hurricane Katrina was a wake-up call; one that requires us in Congress to take those steps that ensure we don't witness another Katrina-type disaster caused by a failure of engineering, analysis or any other failure of oversight. We must ensure that projects meant to protect the public wellbeing do just that. This bill is critically important to the agricultural interests in my State. I will encourage the advancement of this bill through Congress and am committed to seeing that it is sent to the President.

Mr. FEINGOLD. Mr. President, when a bill like this one comes to the floor, especially after 6 years, there are so many people to thank. First, I want to thank the support of my principal cosponsor, the Senator from Arizona, Mr. MCCAIN, who has worked with me since the 108th Congress.

I know he shares my view that future Corps projects should no longer fail to produce predicted benefits, should stop costing the taxpayers more than the Corps estimated, should not have unanticipated environmental impacts, and should be built in an environmentally compatible way.

He saw the importance of ensuring that the Corps does a better job, which is what the taxpayers and the environment deserve. He and his staffer, Becky Jensen, deserve commendation.

I am particularly grateful for the help and support of the chairman of the committee, Mr. INHOFE. He directed his staff to work closely with mine, and Ruth Van Mark, Angie Giancarlo, and Steven Aaron did so ably, and I thank them, and the majority staff director, Andy Wheeler.

I would also be remiss if I did not acknowledge the support of another former EPW chairman, the former Senator from New Hampshire, Mr. Smith. It was he who brought conservative groups and taxpayer groups to the table on these issues, honored my request for a hearing in 2002 along with then-Ranking Member BAUCUS, and I am deeply grateful.

I want to thank our current esteemed and retiring ranking member, the Senator from Vermont, Mr. JEFFORDS. This may be the committee's last major bill this Congress, and he is to be commended for his leadership.

He and I have spoken personally about my interests in improving the Corps, and I am grateful for his support.

Several of the minority staff of the committee have been working on the issues I am raising in my amendments since my first independent review amendment on the 2000 WRDA bill. At the time, Jo-Ellen Darcy worked on the committee for the Senator from Montana, Mr. BAUCUS, who was then the ranking member, and she has followed my interest in these issues for Senator BAUCUS, Senator REID, and now Senator JEFFORDS.

I also want to acknowledge the help and support of several others on the minority staff, Catharine Ransom, Alison Taylor, Ken Connolly, and Mary Frances Repko, who worked for me until 2003, and provided invaluable help to me with my first Corps reform bill in the 107th Congress and the WRDA amendment that preceded it.

I also have a long history working with the Senator from Missouri, Mr. BOND, on Corps issues. I appreciate the effort that he, and his staffers, Brian Klippenstein and Letmon Lee, have made to improve the Corps' performance.

Our work together goes back to 1999. The reauthorization of the Environmental Management Program in the

Upper Mississippi was the only permanent authorization in WRDA 99. Included in the final EMP provisions was a requirement that Senator BOND and I developed to have the Corps create an independent technical advisory committee to review EMP projects, monitoring plans, and habitat and natural resource needs assessments. Our work helped to cement the Environment Committee's commitment to secure outside technical advice in Corps habitat restoration programs, like the EMP.

The amendments I offered to the WRDA bill are widely supported in the environmental and taxpayer community, and several individuals have worked hard for this day, including Chelsea Maxwell, former staffer to the retired Senator from New Hampshire, Mr. SMITH, and now with National Wildlife Federation, Adam Kolton, David Conrad and Tim Eder with National Wildlife Federation, Joan Mulhern with Earth Justice, Melissa Samet with American Rivers, Steve Ellis and Jill Lancelot with Taxpayers for Common Sense, Tim Searchinger with Environmental Defense, and Pete Sepp and Kristina Rasmussen with the National Taxpayers Union.

Finally, I want to thank my own staff. My staffer, Jessica Maher, has worked tirelessly on this legislation. She has talked to countless offices and constituents, and has worked to address their concerns and questions with grace and good humor, as has Mike Schmidt, another member of my staff. I am deeply grateful to Jess and to her predecessor, Heather White.

Mr. JEFFORDS. Mr. President, while we are nearing completion of this bill, I would like to take a few minutes to highlight some of the projects in the bill for my State of Vermont.

Throughout our work on this bill, I have worked to find a way to use the Army Corps of Engineers' expertise in a series of ''Vermont style'' projects. I believe we have succeeded.

This bill would provide $67 million in new authorities for the State of Vermont. Vermonters identified four major priorities for the Corps during my discussions with them: keep Vermont projects in the Vermont style, continue ongoing Lake Champlain efforts, address Connecticut River issues, and find a way to repair or eliminate the thousands of small dams throughout the State creating flood hazards and causing ecosystem damage. This bill addresses each of these areas.

First, during our discussion on the WRDA bill, I advocated strongly for an increase in the authorization for small ecosystem restoration projects like those in Vermont. In this bill, we increase that program from $25 million to $50 million, allowing smaller, Vermont-scale projects to move forward.

Second, we have continued our ongoing support of the Lake Champlain program, authorized in WRDA 2000, by adding $2 million in authority for geographic mapping and $10 million for streambank stabilization projects to protect water quality. We also authorize a study of the Lake Champlain Canal dispersal barrier to help prevent invasive species from entering the lake.

Third, this bill includes major changes for the Connecticut River. We authorize $30 million for modifications to existing Corps dams on the Connecticut River to regulate flow and temperature to mitigate impacts on aquatic habitat and fisheries. The bill also includes a $20 million authorization for ecosystem restoration on the Upper Connecticut River and $5 million for a wetlands restoration partnership.

Finally, the WRDA bill includes both nationwide and Vermont-specific programs for small dam remediation, removal, and rehabilitation. I authored a continuing authority for small dams that allows $25 million to be used for small dam removal or rehabilitation. I joined my colleagues, Senators KERRY and KENNEDY, as a cosponsor of this provision as a stand-alone bill, S. 1887. In addition, the existing Vermont dams remediation authority is expanded to allow for measures to restore, protect, and preserve an ecosystem affected by one of the dams included in the program.

When I first took over as chairman of this Committee in 2001, I started working with the State of Vermont to identify how we could get the Corps more involved in Vermont. At first blush, this seemed counterintuitive to me, and to many Vermonters. After all, early on in my career as the States attorney general, I led efforts to derail several major flood control dams proposed by the Corps for the Moose River, White River, and Saxtons River.

Did we really want to open the door again? At the time, my answer was, and still remains, a guarded yes.

In my opening statement when WRDA reached the Senate floor on Tuesday, I referenced some of the reforms contained in the underlying bill as well as some of the amendments proposed by Senator FEINGOLD that will further improve the Corps. However, over the last 30 years, the Corps has made much progress. Ecosystem restoration is a defined mission area. Continuing authorities programs allow small-scale projects, like the ones usually found in Vermont, to proceed without the excessive bureaucracy that smallest States tend to dread.

Beginning in 2003, I held a series of annual workshops with the New England and the New York districts, the State of Vermont, and local stakeholders at multiple locations in Vermont. The first year we were in Bennington, Norwich, and Barrer, and the second year we were in Norwich and Burlington.

The projects included in this bill for Vermont are a direct result of those workshops, and I thank everyone who helped make them possible. Specifically, I thank LTC Brian Green, Acting New England District Commander; John Kennelly, Chief of Planning, and Bobby Byrne, Chief of Programs and Civil Project Management with the New England District.

With the New York District, I thank COL John O'Dowd, the former District Commander; COL Richard Polo, the current District Commander; Gene Brickman, Deputy Chief of the Planning Division; Paul Tumminello, the Waterbury Dam Project Manager; and Jason Shea, the Lake Champlain Basin Program Coordinator.

In addition, from the North Atlantic Division, BG Bo Temple, the former Division Commander; Joseph Vietri, the Planning Director; and Stuart Piken, the former Project Management Chief at Division and the current New York District Deputy District Engineer for Project Management.

Finally, I thank Rob Vining, formerly with Army Corps Headquarters.

Mr. President, I especially thank my colleagues on the EPW Committee, particularly Senators BAUCUS, BOND, and INHOFE, for working with me on these critical priorities, and I look forward to the enactment of the Water Resources Development Act of 2006.

Mr. BOND. Mr. President, we have been advised by both sides a voice vote would suffice on this measure. Many Members want to be recorded, but if we all speak loudly we can do that without going through the time of a rollcall vote.

I suggest to my colleague from Vermont, if his side is happy with it, we accept a voice vote.

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

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2864; all after the enacting clause is stricken, and the text of S. 728, as amended, is inserted in lieu thereof, and the bill is read the third time.

The question is, Shall it pass?

The bill (H.R. 2864), as amended, was passed as follows:

H.R. 2864

Resolved, That the bill from the House of Representatives (H.R. 2864) entitled ''An Act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Water Resources Development Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.
TITLE I—WATER RESOURCES PROJECTS
Sec. 1001. Project authorizations.

Sec. 1002. Enhanced navigation capacity improvements and ecosystem restoration plan for the Upper Mississippi River and Illinois Waterway System.
Sec. 1003. Louisiana Coastal Area ecosystem restoration, Louisiana.
Sec. 1004. Small projects for flood damage reduction.
Sec. 1005. Small projects for navigation.
Sec. 1006. Small projects for aquatic ecosystem restoration.

TITLE II—GENERAL PROVISIONS

Subtitle A—Provisions

Sec. 2001. Credit for in-kind contributions.
Sec. 2002. Interagency and international support authority.
Sec. 2003. Training funds.
Sec. 2004. Fiscal transparency report.
Sec. 2005. Planning.
Sec. 2006. Water Resources Planning Coordinating Committee.
Sec. 2007. Independent peer review.
Sec. 2008. Mitigation for fish and wildlife losses.
Sec. 2009. State technical assistance.
Sec. 2010. Access to water resource data.
Sec. 2011. Construction of flood control projects by non-Federal interests.
Sec. 2012. Regional sediment management.
Sec. 2013. National shoreline erosion control development program.
Sec. 2014. Shore protection projects.
Sec. 2015. Cost sharing for monitoring.
Sec. 2016. Ecosystem restoration benefits.
Sec. 2017. Funding to expedite the evaluation and processing of permits.
Sec. 2018. Electronic submission of permit applications.
Sec. 2019. Improvement of water management at Corps of Engineers reservoirs.
Sec. 2020. Federal hopper dredges.
Sec. 2021. Extraordinary rainfall events.
Sec. 2022. Wildfire firefighting.
Sec. 2023. Nonprofit organizations as sponsors.
Sec. 2024. Project administration.
Sec. 2025. Program administration.
Sec. 2026. National Dam Safety Program reauthorization.
Sec. 2027. Extension of shore protection projects.

Subtitle B—Continuing Authorities Projects

Sec. 2031. Navigation enhancements for waterbourne transportation.
Sec. 2032. Protection and restoration due to emergencies at shores and streambanks.
Sec. 2033. Restoration of the environment for protection of aquatic and riparian ecosystems program.
Sec. 2034. Environmental modification of projects for improvement and restoration of ecosystems program.
Sec. 2035. Projects to enhance estuaries and coastal habitats.
Sec. 2036. Remediation of abandoned mine sites.
Sec. 2037. Small projects for the rehabilitation and removal of dams.
Sec. 2038. Remote, maritime-dependent communities.
Sec. 2039. Agreements for water resource projects.
Sec. 2040. Program names.

Subtitle C—National Levee Safety Program

Sec. 2051. Short title.
Sec. 2052. Definitions.
Sec. 2053. National Levee Safety Committee.
Sec. 2054. National Levee Safety Program.
Sec. 2055. Authorization of appropriations.

TITLE III—PROJECT-RELATED PROVISIONS

Sec. 3001. St. Herman and St. Paul Harbors, Kodiak, Alaska.
Sec. 3002. Sitka, Alaska.
Sec. 3003. Black Warrior-Tombigbee Rivers, Alabama.
Sec. 3004. Rio de Flag, Flagstaff, Arizona.
Sec. 3005. Augusta and Clarendon, Arkansas.
Sec. 3006. Red-Ouachita River Basin levees, Arkansas and Louisiana.
Sec. 3007. St. Francis Basin, Arkansas and Missouri.
Sec. 3008. St. Francis Basin land transfer, Arkansas and Missouri.
Sec. 3009. McClellan-Kerr Arkansas River Navigation System, Arkansas and Oklahoma.
Sec. 3010. Cache Creek Basin, California.
Sec. 3011. CALFED Levee stability program, California.
Sec. 3012. Hamilton Airfield, California.
Sec. 3013. LA–3 dredged material ocean disposal site designation, California.
Sec. 3014. Larkspur Ferry Channel, California.
Sec. 3015. Llagas Creek, California.
Sec. 3016. Magpie Creek, California.
Sec. 3017. Pine Flat Dam fish and wildlife habitat, California.
Sec. 3018. Redwood City navigation project, California.
Sec. 3019. Sacramento and American Rivers flood control, California.
Sec. 3020. Conditional declaration of nonnavigability, Port of San Francisco, California.
Sec. 3021. Salton Sea restoration, California.
Sec. 3022. Santa Barbara Streams, Lower Mission Creek, California.
Sec. 3023. Upper Guadalupe River, California.
Sec. 3024. Yuba River Basin project, California.
Sec. 3025. Charles Hervey Townshend Breakwater, New Haven Harbor, Connecticut.
Sec. 3026. Anchorage area, New London Harbor, Connecticut.
Sec. 3027. Norwalk Harbor, Connecticut.
Sec. 3028. St. George's Bridge, Delaware.
Sec. 3029. Christina River, Wilmington, Delaware.
Sec. 3030. Designation of Senator William V. Roth, Jr. Bridge, Delaware.
Sec. 3031. Additional program authority, comprehensive Everglades restoration, Florida.
Sec. 3032. Brevard County, Florida.
Sec. 3033. Critical restoration projects, Everglades and south Florida ecosystem restoration, Florida.
Sec. 3034. Lake Okeechobee and Hillsboro Aquifer pilot projects, comprehensive Everglades restoration, Florida.
Sec. 3035. Lido Key, Sarasota County, Florida.
Sec. 3036. Port Sutton Channel, Tampa Harbor, Florida.
Sec. 3037. Tampa Harbor, Cut B, Tampa, Florida.
Sec. 3038. Allatoona Lake, Georgia.
Sec. 3039. Dworshak Reservoir improvements, Idaho.
Sec. 3040. Little Wood River, Gooding, Idaho.
Sec. 3041. Port of Lewiston, Idaho.
Sec. 3042. Cache River Levee, Illinois.
Sec. 3043. Chicago, Illinois.
Sec. 3044. Chicago River, Illinois.
Sec. 3045. Illinois River Basin restoration.
Sec. 3046. Missouri and Illinois flood protection projects reconstruction pilot program.
Sec. 3047. Spunky Bottom, Illinois.
Sec. 3048. Strawn Cemetery, John Redmond Lake, Kansas.
Sec. 3049. Milford Lake, Milford, Kansas.
Sec. 3050. Ohio River, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, and West Virginia.
Sec. 3051. McAlpine Lock and Dam, Kentucky and Indiana.
Sec. 3052. Public access, Atchafalaya Basin Floodway System, Louisiana.
Sec. 3053. Regional visitor center, Atchafalaya Basin Floodway System, Louisiana.
Sec. 3054. Calcasieu River and Pass, Louisiana.
Sec. 3055. East Baton Rouge Parish, Louisiana.
Sec. 3056. Mississippi River Gulf Outlet relocation assistance, Louisiana.
Sec. 3057. Red River (J. Bennett Johnston) Waterway, Louisiana.
Sec. 3058. Camp Ellis, Saco, Maine.
Sec. 3059. Union River, Maine.
Sec. 3060. Chesapeake Bay environmental restoration and protection program, Maryland, Pennsylvania, and Virginia.
Sec. 3061. Cumberland, Maryland.
Sec. 3062. Aunt Lydia's Cove, Massachusetts.
Sec. 3063. Fall River Harbor, Massachusetts and Rhode Island.
Sec. 3064. St. Clair River and Lake St. Clair, Michigan.
Sec. 3065. Duluth Harbor, Minnesota.
Sec. 3066. Red Lake River, Minnesota.
Sec. 3067. Bonnet Carre Freshwater Diversion Project, Mississippi and Louisiana.
Sec. 3068. Land exchange, Pike County, Missouri.
Sec. 3069. L–15 levee, Missouri.
Sec. 3070. Union Lake, Missouri.
Sec. 3071. Fort Peck Fish Hatchery, Montana.
Sec. 3072. Lower Yellowstone project, Montana.
Sec. 3073. Yellowstone River and tributaries, Montana and North Dakota.
Sec. 3074. Lower Truckee River, McCarran Ranch, Nevada.
Sec. 3075. Middle Rio Grande restoration, New Mexico.
Sec. 3076. Long Island Sound oyster restoration, New York and Connecticut.
Sec. 3077. Orchard Beach, Bronx, New York.
Sec. 3078. New York Harbor, New York, New York.
Sec. 3079. Missouri River restoration, North Dakota.
Sec. 3080. Lower Girard Lake Dam, Girard, Ohio.
Sec. 3081. Toussaint River Navigation Project, Carroll Township, Ohio.
Sec. 3082. Arcadia Lake, Oklahoma.
Sec. 3083. Lake Eufaula, Oklahoma.
Sec. 3084. Release of retained rights, interests, and reservations, Oklahoma.
Sec. 3085. Oklahoma lakes demonstration program, Oklahoma.
Sec. 3086. Waurika Lake, Oklahoma.
Sec. 3087. Lookout Point project, Lowell, Oregon.
Sec. 3088. Upper Willamette River Watershed ecosystem restoration.
Sec. 3089. Tioga Township, Pennsylvania.
Sec. 3090. Upper Susquehanna River Basin, Pennsylvania and New York.
Sec. 3091. Narragansett Bay, Rhode Island.
Sec. 3092. South Carolina Department of Commerce development proposal at Richard B. Russell Lake, South Carolina.
Sec. 3093. Missouri River restoration, South Dakota.
Sec. 3094. Missouri and Middle Mississippi Rivers enhancement project.
Sec. 3095. Anderson Creek, Jackson and Madison Counties, Tennessee.
Sec. 3096. Harris Fork Creek, Tennessee and Kentucky.
Sec. 3097. Nonconnah Weir, Memphis, Tennessee.
Sec. 3098. Old Hickory Lock and Dam, Cumberland River, Tennessee.
Sec. 3099. Sandy Creek, Jackson County, Tennessee.
Sec. 3100. Cedar Bayou, Texas.
Sec. 3101. Denison, Texas.
Sec. 3102. Freeport Harbor, Texas.
Sec. 3103. Harris County, Texas.
Sec. 3104. Connecticut River restoration, Vermont.
Sec. 3105. Dam remediation, Vermont.
Sec. 3106. Lake Champlain Eurasian milfoil, water chestnut, and other nonnative plant control, Vermont.
Sec. 3107. Upper Connecticut River Basin wetland restoration, Vermont and New Hampshire.

Sec. 3108. Upper Connecticut River Basin ecosystem restoration, Vermont and New Hampshire.
Sec. 3109. Lake Champlain watershed, Vermont and New York.
Sec. 3110. Chesapeake Bay oyster restoration, Virginia and Maryland.
Sec. 3111. Tangier Island Seawall, Virginia.
Sec. 3112. Erosion control, Puget Island, Wahkiakum County, Washington.
Sec. 3113. Lower Granite Pool, Washington.
Sec. 3114. McNary Lock and Dam, McNary National Wildlife Refuge, Washington and Idaho.
Sec. 3115. Snake River project, Washington and Idaho.
Sec. 3116. Whatcom Creek Waterway, Bellingham, Washington.
Sec. 3117. Lower Mud River, Milton, West Virginia.
Sec. 3118. McDowell County, West Virginia.
Sec. 3119. Green Bay Harbor project, Green Bay, Wisconsin.
Sec. 3120. Underwood Creek Diversion Facility Project, Milwaukee County, Wisconsin.
Sec. 3121. Oconto Harbor, Wisconsin.
Sec. 3122. Mississippi River headwaters reservoirs.
Sec. 3123. Lower Mississippi River Museum and Riverfront Interpretive Site.
Sec. 3124. Pilot program, Middle Mississippi River.
Sec. 3125. Upper Mississippi River system environmental management program.
Sec. 3126. Upper basin of Missouri River.
Sec. 3127. Great Lakes fishery and ecosystem restoration program.
Sec. 3128. Great Lakes remedial action plans and sediment remediation.
Sec. 3129. Great Lakes tributary models.
Sec. 3130. Upper Ohio River and Tributaries Navigation System new technology pilot program.

TITLE IV—STUDIES

Sec. 4001. Eurasian milfoil.
Sec. 4002. National port study.
Sec. 4003. McClellan-Kerr Arkansas River Navigation Channel.
Sec. 4004. Los Angeles River revitalization study, California.
Sec. 4005. Nicholas Canyon, Los Angeles, California.
Sec. 4006. Oceanside, California, shoreline special study.
Sec. 4007. Comprehensive flood protection project, St. Helena, California.
Sec. 4008. San Francisco Bay, Sacramento-San Joaquin Delta, Sherman Island, California.
Sec. 4009. South San Francisco Bay shoreline study, California.
Sec. 4010. San Pablo Bay Watershed restoration, California.
Sec. 4011. Fountain Creek, North of Pueblo, Colorado.
Sec. 4012. Selenium study, Colorado.
Sec. 4013. Promontory Point third-party review, Chicago Shoreline, Chicago, Illinois.
Sec. 4014. Vidalia Port, Louisiana.
Sec. 4015. Lake Erie at Luna Pier, Michigan.
Sec. 4016. Middle Bass Island State Park, Middle Bass Island, Ohio.
Sec. 4017. Jasper County port facility study, South Carolina.
Sec. 4018. Johnson Creek, Arlington, Texas.
Sec. 4019. Lake Champlain Canal study, Vermont and New York.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 5001. Lakes program.
Sec. 5002. Estuary restoration.
Sec. 5003. Delmarva conservation corridor, Delaware and Maryland.
Sec. 5004. Susquehanna, Delaware, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia.
Sec. 5005. Anacostia River, District of Columbia and Maryland.
Sec. 5006. Chicago Sanitary and Ship Canal Dispersal Barriers project, Illinois.
Sec. 5007. Rio Grande environmental management program, Colorado, New Mexico, and Texas.
Sec. 5008. Missouri River and tributaries, mitigation, recovery and restoration, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wyoming.
Sec. 5009. Lower Platte River watershed restoration, Nebraska.
Sec. 5010. Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and terrestrial wildlife habitat restoration, South Dakota.
Sec. 5011. Connecticut River dams, Vermont.

TITLE VI—PROJECT DEAUTHORIZATIONS

Sec. 6001. Little Cove Creek, Glencoe, Alabama.
Sec. 6002. Goleta and vicinity, California.
Sec. 6003. Bridgeport Harbor, Connecticut.
Sec. 6004. Bridgeport, Connecticut.
Sec. 6005. Hartford, Connecticut.
Sec. 6006. New Haven, Connecticut.
Sec. 6007. Inland waterway from Delaware River to Chesapeake Bay, part II, installation of fender protection for bridges, Delaware and Maryland.
Sec. 6008. Shingle Creek Basin, Florida.
Sec. 6009. Brevoort, Indiana.
Sec. 6010. Middle Wabash, Greenfield Bayou, Indiana.
Sec. 6011. Lake George, Hobart, Indiana.
Sec. 6012. Green Bay Levee and Drainage District No. 2, Iowa.
Sec. 6013. Muscatine Harbor, Iowa.
Sec. 6014. Big South Fork National River and recreational area, Kentucky and Tennessee.
Sec. 6015. Eagle Creek Lake, Kentucky.
Sec. 6016. Hazard, Kentucky.
Sec. 6017. West Kentucky tributaries, Kentucky.
Sec. 6018. Bayou Cocodrie and tributaries, Louisiana.
Sec. 6019. Bayou LaFourche and LaFourche Jump, Louisiana.
Sec. 6020. Eastern Rapides and South-Central Avoyelles Parishes, Louisiana.
Sec. 6021. Fort Livingston, Grand Terre Island, Louisiana.
Sec. 6022. Gulf Intercoastal Waterway, Lake Borgne and Chef Menteur, Louisiana.
Sec. 6023. Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas.
Sec. 6024. Casco Bay, Portland, Maine.
Sec. 6025. Northeast Harbor, Maine.
Sec. 6026. Penobscot River, Bangor, Maine.
Sec. 6027. Saint John River Basin, Maine.
Sec. 6028. Tenants Harbor, Maine.
Sec. 6029. Grand Haven Harbor, Michigan.
Sec. 6030. Greenville Harbor, Mississippi.
Sec. 6031. Platte River flood and related streambank erosion control, Nebraska.
Sec. 6032. Epping, New Hampshire.
Sec. 6033. Manchester, New Hampshire.
Sec. 6034. New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey.
Sec. 6035. Eisenhower and Snell Locks, New York.
Sec. 6036. Olcott Harbor, Lake Ontario, New York.
Sec. 6037. Outer Harbor, Buffalo, New York.
Sec. 6038. Sugar Creek Basin, North Carolina and South Carolina.
Sec. 6039. Cleveland Harbor 1958 Act, Ohio.
Sec. 6040. Cleveland Harbor 1960 Act, Ohio.
Sec. 6041. Cleveland Harbor, uncompleted portion of Cut #4, Ohio.
Sec. 6042. Columbia River, Seafarers Memorial, Hammond, Oregon.
Sec. 6043. Schuylkill River, Pennsylvania.
Sec. 6044. Tioga-Hammond Lakes, Pennsylvania.
Sec. 6045. Tamaqua, Pennsylvania.
Sec. 6046. Narragansett Town Beach, Narragansett, Rhode Island.
Sec. 6047. Quonset Point-Davisville, Rhode Island.
Sec. 6048. Arroyo Colorado, Texas.
Sec. 6049. Cypress Creek-Structural, Texas.
Sec. 6050. East Fork channel improvement, Increment 2, east fork of the Trinity River, Texas.
Sec. 6051. Falfurrias, Texas.
Sec. 6052. Pecan Bayou Lake, Texas.
Sec. 6053. Lake of the Pines, Texas.
Sec. 6054. Tennessee Colony Lake, Texas.
Sec. 6055. City Waterway, Tacoma, Washington.
Sec. 6056. Kanawha River, Charleston, West Virginia.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 1001. PROJECT AUTHORIZATIONS.

(a) PROJECTS WITH CHIEF'S REPORTS.—Except as otherwise provided in this section, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) HAINES HARBOR, ALASKA.—The project for navigation, Haines Harbor, Alaska: Report of the Chief of Engineers dated December 20, 2004, at a total estimated cost of $13,700,000, with an estimated Federal cost of $10,960,000 and an estimated non-Federal cost of $2,740,000.

(2) RILLITO RIVER (EL RIO ANTIGUO), PIMA COUNTY, ARIZONA.—The project for ecosystem restoration, Rillito River (El Rio Antiguo), Pima County, Arizona: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $75,200,000, with an estimated Federal cost of $48,400,000 and an estimated non-Federal cost of $26,800,000.

(3) SANTA CRUZ RIVER, PASEO DE LAS IGLESIAS, ARIZONA.—The project for ecosystem restoration, Santa Cruz River, Pima County, Arizona: Report of the Chief of Engineers dated March 28, 2006, at a total cost of $94,400,000, with an estimated Federal cost of $61,200,000 and an estimated non-Federal cost of $33,200,000.

(4) TANQUE VERDE CREEK, ARIZONA.—The project for ecosystem restoration, Tanque Verde Creek, Arizona: Report of the Chief of Engineers dated July 22, 2003, at a total cost of $5,706,000, with an estimated Federal cost of $3,706,000 and an estimated non-Federal cost of $2,000,000.

(5) SALT RIVER (VA SHLYAY AKIMEL), MARICOPA COUNTY, ARIZONA.—

(A) IN GENERAL.—The project for ecosystem restoration, Salt River (Va Shlyay Akimel), Arizona: Report of the Chief of Engineers dated January 3, 2005, at a total cost of $156,700,000, with an estimated Federal cost of $101,600,000 and an estimated non-Federal cost of $55,100,000.

(B) COORDINATION WITH FEDERAL RECLAMATION PROJECTS.—The Secretary, to the maximum extent practicable, shall coordinate the development and construction of the project described in subparagraph (A) with each Federal reclamation project located in the Salt River Basin to address statutory requirements and the operations of those projects.

(6) HAMILTON CITY, CALIFORNIA.—The project for flood damage reduction and ecosystem restoration, Hamilton City, California: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $50,600,000, with an estimated Federal cost of $33,000,000 and estimated non-Federal cost of $17,600,000.

(7) IMPERIAL BEACH, CALIFORNIA.—The project for storm damage reduction, Imperial Beach,

California: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $13,300,000, with an estimated Federal cost of $8,500,000 and an estimated non-Federal cost of $4,800,000, and at an estimated total cost of $41,100,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $20,550,000 and an estimated non-Federal cost of $20,550,000.

(8) MATILIJA DAM, VENTURA COUNTY, CALIFORNIA.—The project for ecosystem restoration, Matilija Dam and Ventura River Watershed, Ventura County, California: Report of the Chief of Engineers dated December 20, 2004, at a total cost of $139,600,000, with an estimated Federal cost of $86,700,000 and an estimated non-Federal cost of $52,900,000.

(9) MIDDLE CREEK, LAKE COUNTY, CALIFORNIA.—The project for flood damage reduction and ecosystem restoration, Middle Creek, Lake County, California: Report of the Chief of Engineers dated November 29, 2004, at a total cost of $43,630,000, with an estimated Federal cost of $28,460,000 and an estimated non-Federal cost of $15,170,000.

(10) NAPA RIVER SALT MARSH, CALIFORNIA.—

(A) IN GENERAL.—The project for ecosystem restoration, Napa River Salt Marsh, California, at a total cost of $103,012,000, with an estimated Federal cost of $65,600,000 and an estimated non-Federal cost of $37,412,000, to be carried out by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the final report signed by the Chief of Engineers on December 22, 2004.

(B) ADMINISTRATION.—In carrying out the project authorized by this paragraph, the Secretary shall—

(i) construct a recycled water pipeline extending from the Sonoma Valley County Sanitation District Waste Water Treatment Plant and the Napa Sanitation District Waste Water Treatment Plant to the project; and

(ii) restore or enhance Salt Ponds 1, 1A, 2, and 3.

(C) TRANSFER OF OWNERSHIP.—On completion of salinity reduction in the project area, the Secretary shall transfer ownership of the pipeline to the non-Federal interest at the fully depreciated value of the pipeline, less—

(i) the non-Federal cost-share contributed under subparagraph (A); and

(ii) the estimated value of the water to be provided as needed for maintenance of habitat values in the project area throughout the life of the project.

(11) SOUTH PLATTE RIVER, DENVER, COLORADO.—The project for ecosystem restoration, Denver County Reach, South Platte River, Denver, Colorado: Report of the Chief of Engineers dated May 16, 2003, at a total cost of $21,050,000, with an estimated Federal cost of $13,680,000 and an estimated non-Federal cost of $7,370,000.

(12) INDIAN RIVER LAGOON, SOUTH FLORIDA.—

(A) IN GENERAL.—The Secretary may carry out the project for ecosystem restoration, water supply, flood control, and protection of water quality, Indian River Lagoon, south Florida, at a total cost of $1,365,000,000, with an estimated first Federal cost of $682,500,000 and an estimated first non-Federal cost of $682,500,000, in accordance with section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680) and the recommendations of the report of the Chief of Engineers dated August 6, 2004.

(B) DEAUTHORIZATIONS.—As of the date of enactment of this Act, the following projects are not authorized:

(i) The uncompleted portions of the project authorized by section 601(b)(2)(C)(i) of the Water Resources Development Act of 2000 (114 Stat. 2682), C–44 Basin Storage Reservoir of the Comprehensive Everglades Restoration Plan, at a total cost of $147,800,000, with an estimated Federal cost of $73,900,000 and an estimated non-Federal cost of $73,900,000.

(ii) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483; 82 Stat. 740), Martin County, Florida, modifications to Central and South Florida Project, as contained in Senate Document 101, 90th Congress, 2d Session, at a total cost of $15,471,000, with an estimated Federal cost of $8,073,000 and an estimated non-Federal cost of $7,398,000.

(iii) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483; 82 Stat. 740), East Coast Backpumping, St. Lucie–Martin County, Spillway Structure S–311 of the Central and South Florida Project, as contained in House Document 369, 90th Congress, 2d Session, at a total cost of $77,118,000, with an estimated Federal cost of $55,124,000 and an estimated non-Federal cost of $21,994,000.

(13) MIAMI HARBOR, MIAMI, FLORIDA.—The project for navigation, Miami Harbor, Miami, Florida: Report of the Chief of Engineers dated April 25, 2005, at a total cost of $125,270,000, with an estimated Federal cost of $75,140,000 and an estimated non-Federal cost of $50,130,000.

(14) PICAYUNE STRAND, FLORIDA.—The project for ecosystem restoration, Picayune Strand, Florida: Report of the Chief of Engineers dated September 15, 2005, at a total cost of $362,260,000 with an estimated Federal cost of $181,130,000 and an estimated non-Federal cost of $181,130,000.

(15) EAST ST. LOUIS AND VICINITY, ILLINOIS.—The project for ecosystem restoration and recreation, East St. Louis and Vicinity, Illinois: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $201,600,000, with an estimated Federal cost of $130,600,000 and an estimated non-Federal cost of $71,000,000.

(16) PEORIA RIVERFRONT, ILLINOIS.—The project for ecosystem restoration, Peoria Riverfront, Illinois: Report of the Chief of Engineers dated July 28, 2003, at a total cost of $17,760,000, with an estimated Federal cost of $11,540,000 and an estimated non-Federal cost of $6,220,000.

(17) DES MOINES AND RACCOON RIVERS, DES MOINES, IOWA.—The project for flood damage reduction, Des Moines and Raccoon Rivers, Des Moines, Iowa: Report of the Chief of Engineers dated March 28, 2006, at a total cost of $10,500,000, with an estimated Federal cost of $6,800,000 and an estimated non-Federal cost of $3,700,000.

(18) BAYOU SORREL LOCK, LOUISIANA.—The project for navigation, Bayou Sorrel Lock, Louisiana: Report of the Chief of Engineers dated January 3, 2005, at a total cost of $9,500,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

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

(A) IN GENERAL.—The project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana: Reports of the Chief of Engineers dated August 23, 2002, and July 22, 2003, at a total cost of $841,100,000 with an estimated Federal cost of $546,300,000 and an estimated non-Federal cost of $294,800,000.

(B) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of the Houma Navigation Canal lock complex and the Gulf Intracoastal Waterway floodgate features that provide for inland waterway transportation shall be a Federal responsibility, in accordance with section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2212; Public Law 99–662).

(20) POPLAR ISLAND EXPANSION, MARYLAND.—The project for the beneficial use of dredged material at Poplar Island, Maryland, authorized by section 537 of the Water Resources Development Act of 1996 (110 Stat. 3776), and modified by section 318 of the Water Resources Development Act of 2000 (114 Stat. 2678), is further modified to authorize the Secretary to construct the project in accordance with the Report of the Chief of Engineers dated March 31, 2006, at a total cost of $256,100,000, with an estimated Federal cost of $192,100,000 and an estimated non-Federal cost of $64,000,000.

(21) SMITH ISLAND, MARYLAND.—The project for ecosystem restoration, Smith Island, Maryland: Report of the Chief of Engineers dated October 29, 2001, at a total cost of $14,500,000, with an estimated Federal cost of $9,425,000 and an estimated non-Federal cost of $5,075,000.

(22) SWOPE PARK INDUSTRIAL AREA, MISSOURI.—The project for flood damage reduction, Swope Park Industrial Area, Missouri: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $16,900,000, with an estimated Federal cost of $10,990,000 and an estimated non-Federal cost of $5,910,000.

(23) MANASQUAN TO BARNEGAT INLETS, NEW JERSEY.—The project for hurricane and storm damage reduction, Manasquan to Barnegat Inlets, New Jersey: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $70,340,000, with an estimated Federal cost of $45,720,000 and an estimated non-Federal cost of $24,620,000, and at an estimated total cost of $117,100,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $58,550,000 and an estimated non-Federal cost of $58,550,000.

(24) RARITAN BAY AND SANDY HOOK BAY, UNION BEACH, NEW JERSEY.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Union Beach, New Jersey: Report of the Chief of Engineers dated January 4, 2006, at a total cost of $112,640,000, with an estimated Federal cost of $73,220,600 and an estimated non-Federal cost of $39,420,000, and at an estimated total cost of $6,400,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $2,300,000 and an estimated non-Federal cost of $4,100,000.

(25) SOUTH RIVER, NEW JERSEY.—The project for hurricane and storm damage reduction and ecosystem restoration, South River, New Jersey: Report of the Chief of Engineers dated July 22, 2003, at a total cost of $120,810,000, with an estimated Federal cost of $78,530,000 and an estimated non-Federal cost of $42,280,000.

(26) SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO.—The project for flood damage reduction, Southwest Valley, Albuquerque, New Mexico: Report of the Chief of Engineers dated November 29, 2004, at a total cost of $24,000,000, with an estimated Federal cost of $15,600,000 and an estimated non-Federal cost of $8,400,000.

(27) MONTAUK POINT, NEW YORK.—The project for hurricane and storm damage reduction, Montauk Point, New York: Report of the Chief of Engineers dated March 31, 2006, at a total cost of $14,070,000, with an estimated Federal cost of $7,035,000 and an estimated non-Federal cost of $7,035,000.

(28) BLOOMSBURG, PENNSYLVANIA.—The project for flood damage reduction, Bloomsburg, Pennsylvania: Report of the Chief of Engineers dated January 25, 2006, at a total cost of $43,300,000, with an estimated Federal cost of $28,150,000 and an estimated non-Federal cost of $15,150,000.

(29) CORPUS CHRISTI SHIP CHANNEL, CORPUS CHRISTI, TEXAS.—

(A) IN GENERAL.—The project for navigation and ecosystem restoration, Corpus Christi Ship Channel, Texas, Channel Improvement Project: Report of the Chief of Engineers dated June 2, 2003, at a total cost of $188,110,000, with an estimated Federal cost of $87,810,000 and an estimated non-Federal cost of $100,300,000.

(B) NAVIGATIONAL SERVITUDE.—In carrying out the project under subparagraph (A), the Secretary shall enforce navigational servitude in the Corpus Christi Ship Channel, including, at the sole expense of the owner of the facility, the removal or relocation of any facility obstructing the project.

(30) GULF INTRACOASTAL WATERWAY, BRAZOS RIVER TO PORT O'CONNOR, MATAGORDA BAY REROUTE, TEXAS.—The project for navigation, Gulf

Intracoastal Waterway, Brazos River to Port O'Connor, Matagorda Bay Re-Route, Texas: Report of the Chief of Engineers dated December 24, 2002, at a total cost of $17,280,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(31) GULF INTRACOASTAL WATERWAY, HIGH ISLAND TO BRAZOS RIVER, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, Sabine River to Corpus Christi, Texas: Report of the Chief of Engineers dated April 16, 2004, at a total cost of $14,450,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(32) RIVERSIDE OXBOW, FORT WORTH, TEXAS.—The project for ecosystem restoration, Riverside Oxbow, Fort Worth, Texas: Report of the Chief of Engineers dated May 29, 2003, at a total cost of $27,330,000, with an estimated Federal cost of $11,320,000 and an estimated non-Federal cost of $16,010,000.

(33) DEEP CREEK, CHESAPEAKE, VIRGINIA.—The project for the Atlantic Intracoastal Waterway Bridge Replacement, Deep Creek, Chesapeake, Virginia: Report of the Chief of Engineers dated March 3, 2003, at a total cost of $37,200,000.

(34) CHEHALIS RIVER, CENTRALIA, WASHINGTON.—The project for flood damage reduction, Centralia, Washington, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4126)—

(A) is modified to be carried out at a total cost of $121,100,000, with a Federal cost of $73,220,000, and a non-Federal cost of $47,880,000; and

(B) shall be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the final report of the Chief of Engineers dated September 27, 2004.

(b) PROJECTS SUBJECT TO FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2006:

(1) WOOD RIVER LEVEE SYSTEM, ILLINOIS.—The project for flood damage reduction, Wood River, Illinois, authorized by the Act of June 28, 1938 (52 Stat. 1215, chapter 795), is modified to authorize construction of the project at a total cost of $16,730,000, with an estimated Federal cost of $10,900,000 and an estimated non-Federal cost of $5,830,000.

(2) LICKING RIVER, CYNTHIANA, KENTUCKY.—The project for flood damage reduction, Licking River, Cynthiana, Kentucky, at a total cost of $17,800,000, with an estimated Federal cost of $11,570,000 and an estimated non-Federal cost of $6,230,000.

(3) PORT OF IBERIA, LOUISIANA.—The project for navigation, Port of Iberia, Louisiana, at a total cost of $204,600,000, with an estimated Federal cost of $129,700,000 and an estimated non-Federal cost of $74,900,000, except that the Secretary, in consultation with Vermillion and Iberia Parishes, Louisiana, is directed to use available dredged material and rock placement on the south bank of the Gulf Intracoastal Waterway and the west bank of the Freshwater Bayou Channel to provide incidental storm surge protection.

(4) HUDSON-RARITAN ESTUARY, LIBERTY STATE PARK, NEW JERSEY.—The project for ecosystem restoration, Hudson-Raritan Estuary, Liberty State Park, New Jersey, at a total cost of $33,050,000, with an estimated Federal cost of $21,480,000 and an estimated non-Federal cost of $11,570,000.

(5) JAMAICA BAY, MARINE PARK AND PLUMB BEACH, QUEENS AND BROOKLYN, NEW YORK.—The project for ecosystem restoration, Jamaica Bay, Queens and Brooklyn, New York, at a total estimated cost of $204,159,000, with an estimated Federal cost of $132,703,000 and an estimated non-Federal cost of $71,456,000.

(6) HOCKING RIVER BASIN, MONDAY CREEK, OHIO.—The project for ecosystem restoration, Hocking River Basin, Monday Creek, Ohio, at a total cost of $18,730,000, with an estimated Federal cost of $12,170,000 and an estimated non-Federal cost of $6,560,000.

(7) PAWLEY'S ISLAND, SOUTH CAROLINA.—The project for hurricane and storm damage reduction, Pawley's Island, South Carolina, at a total cost of $8,980,000, with an estimated Federal cost of $4,040,000 and an estimated non-Federal cost of $4,940,000, and at an estimated total cost of $21,200,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $7,632,000 and an estimated non-Federal cost of $13,568,000.

(8) CRANEY ISLAND EASTWARD EXPANSION, VIRGINIA.—The project for navigation, Craney Island Eastward Expansion, Virginia, at a total cost of $671,340,000, with an estimated Federal cost of $26,220,000 and an estimated non-Federal cost of $645,120,000.

SEC. 1002. ENHANCED NAVIGATION CAPACITY IMPROVEMENTS AND ECOSYSTEM RESTORATION PLAN FOR THE UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.

(a) DEFINITIONS.—In this section:

(1) PLAN.—The term ''Plan'' means the project for navigation and ecosystem improvements for the Upper Mississippi River and Illinois Waterway System: Report of the Chief of Engineers dated December 15, 2004.

(2) UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.—The term ''Upper Mississippi River and Illinois Waterway System'' means the projects for navigation and ecosystem restoration authorized by Congress for—

(A) the segment of the Mississippi River from the confluence with the Ohio River, River Mile 0.0, to Upper St. Anthony Falls Lock in Minneapolis-St. Paul, Minnesota, River Mile 854.0; and

(B) the Illinois Waterway from its confluence with the Mississippi River at Grafton, Illinois, River Mile 0.0, to T.J. O'Brien Lock in Chicago, Illinois, River Mile 327.0.

(b) AUTHORIZATION OF CONSTRUCTION OF NAVIGATION IMPROVEMENTS.—

(1) SMALL SCALE AND NONSTRUCTURAL MEASURES.—

(A) IN GENERAL.—The Secretary shall, in general conformance with the Plan—

(i) construct mooring facilities at Locks 12, 14, 18, 20, 22, 24, and LaGrange Lock;

(ii) provide switchboats at Locks 20 through 25; and

(iii) conduct development and testing of an appointment scheduling system.

(B) AUTHORIZATION OF APPROPRIATIONS.—The total cost of the projects authorized under this paragraph shall be $246,000,000. The costs of construction of the projects shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund. Such sums shall remain available until expended.

(2) NEW LOCKS.—

(A) IN GENERAL.—The Secretary shall, in general conformance with the Plan, construct new 1,200-foot locks at Locks 20, 21, 22, 24, and 25 on the Upper Mississippi River and at LaGrange Lock and Peoria Lock on the Illinois Waterway.

(B) MITIGATION.—The Secretary shall conduct mitigation for the new locks and small scale and nonstructural measures authorized under paragraphs (1) and (2).

(C) CONCURRENCE.—The mitigation required under subparagraph (B) for the projects authorized under paragraphs (1) and (2), including any acquisition of lands or interests in lands, shall be undertaken or acquired concurrently with lands and interests for the projects authorized under paragraphs (1) and (2), and physical construction required for the purposes of mitigation shall be undertaken concurrently with the physical construction of such projects.

(D) AUTHORIZATION OF APPROPRIATIONS.—The total cost of the projects authorized under this paragraph shall be $1,870,000,000. The costs of construction on the projects shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund. Such sums shall remain available until expended.

(c) ECOSYSTEM RESTORATION AUTHORIZATION.—

(1) OPERATION.—To ensure the environmental sustainability of the existing Upper Mississippi River and Illinois Waterway System, the Secretary shall modify, consistent with requirements to avoid adverse effects on navigation, the operation of the Upper Mississippi River and Illinois Waterway System to address the cumulative environmental impacts of operation of the system and improve the ecological integrity of the Upper Mississippi River and Illinois River.

(2) ECOSYSTEM RESTORATION PROJECTS.—

(A) IN GENERAL.—The Secretary shall carry out, consistent with requirements to avoid adverse effects on navigation, ecosystem restoration projects to attain and maintain the sustainability of the ecosystem of the Upper Mississippi River and Illinois River in accordance with the general framework outlined in the Plan.

(B) PROJECTS INCLUDED.—Ecosystem restoration projects may include, but are not limited to—

(i) island building;

(ii) construction of fish passages;

(iii) floodplain restoration;

(iv) water level management (including water drawdown);

(v) backwater restoration;

(vi) side channel restoration;

(vii) wing dam and dike restoration and modification;

(viii) island and shoreline protection;

(ix) topographical diversity;

(x) dam point control;

(xi) use of dredged material for environmental purposes;

(xii) tributary confluence restoration;

(xiii) spillway, dam, and levee modification to benefit the environment;

(xiv) land easement authority; and

(xv) land acquisition.

(C) COST SHARING.—

(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the Federal share of the cost of carrying out an ecosystem restoration project under this paragraph shall be 65 percent.

(ii) EXCEPTION FOR CERTAIN RESTORATION PROJECTS.—In the case of a project under this subparagraph for ecosystem restoration, the Federal share of the cost of carrying out the project shall be 100 percent if the project—

(I) is located below the ordinary high water mark or in a connected backwater;

(II) modifies the operation or structures for navigation; or

(III) is located on federally owned land.

(iii) SAVINGS CLAUSE.—Nothing in this paragraph affects the applicability of section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

(iv) NONGOVERNMENTAL ORGANIZATIONS.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5(b)), for any project carried out under this section, a non-Federal sponsor may include a nonprofit entity, with the consent of the affected local government.

(D) LAND ACQUISITION.—The Secretary may acquire land or an interest in land for an ecosystem restoration project from a willing owner through conveyance of—

(i) fee title to the land; or

(ii) a flood plain conservation easement.

(3) ECOSYSTEM RESTORATION PRECONSTRUCTION ENGINEERING AND DESIGN.—

(A) RESTORATION DESIGN.—Before initiating the construction of any individual ecosystem restoration project, the Secretary shall—

(i) establish ecosystem restoration goals and identify specific performance measures designed to demonstrate ecosystem restoration;

(ii) establish the without-project condition or baseline for each performance indicator; and

(iii) for each separable element of the ecosystem restoration, identify specific target goals for each performance indicator.

(B) OUTCOMES.—Performance measures identified under subparagraph (A)(i) should comprise specific measurable environmental outcomes, such as changes in water quality, hydrology, or the well-being of indicator species the population and distribution of which are representative of the abundance and diversity of ecosystem-dependent aquatic and terrestrial species.

(C) RESTORATION DESIGN.—Restoration design carried out as part of ecosystem restoration shall include a monitoring plan for the performance measures identified under subparagraph (A)(i), including—

(i) a timeline to achieve the identified target goals; and

(ii) a timeline for the demonstration of project completion.

(4) SPECIFIC PROJECTS AUTHORIZATION.—

(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection $1,650,000,000, of which not more than $226,000,000 shall be available for projects described in paragraph (2)(B)(ii) and not more than $43,000,000 shall be available for projects described in paragraph (2)(B)(x). Such sums shall remain available until expended.

(B) LIMITATION ON AVAILABLE FUNDS.—Of the amounts made available under subparagraph (A), not more than $35,000,000 for each fiscal year shall be available for land acquisition under paragraph (2)(D).

(C) INDIVIDUAL PROJECT LIMIT.—Other than for projects described in clauses (ii) and (x) of paragraph (2)(B), the total cost of any single project carried out under this subsection shall not exceed $25,000,000.

(5) IMPLEMENTATION REPORTS.—

(A) IN GENERAL.—Not later than June 30, 2008, and every 5 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an implementation report that—

(i) includes baselines, milestones, goals, and priorities for ecosystem restoration projects; and

(ii) measures the progress in meeting the goals.

(B) ADVISORY PANEL.—

(i) IN GENERAL.—The Secretary shall appoint and convene an advisory panel to provide independent guidance in the development of each implementation report under subparagraph (A).

(ii) PANEL MEMBERS.—Panel members shall include—

(I) 1 representative of each of the State resource agencies (or a designee of the Governor of the State) from each of the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin;

(II) 1 representative of the Department of Agriculture;

(III) 1 representative of the Department of Transportation;

(IV) 1 representative of the United States Geological Survey;

(V) 1 representative of the United States Fish and Wildlife Service;

(VI) 1 representative of the Environmental Protection Agency;

(VII) 1 representative of affected landowners;

(VIII) 2 representatives of conservation and environmental advocacy groups; and

(IX) 2 representatives of agriculture and industry advocacy groups.

(iii) CHAIRPERSON.—The Secretary shall serve as chairperson of the advisory panel.

(iv) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Panel or any working group established by the Advisory Panel.

(6) RANKING SYSTEM.—

(A) IN GENERAL.—The Secretary, in consultation with the Advisory Panel, shall develop a system to rank proposed projects.

(B) PRIORITY.—The ranking system shall give greater weight to projects that restore natural river processes, including those projects listed in paragraph (2)(B).

(d) COMPARABLE PROGRESS.—

(1) IN GENERAL.—As the Secretary conducts pre-engineering, design, and construction for projects authorized under this section, the Secretary shall—

(A) select appropriate milestones; and

(B) determine, at the time of such selection, whether the projects are being carried out at comparable rates.

(2) NO COMPARABLE RATE.—If the Secretary determines under paragraph (1)(B) that projects authorized under this subsection are not moving toward completion at a comparable rate, annual funding requests for the projects will be adjusted to ensure that the projects move toward completion at a comparable rate in the future.

SEC. 1003. LOUISIANA COASTAL AREA ECOSYSTEM RESTORATION, LOUISIANA.

(a) IN GENERAL.—The Secretary may carry out a program for ecosystem restoration, Louisiana Coastal Area, Louisiana, substantially in accordance with the report of the Chief of Engineers, dated January 31, 2005.

(b) PRIORITIES.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary shall give priority to—

(A) any portion of the program identified in the report described in subsection (a) as a critical restoration feature;

(B) any Mississippi River diversion project that—

(i) protects a major population area of the Pontchartain, Pearl, Breton Sound, Barataria, or Terrebonne Basin; and

(ii) produces an environmental benefit to the coastal area of the State of Louisiana; and

(C) any barrier island, or barrier shoreline, project that—

(i) is carried out in conjunction with a Mississippi River diversion project; and

(ii) protects a major population area.

(c) MODIFICATIONS.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary is authorized to make modifications as necessary to the 5 near-term critical ecosystem restoration features identified in the report referred to in subsection (a), due to the impact of Hurricanes Katrina and Rita on the project areas.

(2) INTEGRATION.—The Secretary shall ensure that the modifications under paragraph (1) are fully integrated with the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(3) CONSTRUCTION.—

(A) IN GENERAL.—The Secretary is authorized to construct the projects modified under this subsection.

(B) REPORTS.—

(i) IN GENERAL.—Before beginning construction of the projects, the Secretary shall submit a report documenting any modifications to the 5 near-term projects, including cost changes, to the Louisiana Water Resources Council established by subsection (n)(1) (referred to in this section as the ''Council'') for approval.

(ii) SUBMISSION TO CONGRESS.—On approval of a report under clause (i), the Council shall submit the report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(4) APPLICABILITY OF OTHER PROVISIONS.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall not apply to the 5 near-term projects authorized by this section.

(d) DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary is authorized to conduct a demonstration program within the applicable project area to evaluate new technologies and the applicability of the technologies to the program.

(2) COST LIMITATION.—The cost of an individual project under this subsection shall be not more than $25,000,000.

(e) BENEFICIAL USE OF DREDGED MATERIAL.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary is authorized to use such sums as are necessary to conduct a program for the beneficial use of dredged material.

(2) CONSIDERATION.—In carrying out the program under subsection (a), the Secretary shall consider the beneficial use of sediment from the Illinois River System for wetlands restoration in wetlands-depleted watersheds.

(f) REPORTS.—

(1) IN GENERAL.—Not later than December 31, 2008, the Secretary shall submit to Congress feasibility reports on the features included in table 3 of the report referred to in subsection (a).

(2) PROJECTS IDENTIFIED IN REPORTS.—

(A) IN GENERAL.—The Secretary shall submit the reports described in paragraph (1) to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(B) CONSTRUCTION.—The Secretary shall be authorized to construct the projects identified in the reports at the time the Committees referred to in subparagraph (A) each adopt a resolution approving the project.

(g) NONGOVERNMENTAL ORGANIZATIONS.—A nongovernmental organization shall be eligible to contribute all or a portion of the non-Federal share of the cost of a project under this section.

(h) COMPREHENSIVE PLAN.—

(1) IN GENERAL.—The Secretary, in coordination with the Governor of the State of Louisiana, shall—

(A) develop a plan for protecting, preserving, and restoring the coastal Louisiana ecosystem;

(B) not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, submit to Congress the plan, or an update of the plan; and

(C) ensure that the plan is fully integrated with the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(2) INCLUSIONS.—The comprehensive plan shall include a description of—

(A) the framework of a long-term program that provides for the comprehensive protection, conservation, and restoration of the wetlands, estuaries (including the Barataria-Terrebonne estuary), barrier islands, shorelines, and related land and features of the coastal Louisiana ecosystem, including protection of a critical resource, habitat, or infrastructure from the effects of a coastal storm, a hurricane, erosion, or subsidence;

(B) the means by which a new technology, or an improved technique, can be integrated into the program under subsection (a);

(C) the role of other Federal agencies and programs in carrying out the program under subsection (a); and

(D) specific, measurable ecological success criteria by which success of the comprehensive plan shall be measured.

(3) CONSIDERATION.—In developing the comprehensive plan, the Secretary shall consider the advisability of integrating into the program under subsection (a)—

(A) a related Federal or State project carried out on the date on which the plan is developed;

(B) an activity in the Louisiana Coastal Area; or

(C) any other project or activity identified in—

(i) the Mississippi River and Tributaries program;

(ii) the Louisiana Coastal Wetlands Conservation Plan;

(iii) the Louisiana Coastal Zone Management Plan; or

(iv) the plan of the State of Louisiana entitled ''Coast 2050: Toward a Sustainable Coastal Louisiana''.

(i) TASK FORCE.—

(1) ESTABLISHMENT.—There is established a task force to be known as the ''Coastal Louisiana Ecosystem Protection and Restoration Task Force'' (referred to in this subsection as the ''Task Force'').

(2) MEMBERSHIP.—The Task Force shall consist of the following members (or, in the case of the head of a Federal agency, a designee at the level of Assistant Secretary or an equivalent level):

(A) The Secretary.

(B) The Secretary of the Interior.

(C) The Secretary of Commerce.

(D) The Administrator of the Environmental Protection Agency.

(E) The Secretary of Agriculture.

(F) The Secretary of Transportation.

(G) The Secretary of Energy.

(H) The Secretary of Homeland Security.

(I) 3 representatives of the State of Louisiana appointed by the Governor of that State.

(3) DUTIES.—The Task Force shall make recommendations to the Secretary regarding—

(A) policies, strategies, plans, programs, projects, and activities for addressing conservation, protection, restoration, and maintenance of the coastal Louisiana ecosystem;

(B) financial participation by each agency represented on the Task Force in conserving, protecting, restoring, and maintaining the coastal Louisiana ecosystem, including recommendations—

(i) that identify funds from current agency missions and budgets; and

(ii) for coordinating individual agency budget requests; and

(C) the comprehensive plan under subsection (h).

(4) WORKING GROUPS.—The Task Force may establish such working groups as the Task Force determines to be necessary to assist the Task Force in carrying out this subsection.

(5) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force or any working group of the Task Force.

(j) SCIENCE AND TECHNOLOGY.—

(1) IN GENERAL.—The Secretary shall establish a coastal Louisiana ecosystem science and technology program.

(2) PURPOSES.—The purposes of the program established by paragraph (1) shall be—

(A) to identify any uncertainty relating to the physical, chemical, geological, biological, and cultural baseline conditions in coastal Louisiana;

(B) to improve knowledge of the physical, chemical, geological, biological, and cultural baseline conditions in coastal Louisiana; and

(C) to identify and develop technologies, models, and methods to carry out this subsection.

(3) WORKING GROUPS.—The Secretary may establish such working groups as the Secretary determines to be necessary to assist the Secretary in carrying out this subsection.

(4) CONTRACTS AND COOPERATIVE AGREEMENTS.—In carrying out this subsection, the Secretary may enter into a contract or cooperative agreement with an individual or entity (including a consortium of academic institutions in Louisiana) with scientific or engineering expertise in the restoration of aquatic and marine ecosystems for coastal restoration and enhancement through science and technology.

(k) ANALYSIS OF BENEFITS.—

(1) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out an activity to conserve, protect, restore, or maintain the coastal Louisiana ecosystem, the Secretary may determine that the environmental benefits provided by the program under this section outweigh the disadvantage of an activity under this section.

(2) DETERMINATION OF COST-EFFECTIVENESS.—If the Secretary determines that an activity under this section is cost-effective, no further economic justification for the activity shall be required.

(l) STUDIES.—

(1) DEGRADATION.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the non-Federal interest, shall enter into a contract with the National Academy of Sciences under which the National Academy of Sciences shall carry out a study to identify—

(A) the cause of any degradation of the Louisiana Coastal Area ecosystem that occurred as a result of an activity approved by the Secretary; and

(B) the sources of the degradation.

(2) FINANCING.—On completion, and taking into account the results, of the study conducted under paragraph (1), the Secretary, in consultation with the non-Federal interest, shall study—

(A) financing alternatives for the program under subsection (a); and

(B) potential reductions in the expenditure of Federal funds in emergency responses that would occur as a result of ecosystem restoration in the Louisiana Coastal Area.

(m) PROJECT MODIFICATIONS.—

(1) REVIEW.—The Secretary, in cooperation with any non-Federal interest, shall review each federally-authorized water resources project in the coastal Louisiana area in existence on the date of enactment of this Act to determine whether—

(A) each project is in accordance with the program under subsection (a); and

(B) the project could contribute to ecosystem restoration under subsection (a) through modification of the operations or features of the project.

(2) MODIFICATIONS.—Subject to paragraphs (3) and (4), the Secretary may carry out the modifications described in paragraph (1)(B).

(3) PUBLIC NOTICE AND COMMENT.—Before completing the report required under paragraph (4), the Secretary shall provide an opportunity for public notice and comment.

(4) REPORT.—

(A) IN GENERAL.—Before modifying an operation or feature of a project under paragraph (1)(B), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the modification.

(B) INCLUSION.—A report under subparagraph (A) shall include such information relating to the timeline and cost of a modification as the Secretary determines to be relevant.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000.

(n) LOUISIANA WATER RESOURCES COUNCIL.—

(1) ESTABLISHMENT.—There is established within the Mississippi River Commission, a subgroup to be known as the ''Louisiana Water Resources Council''.

(2) PURPOSES.—The purposes of the Council are—

(A) to manage and oversee each aspect of the implementation of a system-wide, comprehensive plan for projects of the Corps of Engineers (including the study, planning, engineering, design, and construction of the projects or components of projects and the functions or activities of the Corps of Engineers relating to other projects) that addresses hurricane protection, flood control, ecosystem restoration, storm surge damage reduction, or navigation in the Hurricanes Katrina and Rita disaster areas in the State of Louisiana; and

(B) to demonstrate and evaluate a streamlined approach to authorization of water resources projects to be studied, designed, and constructed by the Corps of Engineers.

(3) MEMBERSHIP.—

(A) IN GENERAL.—The president of the Mississippi River Commission shall appoint members of the Council, after considering recommendations of the Governor of Louisiana.

(B) REQUIREMENTS.—The Council shall be composed of—

(i) 2 individuals with expertise in coastal ecosystem restoration, including the interaction of saltwater and freshwater estuaries; and

(ii) 2 individual with expertise in geology or civil engineering relating to hurricane and flood damage reduction and navigation.

(C) CHAIRPERSON.—In addition to the members appointed under subparagraph (B), the Council shall be chaired by 1 of the 3 officers of the Corps of Engineers of the Mississippi River Commission.

(4) DUTIES.—With respect to modifications under subsection (c), the Council shall—

(A) review and approve or disapprove the reports completed by the Secretary; and

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

(5) TERMINATION.—

(A) IN GENERAL.—The Council shall terminate on the date that is 6 years after the date of enactment of this Act.

(B) EFFECT.—Any project modification under subsection (c) that has not been approved by the Council and submitted to Congress by the date described in subparagraph (A) shall not proceed to construction before the date on which the modification is statutorily approved by Congress.

(o) OTHER PROJECTS.—

(1) IN GENERAL.—With respect to the projects identified in the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247), the Secretary shall submit a report describing the projects to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) CONSTRUCTION.—The Secretary shall be authorized to construct the projects at the time the Committees referred to in paragraph (1) each adopt a resolution approving the project.

(p) REPORT.—

(1) IN GENERAL.—Not later than 6 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report evaluating the alternative means of authorizing Corps of Engineers water resources projects under subsections (c)(3), (f)(2), and (o)(2).

(2) INCLUSIONS.—The report shall include a description of—

(A) the projects authorized and undertaken under this section;

(B) the construction status of the projects; and

(C) the benefits and environmental impacts of the projects.

(3) EXTERNAL REVIEW.—The Secretary shall enter into a contract with the National Academy of Science to perform an external review of the demonstration program under subsection (d), which shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 1004. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.

The Secretary—

(1) shall conduct a study for flood damage reduction, Cache River Basin, Grubbs, Arkansas; and

(2) if the Secretary determines that the project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

SEC. 1005. SMALL PROJECTS FOR NAVIGATION.

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

(1) LITTLE ROCK PORT, ARKANSAS.—Project for navigation, Little Rock Port, Arkansas River, Arkansas.

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

(3) OUTER CHANNEL AND INNER HARBOR, MENOMINEE HARBOR, MICHIGAN AND WISCONSIN.—Project for navigation, Outer Channel and Inner Harbor, Menominee Harbor, Michigan and Wisconsin.

(4) MIDDLE BASS ISLAND STATE PARK, MIDDLE BASS ISLAND, OHIO.—Project for navigation, Middle Bass Island State Park, Middle Bass Island, Ohio.

SEC. 1006. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) SAN DIEGO RIVER, CALIFORNIA.—Project for aquatic ecosystem restoration, San Diego River, California, including efforts to address invasive aquatic plant species.

(2) SUISON MARSH, SAN PABLO BAY, CALIFORNIA.—Project for aquatic ecosystem restoration, San Pablo Bay, California.

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

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

(5) COLLEGE LAKE, LYNCHBURG, VIRGINIA.—Project for aquatic ecosystem restoration, College Lake, Lynchburg, Virginia.

TITLE II—GENERAL PROVISIONS

Subtitle A—Provisions

SEC. 2001. CREDIT FOR IN-KIND CONTRIBUTIONS.

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

(1) by striking ''SEC. 221'' and inserting the following:

"SEC. 221. WRITTEN AGREEMENT REQUIREMENT FOR WATER RESOURCES PROJECTS.";

and

(2) by striking subsection (a) and inserting the following:

''(a) COOPERATION OF NON-FEDERAL INTEREST.—

''(1) IN GENERAL.—After December 31, 1970, the construction of any water resources project, or an acceptable separable element thereof, by the Secretary of the Army, acting through the Chief of Engineers, or by a non-Federal interest where such interest will be reimbursed for such construction under any provision of law, shall not be commenced until each non-Federal interest has entered into a written partnership agreement with the district engineer for the district in which the project will be carried out under which each party agrees to carry out its responsibilities and requirements for implementation or construction of the project or the appropriate element of the project, as the case may be; except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest and are less than $25,000.

''(2) LIQUIDATED DAMAGES.—An agreement described in paragraph (1) may include a provision for liquidated damages in the event of a failure of 1 or more parties to perform.

''(3) OBLIGATION OF FUTURE APPROPRIATIONS.—In any such agreement entered into by a State, or a body politic of the State which derives its powers from the State constitution, or a governmental entity created by the State legislature, the agreement may reflect that it does not obligate future appropriations for such performance and payment when obligating future appropriations would be inconsistent with constitutional or statutory limitations of the State or a political subdivision of the State.

''(4) CREDIT FOR IN-KIND CONTRIBUTIONS.—

''(A) IN GENERAL.—An agreement under paragraph (1) shall provide that the Secretary shall credit toward the non-Federal share of the cost of the project, including a project implemented under general continuing authority, the value of in-kind contributions made by the non-Federal interest, including—

''(i) the costs of planning (including data collection), design, management, mitigation, construction, and construction services that are provided by the non-Federal interest for implementation of the project; and

''(ii) the value of materials or services provided before execution of an agreement for the project, including—

''(I) efforts on constructed elements incorporated into the project; and

''(II) materials and services provided after an agreement is executed.

''(B) CONDITION.—The Secretary shall credit an in-kind contribution under subparagraph (A) if the Secretary determines that the property or service provided as an in-kind contribution is integral to the project.

''(C) LIMITATIONS.—Credit authorized for a project—

''(i) shall not exceed the non-Federal share of the cost of the project;

''(ii) shall not alter any other requirement that a non-Federal interest provide land, an easement or right-of-way, or an area for disposal of dredged material for the project; and

''(iii) shall not exceed the actual and reasonable costs of the materials, services, or other things provided by the non-Federal interest, as determined by the Secretary.''.

SEC. 2002. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

Section 234 of the Water Resources Development Act of 1996 (33 U.S.C. 2323a) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Secretary may engage in activities (including contracting) in support of other Federal agencies, international organizations, or foreign governments to address problems of national significance to the United States.'';

(2) in subsection (b), by striking ''Secretary of State'' and inserting ''Department of State''; and

(3) in subsection (d)—

(A) by striking ''$250,000 for fiscal year 2001'' and inserting ''$1,000,000 for fiscal year 2007 and each fiscal year thereafter''; and

(B) by striking ''or international organizations'' and inserting '', international organizations, or foreign governments''.

SEC. 2003. TRAINING FUNDS.

(a) IN GENERAL.—The Secretary may include individuals from the non-Federal interest, including the private sector, in training classes and courses offered by the Corps of Engineers in any case in which the Secretary determines that it is in the best interest of the Federal Government to include those individuals as participants.

(b) EXPENSES.—

(1) IN GENERAL.—An individual from a non-Federal interest attending a training class or course described in subsection (a) shall pay the full cost of the training provided to the individual.

(2) PAYMENTS.—Payments made by an individual for training received under subsection (a), up to the actual cost of the training—

(A) may be retained by the Secretary;

(B) shall be credited to an appropriation or account used for paying training costs; and

(C) shall be available for use by the Secretary, without further appropriation, for training purposes.

(3) EXCESS AMOUNTS.—Any payments received under paragraph (2) that are in excess of the actual cost of training provided shall be credited as miscellaneous receipts to the Treasury of the United States.

SEC. 2004. FISCAL TRANSPARENCY REPORT.

(a) IN GENERAL.—On the third Tuesday of January of each year beginning January 2008, the Chief of Engineers shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the expenditures for the preceding fiscal year and estimated expenditures for the current fiscal year.

(b) CONTENTS.—In addition to the information described in subsection (a), the report shall contain a detailed accounting of the following information:

(1) With respect to general construction, information on—

(A) projects currently under construction, including—

(i) allocations to date;

(ii) the number of years remaining to complete construction;

(iii) the estimated annual Federal cost to maintain that construction schedule; and

(iv) a list of projects the Corps of Engineers expects to complete during the current fiscal year; and

(B) projects for which there is a signed cost-sharing agreement and completed planning, engineering, and design, including—

(i) the number of years the project is expected to require for completion; and

(ii) estimated annual Federal cost to maintain that construction schedule.

(2) With respect to operation and maintenance of the inland and intracoastal waterways under section 206 of Public Law 95–502 (33 U.S.C. 1804)—

(A) the estimated annual cost to maintain each waterway for the authorized reach and at the authorized depth; and

(B) the estimated annual cost of operation and maintenance of locks and dams to ensure navigation without interruption.

(3) With respect to general investigations and reconnaissance and feasibility studies—

(A) the number of active studies;

(B) the number of completed studies not yet authorized for construction;

(C) the number of initiated studies; and

(D) the number of studies expected to be completed during the fiscal year.

(4) Funding received and estimates of funds to be received for interagency and international support activities under section 318(a) of the Water Resources Development Act of 1990 (33 U.S.C. 2323(a)).

(5) Recreation fees and lease payments.

(6) Hydropower and water storage fees.

(7) Deposits into the Inland Waterway Trust Fund and the Harbor Maintenance Trust Fund.

(8) Other revenues and fees collected.

(9) With respect to permit applications and notifications, a list of individual permit applications and nationwide permit notifications, including—

(A) the date on which each permit application is filed;

(B) the date on which each permit application is determined to be complete; and

(C) the date on which the Corps of Engineers grants, withdraws, or denies each permit.

(10) With respect to the project backlog, a list of authorized projects for which no funds have

been allocated for the 5 preceding fiscal years, including, for each project—

(A) the authorization date;

(B) the last allocation date;

(C) the percentage of construction completed;

(D) the estimated cost remaining until completion of the project; and

(E) a brief explanation of the reasons for the delay.

SEC. 2005. PLANNING.

(a) MATTERS TO BE ADDRESSED IN PLANNING.—Section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281) is amended—

(1) by striking ''Enhancing'' and inserting the following:

''(a) IN GENERAL.—Enhancing''; and

(2) by adding at the end the following:

''(b) ASSESSMENTS.—For all feasibility reports completed after December 31, 2005, the Secretary shall assess whether—

''(1) the water resource project and each separable element is cost-effective; and

''(2) the water resource project complies with Federal, State, and local laws (including regulations) and public policies.''.

(b) PLANNING PROCESS IMPROVEMENTS.—The Chief of Engineers—

(1) shall, not later than 2 years after the date on which the feasibility study cost sharing agreement is signed for a project, subject to the availability of appropriations—

(A) complete the feasibility study for the project; and

(B) sign the report of the Chief of Engineers for the project;

(2) may, with the approval of the Secretary, extend the deadline established under paragraph (1) for not to exceed 4 years, for a complex or controversial study; and

(3)(A) shall adopt a risk analysis approach to project cost estimates; and

(B) not later than 1 year after the date of enactment of this Act, shall—

(i) issue procedures for risk analysis for cost estimation; and

(ii) submit to Congress a report that includes suggested amendments to section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280).

(c) CALCULATION OF BENEFITS AND COSTS FOR FLOOD DAMAGE REDUCTION PROJECTS.—A feasibility study for a project for flood damage reduction shall include, as part of the calculation of benefits and costs—

(1) a calculation of the residual risk of flooding following completion of the proposed project;

(2) a calculation of the residual risk of loss of human life and residual risk to human safety following completion of the proposed project; and

(3) a calculation of any upstream or downstream impacts of the proposed project.

(d) CENTERS OF SPECIALIZED PLANNING EXPERTISE.—

(1) ESTABLISHMENT.—The Secretary may establish centers of expertise to provide specialized planning expertise for water resource projects to be carried out by the Secretary in order to enhance and supplement the capabilities of the districts of the Corps of Engineers.

(2) DUTIES.—A center of expertise established under this subsection shall—

(A) provide technical and managerial assistance to district commanders of the Corps of Engineers for project planning, development, and implementation;

(B) provide peer reviews of new major scientific, engineering, or economic methods, models, or analyses that will be used to support decisions of the Secretary with respect to feasibility studies;

(C) provide support for external peer review panels convened by the Secretary; and

(D) carry out such other duties as are prescribed by the Secretary.

(e) COMPLETION OF CORPS OF ENGINEERS REPORTS.—

(1) ALTERNATIVES.—

(A) IN GENERAL.—Feasibility and other studies and assessments of water resource problems and projects shall include recommendations for alternatives—

(i) that, as determined by the non-Federal interests for the projects, promote integrated water resources management; and

(ii) for which the non-Federal interests are willing to provide the non-Federal share for the studies or assessments.

(B) SCOPE AND PURPOSES.—The scope and purposes of studies and assessments described in subparagraph (A) shall not be constrained by budgetary or other policy as a result of the inclusion of alternatives described in that subparagraph.

(C) REPORTS OF CHIEF OF ENGINEERS.—The reports of the Chief of Engineers shall be based solely on the best technical solutions to water resource needs and problems.

(2) REPORT COMPLETION.—The completion of a report of the Chief of Engineers for a project—

(A) shall not be delayed while consideration is being given to potential changes in policy or priority for project consideration; and

(B) shall be submitted, on completion, to—

(i) the Committee on Environment and Public Works of the Senate; and

(ii) the Committee on Transportation and Infrastructure of the House of Representatives.

(f) COMPLETION REVIEW.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 90 days after the date of completion of a report of the Chief of Engineers that recommends to Congress a water resource project, the Secretary shall—

(A) review the report; and

(B) provide any recommendations of the Secretary regarding the water resource project to Congress.

(2) PRIOR REPORTS.—Not later than 90 days after the date of enactment of this Act, with respect to any report of the Chief of Engineers recommending a water resource project that is complete prior to the date of enactment of this Act, the Secretary shall complete review of, and provide recommendations to Congress for, the report in accordance with paragraph (1).

SEC. 2006. WATER RESOURCES PLANNING COORDINATING COMMITTEE.

(a) ESTABLISHMENT.—The President shall establish a Water Resources Planning Coordinating Committee (referred to in this subsection as the ''Coordinating Committee'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Coordinating Committee shall be composed of the following members (or a designee of the member):

(A) The Secretary of the Interior.

(B) The Secretary of Agriculture.

(C) The Secretary of Health and Human Services.

(D) The Secretary of Housing and Urban Development.

(E) The Secretary of Transportation.

(F) The Secretary of Energy.

(G) The Secretary of Homeland Security.

(H) The Secretary of Commerce.

(I) The Administrator of the Environmental Protection Agency.

(J) The Chairperson of the Council on Environmental Quality.

(2) CHAIRPERSON AND EXECUTIVE DIRECTOR.—The President shall appoint—

(A) 1 member of the Coordinating Committee to serve as Chairperson of the Coordinating Committee for a term of 2 years; and

(B) an Executive Director to supervise the activities of the Coordinating Committee.

(3) FUNCTION.—The function of the Coordinating Committee shall be to carry out the duties and responsibilities set forth under this section.

(c) NATIONAL WATER RESOURCES PLANNING AND MODERNIZATION POLICY.—It is the policy of the United States that all water resources projects carried out by the Corps of Engineers shall—

(1) reflect national priorities;

(2) seek to avoid the unwise use of floodplains;

(3) minimize vulnerabilities in any case in which a floodplain must be used;

(4) protect and restore the functions of natural systems; and

(5) mitigate any unavoidable damage to natural systems.

(d) WATER RESOURCE PRIORITIES REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Coordinating Committee, in collaboration with the Secretary, shall submit to the President and Congress a report describing the vulnerability of the United States to damage from flooding and related storm damage, including—

(A) the risk to human life;

(B) the risk to property; and

(C) the comparative risks faced by different regions of the United States.

(2) INCLUSIONS.—The report under paragraph (1) shall include—

(A) an assessment of the extent to which programs in the United States relating to flooding address flood risk reduction priorities;

(B) the extent to which those programs may be unintentionally encouraging development and economic activity in floodprone areas;

(C) recommendations for improving those programs with respect to reducing and responding to flood risks; and

(D) proposals for implementing the recommendations.

(e) MODERNIZING WATER RESOURCES PLANNING GUIDELINES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary and the Coordinating Committee shall, in collaboration with each other, review and propose updates and revisions to modernize the planning principles and guidelines, regulations, and circulars by which the Corps of Engineers analyzes and evaluates water projects. In carrying out the review, the Coordinating Committee and the Secretary shall consult with the National Academy of Sciences for recommendations regarding updating planning documents.

(2) PROPOSED REVISIONS.—In conducting a review under paragraph (1), the Coordinating Committee and the Secretary shall consider revisions to improve water resources project planning through, among other things—

(A) requiring the use of modern economic principles and analytical techniques, credible schedules for project construction, and current discount rates as used by other Federal agencies;

(B) eliminating biases and disincentives to providing projects to low-income communities, including fully accounting for the prevention of loss of life under section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281);

(C) eliminating biases and disincentives that discourage the use of nonstructural approaches to water resources development and management, and fully accounting for the flood protection and other values of healthy natural systems;

(D) promoting environmental restoration projects that reestablish natural processes;

(E) assessing and evaluating the impacts of a project in the context of other projects within a region or watershed;

(F) analyzing and incorporating lessons learned from recent studies of Corps of Engineers programs and recent disasters such as Hurricane Katrina and the Great Midwest Flood of 1993;

(G) encouraging wetlands conservation; and

(H) ensuring the effective implementation of the policies of this Act.

(3) PUBLIC PARTICIPATION.—The Coordinating Committee and the Secretary shall solicit public and expert comments regarding any revision proposed under paragraph (2).

(4) REVISION OF PLANNING GUIDANCE.—

(A) IN GENERAL.—Not later than 180 days after the date on which a review under paragraph (1) is completed, the Secretary, after providing notice and an opportunity for public comment in accordance with subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act''), shall implement such proposed updates and revisions to the planning principles and guidelines, regulations, and circulars of the Corps of Engineers under paragraph (2) as the Secretary determines to be appropriate.

(B) EFFECT.—Effective beginning on the date on which the Secretary implements the first update or revision under paragraph (1), subsections (a) and (b) of section 80 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–17) shall not apply to the Corps of Engineers.

(5) REPORT.—

(A) IN GENERAL.—The Secretary shall submit to the Committees on Environment and Public Works and Appropriations of the Senate, and to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives, a report describing any revision of planning guidance under paragraph (4).

(B) PUBLICATION.—The Secretary shall publish the report under subparagraph (A) in the Federal Register.

SEC. 2007. INDEPENDENT PEER REVIEW.

(a) DEFINITIONS.—In this section:

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

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

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

(c) SOUND PROJECT PLANNING.—

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

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

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

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

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

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

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

(2) PROJECT PLANNING REVIEW PANELS.—

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

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

(i) economic and environmental assumptions and projections;

(ii) project evaluation data;

(iii) economic or environmental analyses;

(iv) engineering analyses;

(v) formulation of alternative plans;

(vi) methods for integrating risk and uncertainty;

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

(viii) any related biological opinions.

(C) PROJECT PLANNING REVIEW RECORD.—

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

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

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

(D) DEADLINES FOR PROJECT PLANNING REVIEWS.—

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

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

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

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

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

(d) SAFETY ASSURANCE.—

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

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

(B) that uses innovative materials or techniques;

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

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

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

(3) DEADLINES FOR SAFETY ASSURANCE REVIEWS.—An independent panel of experts established under this subsection shall submit a written report to the Secretary on the adequacy of the construction activities prior to the initiation of physical construction and periodically thereafter until construction activities are completed on a publicly available schedule determined by the Director of Independent Review for the purposes of assuring the public safety. The Director

of Independent Review shall ensure that these reviews be carried out in a way to protect the public health, safety, and welfare, while not causing unnecessary delays in construction activities.

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

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

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

(e) EXPENSES.—

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

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

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

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

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

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

SEC. 2008. MITIGATION FOR FISH AND WILDLIFE LOSSES.

(a) COMPLETION OF MITIGATION.—Section 906(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(a)) is amended by adding at the following:

''(3) COMPLETION OF MITIGATION.—In any case in which it is not technically practicable to complete mitigation by the last day of construction of the project or separable element of the project because of the nature of the mitigation to be undertaken, the Secretary shall complete the required mitigation as expeditiously as practicable, but in no case later than the last day of the first fiscal year beginning after the last day of construction of the project or separable element of the project.''.

(b) USE OF CONSOLIDATED MITIGATION.—Section 906(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(b)) is amended by adding at the end the following:

''(3) USE OF CONSOLIDATED MITIGATION.—

''(A) IN GENERAL.—If the Secretary determines that other forms of compensatory mitigation are not practicable or are less environmentally desirable, the Secretary may purchase available credits from a mitigation bank or conservation bank that is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigations Banks (60 Fed. Reg. 58605) or other applicable Federal laws (including regulations).

''(B) SERVICE AREA.—To the maximum extent practicable, the service area of the mitigation bank or conservation bank shall be in the same watershed as the affected habitat.

''(C) RESPONSIBILITY RELIEVED.—Purchase of credits from a mitigation bank or conservation bank for a water resources project relieves the Secretary and the non-Federal interest from responsibility for monitoring or demonstrating mitigation success.''.

(c) MITIGATION REQUIREMENTS.—Section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking ''to the Congress unless such report contains'' and inserting ''to Congress, and shall not select a project alternative in any final record of decision, environmental impact statement, or environmental assessment, unless the proposal, record of decision, environmental impact statement, or environmental assessment contains''; and

(B) in the second sentence, by inserting '', and other habitat types are mitigated to not less than in-kind conditions'' after ''mitigated in-kind''; and

(2) by adding at the end the following:

''(3) MITIGATION REQUIREMENTS.—

''(A) IN GENERAL.—To mitigate losses to flood damage reduction capabilities and fish and wildlife resulting from a water resources project, the Secretary shall ensure that the mitigation plan for each water resources project complies fully with the mitigation standards and policies established pursuant to section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344).

''(B) INCLUSIONS.—A specific mitigation plan for a water resources project under paragraph (1) shall include, at a minimum—

''(i) a plan for monitoring the implementation and ecological success of each mitigation measure, including a designation of the entities that will be responsible for the monitoring;

''(ii) the criteria for ecological success by which the mitigation will be evaluated and determined to be successful;

''(iii) land and interests in land to be acquired for the mitigation plan and the basis for a determination that the land and interests are available for acquisition;

''(iv) a description of—

''(I) the types and amount of restoration activities to be conducted; and

''(II) the resource functions and values that will result from the mitigation plan; and

''(v) a contingency plan for taking corrective actions in cases in which monitoring demonstrates that mitigation measures are not achieving ecological success in accordance with criteria under clause (ii).

''(4) DETERMINATION OF SUCCESS.—

''(A) IN GENERAL.—A mitigation plan under this subsection shall be considered to be successful at the time at which the criteria under paragraph (3)(B)(ii) are achieved under the plan, as determined by monitoring under paragraph (3)(B)(i).

''(B) CONSULTATION.—In determining whether a mitigation plan is successful under subparagraph (A), the Secretary shall consult annually with appropriate Federal agencies and each State in which the applicable project is located on at least the following:

''(i) The ecological success of the mitigation as of the date on which the report is submitted.

''(ii) The likelihood that the mitigation will achieve ecological success, as defined in the mitigation plan.

''(iii) The projected timeline for achieving that success.

''(iv) Any recommendations for improving the likelihood of success.

''(C) REPORTING.—Not later than 60 days after the date of completion of the annual consultation, the Federal agencies consulted shall, and each State in which the project is located may, submit to the Secretary a report that describes the results of the consultation described in (B).

''(D) ACTION BY SECRETARY.—The Secretary shall respond in writing to the substance and recommendations contained in each report under subparagraph (C) by not later than 30 days after the date of receipt of the report.

''(5) MONITORING.—Mitigation monitoring shall continue until it has been demonstrated that the mitigation has met the ecological success criteria.''.

(d) STATUS REPORT.—

(1) IN GENERAL.—Concurrent with the submission of the President to Congress of the request of the President for appropriations for the Civil Works Program for a fiscal year, the Secretary shall submit to the Committee on the Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the status of construction of projects that require mitigation under section 906 of Water Resources Development Act 1986 (33 U.S.C. 2283) and the status of that mitigation.

(2) PROJECTS INCLUDED.—The status report shall include the status of—

(A) all projects that are under construction as of the date of the report;

(B) all projects for which the President requests funding for the next fiscal year; and

(C) all projects that have completed construction, but have not completed the mitigation required under section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

(e) MITIGATION TRACKING SYSTEM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a recordkeeping system to track, for each water resources project undertaken by the Secretary and for each permit issued under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344)—

(A) the quantity and type of wetland and any other habitat type affected by the project, project operation, or permitted activity;

(B) the quantity and type of mitigation measures required with respect to the project, project operation, or permitted activity;

(C) the quantity and type of mitigation measures that have been completed with respect to the project, project operation, or permitted activity; and

(D) the status of monitoring of the mitigation measures carried out with respect to the project, project operation, or permitted activity.

(2) REQUIREMENTS.—The recordkeeping system under paragraph (1) shall—

(A) include information relating to the impacts and mitigation measures relating to projects described in paragraph (1) that occur after November 17, 1986; and

(B) be organized by watershed, project, permit application, and zip code.

(3) AVAILABILITY OF INFORMATION.—The Secretary shall make information contained in the recordkeeping system available to the public on the Internet.

SEC. 2009. STATE TECHNICAL ASSISTANCE.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) by striking ''SEC. 22. (a) The Secretary'' and inserting the following:

''SEC. 22. PLANNING ASSISTANCE TO STATES.

''(a) FEDERAL-STATE COOPERATION.—

''(1) COMPREHENSIVE PLANS.—The Secretary'';

(2) in subsection (a), by adding at the end the following:

''(2) TECHNICAL ASSISTANCE.—

''(A) IN GENERAL.—At the request of a governmental agency or non-Federal interest, the Secretary may provide, at Federal expense, technical assistance to the agency or non-Federal interest in managing water resources.

''(B) TYPES OF ASSISTANCE.—Technical assistance under this paragraph may include provision and integration of hydrologic, economic, and environmental data and analyses.'';

(3) in subsection (b)(1), by striking ''this section'' each place it appears and inserting ''subsection (a)(1)'';

(4) in subsection (b)(2), by striking ''up to ½ of the'' and inserting ''the'';

(5) in subsection (c)—

(A) by striking ''(c) There is'' and inserting the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) FEDERAL AND STATE COOPERATION.—There is'';

(B) in paragraph (1) (as designated by subparagraph (A)), by striking ''the provisions of

this section except that not more than $500,000 shall be expended in any one year in any one State.'' and inserting ''subsection (a)(1).''; and

(C) by adding at the end the following:

''(2) TECHNICAL ASSISTANCE.—There is authorized to be appropriated to carry out subsection (a)(2) $10,000,000 for each fiscal year, of which not more than $2,000,000 for each fiscal year may be used by the Secretary to enter into cooperative agreements with nonprofit organizations and State agencies to provide assistance to rural and small communities.''; and

(6) by adding at the end the following:

''(e) ANNUAL SUBMISSION.—For each fiscal year, based on performance criteria developed by the Secretary, the Secretary shall list in the annual civil works budget submitted to Congress the individual activities proposed for funding under subsection (a)(1) for the fiscal year.''.

SEC. 2010. ACCESS TO WATER RESOURCE DATA.

(a) IN GENERAL.—The Secretary, acting through the Chief of Engineers, shall carry out a program to provide public access to water resource and related water quality data in the custody of the Corps of Engineers.

(b) DATA.—Public access under subsection (a) shall—

(1) include, at a minimum, access to data generated in water resource project development and regulation under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(2) appropriately employ geographic information system technology and linkages to water resource models and analytical techniques.

(c) PARTNERSHIPS.—To the maximum extent practicable, in carrying out activities under this section, the Secretary shall develop partnerships, including cooperative agreements with State, tribal, and local governments and other Federal agencies.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each fiscal year.

SEC. 2011. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.

(a) IN GENERAL.—Section 211(e)(6) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13(e)(6)) is amended by adding at the end following:

''(E) BUDGET PRIORITY.—

''(i) IN GENERAL.—Budget priority for projects under this section shall be proportionate to the percentage of project completion.

''(ii) COMPLETED PROJECT.—A completed project shall have the same priority as a project with a contractor on site.''.

(b) CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.—Section 211(f) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) is amended by adding at the end the following:

''(9) THORNTON RESERVOIR, COOK COUNTY, ILLINOIS.—An element of the project for flood control, Chicagoland Underflow Plan, Illinois.

''(10) ST. PAUL DOWNTOWN AIRPORT (HOLMAN FIELD), ST. PAUL, MINNESOTA.—The project for flood damage reduction, St. Paul Downtown Holman Field), St. Paul, Minnesota.

''(11) BUFFALO BAYOU, TEXAS.—The project for flood control, Buffalo Bayou, Texas, authorized by the first section of the Act of June 20, 1938 (52 Stat. 804, chapter 535) (commonly known as the 'River and Harbor Act of 1938') and modified by section 3a of the Act of August 11, 1939 (53 Stat. 1414, chapter 699) (commonly known as the 'Flood Control Act of 1939'), except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such project.

''(12) HALLS BAYOU, TEXAS.—The Halls Bayou element of the project for flood control, Buffalo Bayou and tributaries, Texas, authorized by section 101(a)(21) of the Water Resources Development Act of 1990 (33 U.S.C. 2201 note), except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such project.

''(13) MENOMONEE RIVER WATERSHED, WISCONSIN.—The project for the Menominee River Watershed, Wisconsin.''.

SEC. 2012. REGIONAL SEDIMENT MANAGEMENT.

(a) IN GENERAL.—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended to read as follows:

''SEC. 204. REGIONAL SEDIMENT MANAGEMENT.

''(a) IN GENERAL.—In connection with sediment obtained through the construction, operation, or maintenance of an authorized Federal water resources project, the Secretary, acting through the Chief of Engineers, shall develop Regional Sediment Management plans and carry out projects at locations identified in the plan prepared under subsection (e), or identified jointly by the non-Federal interest and the Secretary, for use in the construction, repair, modification, or rehabilitation of projects associated with Federal water resources projects, for—

''(1) the protection of property;

''(2) the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands; and

''(3) the transport and placement of suitable sediment

''(b) SECRETARIAL FINDINGS.—Subject to subsection (c), projects carried out under subsection (a) may be carried out in any case in which the Secretary finds that—

''(1) the environmental, economic, and social benefits of the project, both monetary and nonmonetary, justify the cost of the project; and

''(2) the project would not result in environmental degradation.

''(c) DETERMINATION OF PLANNING AND PROJECT COSTS.—

''(1) IN GENERAL.—In consultation and cooperation with the appropriate Federal, State, regional, and local agencies, the Secretary, acting through the Chief of Engineers, shall develop at Federal expense plans and projects for regional management of sediment obtained in conjunction with construction, operation, and maintenance of Federal water resources projects.

''(2) COSTS OF CONSTRUCTION.—

''(A) IN GENERAL.—Costs associated with construction of a project under this section or identified in a Regional Sediment Management plan shall be limited solely to construction costs that are in excess of those costs necessary to carry out the dredging for construction, operation, or maintenance of an authorized Federal water resources project in the most cost-effective way, consistent with economic, engineering, and environmental criteria.

''(B) COST SHARING.—The determination of any non-Federal share of the construction cost shall be based on the cost sharing as specified in subsections (a) through (d) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), for the type of Federal water resource project using the dredged resource.

''(C) TOTAL COST.—Total Federal costs associated with construction of a project under this section shall not exceed $5,000,000 without Congressional approval.

''(3) OPERATION, MAINTENANCE, REPLACEMENT, AND REHABILITATION COSTS.—Operation, maintenance, replacement, and rehabilitation costs associated with a project are a non-Federal sponsor responsibility.

''(d) SELECTION OF SEDIMENT DISPOSAL METHOD FOR ENVIRONMENTAL PURPOSES.—

''(1) IN GENERAL.—In developing and carrying out a Federal water resources project involving the disposal of material, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least-cost option if the Secretary determines that the incremental costs of the disposal method are reasonable in relation to the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion.

''(2) FEDERAL SHARE.—The Federal share of such incremental costs shall be determined in accordance with subsection (c).

''(e) STATE AND REGIONAL PLANS.—The Secretary, acting through the Chief of Engineers, may—

''(1) cooperate with any State in the preparation of a comprehensive State or regional coastal sediment management plan within the boundaries of the State;

''(2) encourage State participation in the implementation of the plan; and

''(3) submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out the plan.

''(f) PRIORITY AREAS.—In carrying out this section, the Secretary shall give priority to regional sediment management projects in the vicinity of—

''(1) Fire Island Inlet, Suffolk County, New York;

''(2) Fletcher Cove, California;

''(3) Delaware River Estuary, New Jersey and Pennsylvania; and

''(4) Toledo Harbor, Lucas County, Ohio.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 during each fiscal year, to remain available until expended, for the Federal costs identified under subsection (c), of which up to $5,000,000 shall be used for the development of regional sediment management plans as provided in subsection (e).

''(h) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.''.

(b) REPEAL.—

(1) IN GENERAL.—Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is repealed.

(2) EXISTING PROJECTS.—The Secretary, acting through the Chief of Engineers, may complete any project being carried out under section 145 on the day before the date of enactment of this Act.

SEC. 2013. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Section 3 of the Act entitled ''An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property'', approved August 13, 1946 (33 U.S.C. 426g), is amended to read as follows:

''SEC. 3. STORM AND HURRICANE RESTORATION AND IMPACT MINIMIZATION PROGRAM.

''(a) CONSTRUCTION OF SMALL SHORE AND BEACH RESTORATION AND PROTECTION PROJECTS.—

''(1) IN GENERAL.—The Secretary may carry out construction of small shore and beach restoration and protection projects not specifically authorized by Congress that otherwise comply with the first section of this Act if the Secretary determines that such construction is advisable.

''(2) LOCAL COOPERATION.—The local cooperation requirement under the first section of this Act shall apply to a project under this section.

''(3) COMPLETENESS.—A project under this section—

''(A) shall be complete; and

''(B) shall not commit the United States to any additional improvement to ensure the successful operation of the project, except for participation in periodic beach nourishment in accordance with—

''(i) the first section of this Act; and

''(ii) the procedure for projects authorized after submission of a survey report.

''(b) NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.—

''(1) IN GENERAL.—The Secretary, acting through the Chief of Engineers, shall conduct a

national shoreline erosion control development and demonstration program (referred to in this section as the 'program').

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—The program shall include provisions for—

''(i) projects consisting of planning, design, construction, and adequate monitoring of prototype engineered and native and naturalized vegetative shoreline erosion control devices and methods;

''(ii) detailed engineering and environmental reports on the results of each project carried out under the program; and

''(iii) technology transfers, as appropriate, to private property owners, State and local entities, nonprofit educational institutions, and nongovernmental organizations.

''(B) DETERMINATION OF FEASIBILITY.—A project under this section shall not be carried out until the Secretary, acting through the Chief of Engineers, determines that the project is feasible.

''(C) EMPHASIS.—A project carried out under the program shall emphasize, to the maximum extent practicable—

''(i) the development and demonstration of innovative technologies;

''(ii) efficient designs to prevent erosion at a shoreline site, taking into account the lifecycle cost of the design, including cleanup, maintenance, and amortization;

''(iii) new and enhanced shore protection project design and project formulation tools the purposes of which are to improve the physical performance, and lower the lifecycle costs, of the projects;

''(iv) natural designs, including the use of native and naturalized vegetation or temporary structures that minimize permanent structural alterations to the shoreline;

''(v) the avoidance of negative impacts to adjacent shorefront communities;

''(vi) the potential for long-term protection afforded by the technology; and

''(vii) recommendations developed from evaluations of the program established under the Shoreline Erosion Control Demonstration Act of 1974 (42 U.S.C. 1962–5 note; 88 Stat. 26), including—

''(I) adequate consideration of the subgrade;

''(II) proper filtration;

''(III) durable components;

''(IV) adequate connection between units; and

''(V) consideration of additional relevant information.

''(D) SITES.—

''(i) IN GENERAL.—Each project under the program shall be carried out at—

''(I) a privately owned site with substantial public access; or

''(II) a publicly owned site on open coast or in tidal waters.

''(ii) SELECTION.—The Secretary, acting through the Chief of Engineers, shall develop criteria for the selection of sites for projects under the program, including criteria based on—

''(I) a variety of geographic and climatic conditions;

''(II) the size of the population that is dependent on the beaches for recreation or the protection of private property or public infrastructure;

''(III) the rate of erosion;

''(IV) significant natural resources or habitats and environmentally sensitive areas; and

''(V) significant threatened historic structures or landmarks.

''(3) CONSULTATION.—The Secretary, acting through the Chief of Engineers, shall carry out the program in consultation with—

''(A) the Secretary of Agriculture, particularly with respect to native and naturalized vegetative means of preventing and controlling shoreline erosion;

''(B) Federal, State, and local agencies;

''(C) private organizations;

''(D) the Coastal Engineering Research Center established by the first section of Public Law 88–172 (33 U.S.C. 426–1); and

''(E) applicable university research facilities.

''(4) COMPLETION OF DEMONSTRATION.—After carrying out the initial construction and evaluation of the performance and lifecycle cost of a demonstration project under this section, the Secretary, acting through the Chief of Engineers, may—

''(A) at the request of a non-Federal interest of the project, amend the agreement for a federally-authorized shore protection project in existence on the date on which initial construction of the demonstration project is complete to incorporate the demonstration project as a feature of the shore protection project, with the future cost of the demonstration project to be determined by the cost-sharing ratio of the shore protection project; or

''(B) transfer all interest in and responsibility for the completed demonstration project to the non-Federal or other Federal agency interest of the project.

''(5) AGREEMENTS.—The Secretary, acting through the Chief of Engineers, may enter into an agreement with the non-Federal or other Federal agency interest of a project under this section—

''(A) to share the costs of construction, operation, maintenance, and monitoring of a project under the program;

''(B) to share the costs of removing a project or project element constructed under the program, if the Secretary determines that the project or project element is detrimental to private property, public infrastructure, or public safety; or

''(C) to specify ownership of a completed project that the Chief of Engineers determines will not be part of a Corps of Engineers project.

''(6) REPORT.—Not later than December 31 of each year beginning after the date of enactment of this paragraph, the Secretary shall prepare and submit to the Committee on Environment and Public works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

''(A) the activities carried out and accomplishments made under the program during the preceding year; and

''(B) any recommendations of the Secretary relating to the program.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary may expend, from any appropriations made available to the Secretary for the purpose of carrying out civil works, not more than $30,000,000 during any fiscal year to pay the Federal share of the costs of construction of small shore and beach restoration and protection projects or small projects under the program.

''(2) LIMITATION.—The total amount expended for a project under this section shall—

''(A) be sufficient to pay the cost of Federal participation in the project (including periodic nourishment as provided for under the first section of this Act), as determined by the Secretary; and

''(B) be not more than $3,000,000.''.

(b) REPEAL.—Section 5 the Act entitled ''An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property'', approved August 13, 1946 (33 U.S.C. 426e et seq.; 110 Stat. 3700) is repealed.

SEC. 2014. SHORE PROTECTION PROJECTS.

(a) IN GENERAL.—In accordance with the Act of July 3, 1930 (33 U.S.C. 426), and notwithstanding administrative actions, it is the policy of the United States to promote shore protection projects and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach renourishment for a period of 50 years, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises.

(b) PREFERENCE.—In carrying out the policy, preference shall be given to—

(1) areas in which there has been a Federal investment of funds; and

(2) areas with respect to which the need for prevention or mitigation of damage to shores and beaches is attributable to Federal navigation projects or other Federal activities.

(c) APPLICABILITY.—The Secretary shall apply the policy to each shore protection and beach renourishment project (including shore protection and beach renourishment projects in existence on the date of enactment of this Act).

SEC. 2015. COST SHARING FOR MONITORING.

(a) IN GENERAL.—Costs incurred for monitoring for an ecosystem restoration project shall be cost-shared—

(1) in accordance with the formula relating to the applicable original construction project; and

(2) for a maximum period of 10 years.

(b) AGGREGATE LIMITATION.—Monitoring costs for an ecosystem restoration project—

(1) shall not exceed in the aggregate, for a 10-year period, an amount equal to 5 percent of the cost of the applicable original construction project; and

(2) after the 10-year period, shall be 100 percent non-Federal.

SEC. 2016. ECOSYSTEM RESTORATION BENEFITS.

For each of the following projects, the Corps of Engineers shall include ecosystem restoration benefits in the calculation of benefits for the project:

(1) Grayson's Creek, California.

(2) Seven Oaks, California.

(3) Oxford, California.

(4) Walnut Creek, California.

(5) Wildcat Phase II, California.

SEC. 2017. FUNDING TO EXPEDITE THE EVALUATION AND PROCESSING OF PERMITS.

Section 214(a) of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594) is amended by striking ''In fiscal years 2001 through 2003, the'' and inserting ''The''.

SEC. 2018. ELECTRONIC SUBMISSION OF PERMIT APPLICATIONS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall implement a program to allow electronic submission of permit applications for permits under the jurisdiction of the Corps of Engineers.

(b) LIMITATIONS.—This section does not preclude the submission of a hard copy, as required.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000.

SEC. 2019. IMPROVEMENT OF WATER MANAGEMENT AT CORPS OF ENGINEERS RESERVOIRS.

(a) IN GENERAL.—As part of the operation and maintenance, by the Corps of Engineers, of reservoirs in operation as of the date of enactment of this Act, the Secretary shall carry out the measures described in subsection (c) to support the water resource needs of project sponsors and any affected State, local, or tribal government for authorized project purposes.

(b) COOPERATION.—The Secretary shall carry out the measures described in subsection (c) in cooperation and coordination with project sponsors and any affected State, local, or tribal government.

(c) MEASURES.—In carrying out this section, the Secretary may—

(1) conduct a study to identify unused, underused, or additional water storage capacity at reservoirs;

(2) review an operational plan and identify any change to maximize an authorized project purpose to improve water storage capacity and enhance efficiency of releases and withdrawal of water;

(3) improve and update data, data collection, and forecasting models to maximize an authorized project purpose and improve water storage capacity and delivery to water users; and

(4) conduct a sediment study and implement any sediment management or removal measure.

(d) REVENUES FOR SPECIAL CASES.—

(1) COSTS OF WATER SUPPLY STORAGE.—In the case of a reservoir operated or maintained by the Corps of Engineers on the date of enactment of this Act, the storage charge for a future contract or contract renewal for the first cost of water supply storage at the reservoir shall be the lesser of the estimated cost of purposes foregone, replacement costs, or the updated cost of storage.

(2) REALLOCATION.—In the case of a water supply that is reallocated from another project purpose to municipal or industrial water supply, the joint use costs for the reservoir shall be adjusted to reflect the reallocation of project purposes.

(3) CREDIT FOR AFFECTED PROJECT PURPOSES.—In the case of a reallocation that adversely affects hydropower generation, the Secretary shall defer to the Administrator of the respective Power Marketing Administration to calculate the impact of such a reallocation on the rates for hydroelectric power.

SEC. 2020. FEDERAL HOPPER DREDGES.

Section 3(c)(7)(B) of the Act of August 11, 1888 (33 U.S.C. 622; 25 Stat. 423), is amended by adding at the end the following: ''This subparagraph shall not apply to the Federal hopper dredges Essayons and Yaquina of the Corps of Engineers.''.

SEC. 2021. EXTRAORDINARY RAINFALL EVENTS.

In the State of Louisiana, extraordinary rainfall events such as Hurricanes Katrina and Rita, which occurred during calendar year 2005, and Hurricane Andrew, which occurred during calendar year 1992, shall not be considered in making a determination with respect to the ordinary high water mark for purposes of carrying out section 10 of the Act of March 3, 1899 (33 U.S.C. 403) (commonly known as the ''Rivers and Harbors Act'').

SEC. 2022. WILDFIRE FIREFIGHTING.

Section 309 of Public Law 102–154 (42 U.S.C. 1856a–1; 105 Stat. 1034) is amended by inserting ''the Secretary of the Army,'' after ''the Secretary of Energy,''.

SEC. 2023. NONPROFIT ORGANIZATIONS AS SPONSORS.

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

(1) by striking ''A non-Federal interest shall be'' and inserting the following:

''(1) IN GENERAL.—In this section, the term 'non-Federal interest' means''; and

(2) by adding at the end the following:

''(2) INCLUSIONS.—The term 'non-Federal interest' includes a nonprofit organization acting with the consent of the affected unit of government.''.

SEC. 2024. PROJECT ADMINISTRATION.

(a) PROJECT TRACKING.—The Secretary shall assign a unique tracking number to each water resources project under the jurisdiction of the Secretary, to be used by each Federal agency throughout the life of the project.

(b) REPORT REPOSITORY.—

(1) IN GENERAL.—The Secretary shall maintain at the Library of Congress a copy of each final feasibility study, final environmental impact statement, final reevaluation report, record of decision, and report to Congress prepared by the Corps of Engineers.

(2) AVAILABILITY TO PUBLIC.—

(A) IN GENERAL.—Each document described in paragraph (1) shall be made available to the public for review, and an electronic copy of each document shall be made permanently available to the public through the Internet website of the Corps of Engineers.

(B) COST.—The Secretary shall charge the requestor for the cost of duplication of the requested document.

SEC. 2025. PROGRAM ADMINISTRATION.

Sections 101, 106, and 108 of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2252–2254), are repealed.

SEC. 2026. NATIONAL DAM SAFETY PROGRAM REAUTHORIZATION.

(a) SHORT TITLE.—This section may be cited as the ''National Dam Safety Program Act of 2006''.

(b) REAUTHORIZATION.—Section 13 of the National Dam Safety Program Act (33 U.S.C. 467j) is amended—

(1) in subsection (a)(1), by adding '', and $8,000,000 for each of fiscal years 2007 through 2011, to remain available until expended'' after ''expended'';

(2) in subsection (b), by striking ''$500,000'' and inserting ''$1,000,000'';

(3) in subsection (c), by inserting before the period at the end the following: '', and $2,000,000 for each of fiscal years 2007 through 2011, to remain available until expended'';

(4) in subsection (d), by inserting before the period at the end the following: '', and $700,000 for each of fiscal years 2007 through 2011, to remain available until expended''; and

(5) in subsection (e), by inserting before the period at the end the following: '', and $1,000,000 for each of fiscal years 2007 through 2011, to remain available until expended''.

SEC. 2027. EXTENSION OF SHORE PROTECTION PROJECTS.

(a) IN GENERAL.—Before the date on which the applicable period for Federal financial participation in a shore protection project terminates, the Secretary, acting through the Chief of Engineers, is authorized to review the shore protection project to determine whether it would be feasible to extend the period of Federal financial participation relating to the project.

(b) REPORT.—The Secretary shall submit to Congress a report describing the results of each review conducted under subsection (a).

Subtitle B—Continuing Authorities Projects

SEC. 2031. NAVIGATION ENHANCEMENTS FOR WATERBOURNE TRANSPORTATION.

Section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is amended—

(1) by striking ''SEC. 107. (a) That the Secretary of the Army is hereby authorized to'' and inserting the following:

''SEC. 107. NAVIGATION ENHANCEMENTS FOR WATERBOURNE TRANSPORTATION.

''(a) IN GENERAL.—The Secretary of the Army may'';

(2) in subsection (b)—

(A) by striking ''(b) Not more'' and inserting the following:

''(b) ALLOTMENT.—Not more''; and

(B) by striking ''$4,000,000'' and inserting ''$7,000,000'';

(3) in subsection (c), by striking ''(c) Local'' and inserting the following:

''(c) LOCAL CONTRIBUTIONS.—Local'';

(4) in subsection (d), by striking ''(d) Non-Federal'' and inserting the following:

''(d) NON-FEDERAL SHARE.—Non-Federal'';

(5) in subsection (e), by striking ''(e) Each'' and inserting the following:

''(e) COMPLETION.—Each''; and

(6) in subsection (f), by striking ''(f) This'' and inserting the following:

''(f) APPLICABILITY.—This''.

SEC. 2032. PROTECTION AND RESTORATION DUE TO EMERGENCIES AT SHORES AND STREAMBANKS.

Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended—

(1) by striking ''$15,000,000'' and inserting ''$20,000,000''; and

(2) by striking ''$1,000,000'' and inserting ''$1,500,000''.

SEC. 2033. RESTORATION OF THE ENVIRONMENT FOR PROTECTION OF AQUATIC AND RIPARIAN ECOSYSTEMS PROGRAM.

Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 206. RESTORATION OF THE ENVIRONMENT FOR PROTECTION OF AQUATIC AND RIPARIAN ECOSYSTEMS PROGRAM.'';

(2) in subsection (a), by striking ''an aquatic'' and inserting ''a freshwater aquatic''; and

(3) in subsection (e), by striking ''$25,000,000'' and inserting ''$75,000,000''.

SEC. 2034. ENVIRONMENTAL MODIFICATION OF PROJECTS FOR IMPROVEMENT AND RESTORATION OF ECOSYSTEMS PROGRAM.

Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 1135. ENVIRONMENTAL MODIFICATION OF PROJECTS FOR IMPROVEMENT AND RESTORATION OF ECOSYSTEMS PROGRAM.'';

and

(2) in subsection (h), by striking ''25,000,000'' and inserting ''$50,000,000''.

SEC. 2035. PROJECTS TO ENHANCE ESTUARIES AND COASTAL HABITATS.

(a) IN GENERAL.—The Secretary may carry out an estuary habitat restoration project if the Secretary determines that the project—

(1) will improve the elements and features of an estuary (as defined in section 103 of the Estuaries and Clean Waters Act of 2000 (33 U.S.C. 2902));

(2) is in the public interest; and

(3) is cost-effective.

(b) COST SHARING.—The non-Federal share of the cost of construction of any project under this section—

(1) shall be 35 percent; and

(2) shall include the costs of all land, easements, rights-of-way, and necessary relocations.

(c) AGREEMENTS.—Construction of a project under this section shall commence only after a non-Federal interest has entered into a binding agreement with the Secretary to pay—

(1) the non-Federal share of the costs of construction required under subsection (b); and

(2) in accordance with regulations promulgated by the Secretary, 100 percent of the costs of any operation, maintenance, replacement, or rehabilitation of the project.

(d) LIMITATION.—Not more than $5,000,000 in Federal funds may be allocated under this section for a project at any 1 location.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each fiscal year beginning after the date of enactment of this Act.

SEC. 2036. REMEDIATION OF ABANDONED MINE SITES.

Section 560 of the Water Resources Development Act of 1999 (33 U.S.C. 2336; 113 Stat. 354–355) is amended—

(1) by striking subsection (f);

(2) by redesignating subsections (a) through (e) as subsections (b) through (f), respectively;

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

''(a) DEFINITION OF NON-FEDERAL INTEREST.—In this section, the term 'non-Federal interest' includes, with the consent of the affected local government, nonprofit entities, notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b).'';

(4) in subsection (b) (as redesignated by paragraph (2))—

(A) by inserting '', and construction'' before ''assistance''; and

(B) by inserting '', including, with the consent of the affected local government, nonprofit entities,'' after ''non-Federal interests'';

(5) in paragraph (3) of subsection (c) (as redesignated by paragraph (2))—

(A) by inserting ''physical hazards and'' after ''adverse''; and

(B) by striking ''drainage from'';

(6) in subsection (d) (as redesignated by paragraph (2)), by striking ''50'' and inserting ''25''; and

(7) by adding at the end the following:

''(g) OPERATION AND MAINTENANCE.—The non-Federal share of the costs of operation and maintenance for a project carried out under this section shall be 100 percent.

''(h) NO EFFECT ON LIABILITY.—The provision of assistance under this section shall not relieve from liability any person that would otherwise be liable under Federal or State law for damages, response costs, natural resource damages, restitution, equitable relief, or any other relief.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section for each fiscal year $45,000,000, to remain available until expended.''.

SEC. 2037. SMALL PROJECTS FOR THE REHABILITATION AND REMOVAL OF DAMS.

(a) IN GENERAL.—The Secretary may carry out a small dam removal or rehabilitation project if the Secretary determines that the project will improve the quality of the environment or is in the public interest.

(b) COST SHARING.—A non-Federal interest shall provide 35 percent of the cost of the removal or remediation of any project carried out under this section, including provision of all land, easements, rights-of-way, and necessary relocations.

(c) AGREEMENTS.—Construction of a project under this section shall be commenced only after a non-Federal interest has entered into a binding agreement with the Secretary to pay—

(1) the non-Federal share of the costs of construction required by this section; and

(2) 100 percent of any operation and maintenance cost.

(d) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be allotted under this section for a project at any single location.

(e) FUNDING.—There is authorized to be appropriated to carry out this section $25,000,000 for each fiscal year.

SEC. 2038. REMOTE, MARITIME-DEPENDENT COMMUNITIES.

(a) IN GENERAL.—The Secretary shall develop eligibility criteria for Federal participation in navigation projects located in economically disadvantaged communities that are—

(1) dependent on water transportation for subsistence; and

(2) located in—

(A) remote areas of the United States;

(B) American Samoa;

(C) Guam;

(D) the Commonwealth of the Northern Mariana Islands;

(E) the Commonwealth of Puerto Rico; or

(F) the United States Virgin Islands.

(b) ADMINISTRATION.—The criteria developed under this section—

(1) shall—

(A) provide for economic expansion; and

(B) identify opportunities for promoting economic growth; and

(2) shall not require project justification solely on the basis of National Economic Development benefits received.

SEC. 2039. AGREEMENTS FOR WATER RESOURCE PROJECTS.

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

(1) by redesignating subsection (e) as subsection (g); and

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

''(e) PUBLIC HEALTH AND SAFETY.—If the Secretary determines that a project needs to be continued for the purpose of public health and safety—

''(1) the non-Federal interest shall pay the increased projects costs, up to an amount equal to 20 percent of the original estimated project costs and in accordance with the statutorily-determined cost share; and

''(2) notwithstanding the statutorily-determined Federal share, the Secretary shall pay all increased costs remaining after payment of 20 percent of the increased costs by the non-Federal interest under paragraph (1).

''(f) LIMITATION.—Nothing in subsection (a) limits the authority of the Secretary to ensure that a partnership agreement meets the requirements of law and policies of the Secretary in effect on the date of execution of the partnership agreement.''.

(b) LOCAL COOPERATION.—Section 912(b) of the Water Resources Development Act of 1986 (100 Stat. 4190) is amended—

(1) in paragraph (2)—

(A) in the first sentence, by striking ''shall'' and inserting ''may''; and

(B) by striking the second sentence; and

(2) in paragraph (4)—

(A) in the first sentence—

(i) by striking ''injunction, for'' and inserting ''injunction and payment of liquidated damages, for''; and

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

(B) in the second sentence, by striking ''any civil penalty imposed under this section,'' and inserting ''any liquidated damages,''.

(c) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a) and (b) shall apply only to partnership agreements entered into after the date of enactment of this Act.

(2) EXCEPTION.—Notwithstanding paragraph (1), the district engineer for the district in which a project is located may amend the partnership agreement for the project entered into on or before the date of enactment of this Act—

(A) at the request of a non-Federal interest for a project; and

(B) if construction on the project has not been initiated as of the date of enactment of this Act.

(d) REFERENCES.—

(1) COOPERATION AGREEMENTS.—Any reference in a law, regulation, document, or other paper of the United States to a cooperation agreement or project cooperation agreement shall be considered to be a reference to a partnership agreement or a project partnership agreement, respectively.

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

SEC. 2040. PROGRAM NAMES.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking ''SEC. 205. That the'' and inserting the following:

''SEC. 205. PROJECTS TO ENHANCE REDUCTION OF FLOODING AND OBTAIN RISK MINIMIZATION.

''The''.

Subtitle C—National Levee Safety Program

SEC. 2051. SHORT TITLE.

This subtitle may be cited as the ''National Levee Safety Program Act of 2006''.

SEC. 2052. DEFINITIONS.

In this subtitle:

(1) ASSESSMENT.—The term ''assessment'' means the periodic engineering evaluation of a levee by a registered professional engineer to—

(A) review the engineering features of the levee; and

(B) develop a risk-based performance evaluation of the levee, taking into consideration potential consequences of failure or overtopping of the levee.

(2) COMMITTEE.—The term ''Committee'' means the National Levee Safety Committee established by section 2053(a).

(3) INSPECTION.—The term ''inspection'' means an annual review of a levee to verify whether the owner or operator of the levee is conducting required operation and maintenance in accordance with established levee maintenance standards.

(4) LEVEE.—The term ''levee'' means an embankment (including a floodwall) that—

(A) is designed, constructed, or operated for the purpose of flood or storm damage reduction;

(B) reduces the risk of loss of human life or risk to the public safety; and

(C) is not otherwise defined as a dam by the Federal Guidelines for Dam Safety.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

(6) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(7) STATE LEVEE SAFETY AGENCY.—The term ''State levee safety agency'' means the State agency that has regulatory authority over the safety of any non-Federal levee in a State.

(8) UNITED STATES.—The term ''United States'', when used in a geographical sense, means all of the States.

SEC. 2053. NATIONAL LEVEE SAFETY COMMITTEE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a National Levee Safety Committee, consisting of representatives of Federal agencies and State, tribal, and local governments, in accordance with this subsection.

(2) FEDERAL AGENCIES.—

(A) IN GENERAL.—The head of each Federal agency and the head of the International Boundary Waters Commission may designate a representative to serve on the Committee.

(B) ACTION BY SECRETARY.—The Secretary shall ensure, to the maximum extent practicable, that—

(i) each Federal agency that designs, owns, operates, or maintains a levee is represented on the Committee; and

(ii) each Federal agency that has responsibility for emergency preparedness or response activities is represented on the Committee.

(3) TRIBAL, STATE, AND LOCAL GOVERNMENTS.—

(A) IN GENERAL.—The Secretary shall appoint 8 members to the Committee—

(i) 3 of whom shall represent tribal governments affected by levees, based on recommendations of tribal governments;

(ii) 3 of whom shall represent State levee safety agencies, based on recommendations of Governors of the States; and

(iii) 2 of whom shall represent local governments, based on recommendations of Governors of the States.

(B) REQUIREMENT.—In appointing members under subparagraph (A), the Secretary shall ensure broad geographic representation, to the maximum extent practicable.

(4) CHAIRPERSON.—The Secretary shall serve as Chairperson of the Committee.

(5) OTHER MEMBERS.—The Secretary, in consultation with the Committee, may invite to participate in meetings of the Committee, as appropriate, 1 or more of the following:

(A) Representatives of the National Laboratories.

(B) Levee safety experts.

(C) Environmental organizations.

(D) Members of private industry.

(E) Any other individual or entity, as the Committee determines to be appropriate.

(b) DUTIES.—

(1) IN GENERAL.—The Committee shall—

(A) advise the Secretary in implementing the national levee safety program under section 2054;

(B) support the establishment and maintenance of effective programs, policies, and guidelines to enhance levee safety for the protection of human life and property throughout the United States; and

(C) support coordination and information exchange between Federal agencies and State levee safety agencies that share common problems and responsibilities relating to levee safety, including planning, design, construction, operation, emergency action planning, inspections, maintenance, regulation or licensing, technical or financial assistance, research, and data management.

(c) POWERS.—

(1) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Committee may secure directly from a Federal agency such information as the Committee considers to be necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Committee, the head of a Federal agency shall provide the information to the Committee.

(2) CONTRACTS.—The Committee may enter into any contract the Committee determines to be necessary to carry out a duty of the Committee.

(d) WORKING GROUPS.—

(1) IN GENERAL.—The Secretary may establish working groups to assist the Committee in carrying out this section.

(2) MEMBERSHIP.—A working group under paragraph (1) shall be composed of—

(A) members of the Committee; and

(B) any other individual, as the Secretary determines to be appropriate.

(e) COMPENSATION OF MEMBERS.—

(1) FEDERAL EMPLOYEES.—A member of the Committee who is an officer or employee of the United States shall serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States.

(2) OTHER MEMBERS.—A member of the Committee who is not an officer or employee of the United States shall serve without compensation.

(f) TRAVEL EXPENSES.—

(1) REPRESENTATIVES OF FEDERAL AGENCIES.—To the extent amounts are made available in advance in appropriations Acts, a member of the Committee who represents a Federal agency shall be reimbursed with appropriations for travel expenses by the agency of the member, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from home or regular place of business of the member in the performance of services for the Committee.

(2) OTHER INDIVIDUALS.—To the extent amounts are made available in advance in appropriations Acts, a member of the Committee who represents a State levee safety agency, a member of the Committee who represents the private sector, and a member of a working group created under subsection (d) shall be reimbursed for travel expenses by the Secretary, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter 1 of chapter 57 of title 5, United States Code, while away from home or regular place of business of the member in performance of services for the Committee.

(g) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

SEC. 2054. NATIONAL LEVEE SAFETY PROGRAM.

(a) IN GENERAL.—The Secretary, in consultation with the Committee and State levee safety agencies, shall establish and maintain a national levee safety program.

(b) PURPOSES.—The purposes of the program under this section are—

(1) to ensure that new and existing levees are safe through the development of technologically and economically feasible programs and procedures for hazard reduction relating to levees;

(2) to encourage appropriate engineering policies and procedures to be used for levee site investigation, design, construction, operation and maintenance, and emergency preparedness;

(3) to encourage the establishment and implementation of effective levee safety programs in each State;

(4) to develop and support public education and awareness projects to increase public acceptance and support of State levee safety programs;

(5) to develop technical assistance materials for Federal and State levee safety programs;

(6) to develop methods of providing technical assistance relating to levee safety to non-Federal entities; and

(7) to develop technical assistance materials, seminars, and guidelines to improve the security of levees in the United States.

(c) STRATEGIC PLAN.—In carrying out the program under this section, the Secretary, in coordination with the Committee, shall prepare a strategic plan—

(1) to establish goals, priorities, and target dates to improve the safety of levees in the United States;

(2) to cooperate and coordinate with, and provide assistance to, State levee safety agencies, to the maximum extent practicable;

(3) to share information among Federal agencies, State and local governments, and private entities relating to levee safety; and

(4) to provide information to the public relating to risks associated with levee failure or overtopping.

(d) FEDERAL GUIDELINES.—

(1) IN GENERAL.—In carrying out the program under this section, the Secretary, in coordination with the Committee, shall establish Federal guidelines relating to levee safety.

(2) INCORPORATION OF FEDERAL ACTIVITIES.—The Federal guidelines under paragraph (1) shall incorporate, to the maximum extent practicable, any activity carried out by a Federal agency as of the date on which the guidelines are established.

(e) INCORPORATION OF EXISTING ACTIVITIES.—The program under this section shall incorporate, to the maximum extent practicable—

(1) any activity carried out by a State or local government, or a private entity, relating to the construction, operation, or maintenance of a levee; and

(2) any activity carried out by a Federal agency to support an effort by a State levee safety agency to develop and implement an effective levee safety program.

(f) INVENTORY OF LEVEES.—The Secretary shall develop, maintain, and periodically publish an inventory of levees in the United States, including the results of any levee assessment conducted under this section and inspection.

(g) ASSESSMENTS OF LEVEES.—

(1) IN GENERAL.—Except as provided in paragraph (2), as soon as practicable after the date of enactment of this Act, the Secretary shall conduct an assessment of each levee in the United States that protects human life or the public safety to determine the potential for a failure or overtopping of the levee that would pose a risk of loss of human life or a risk to the public safety.

(2) EXCEPTION.—The Secretary may exclude from assessment under paragraph (1) any non-Federal levee the failure or overtopping of which would not pose a risk of loss of human life or a risk to the public safety.

(3) PRIORITIZATION.—In determining the order in which to assess levees under paragraph (1), the Secretary shall give priority to levees the failure or overtopping of which would constitute the highest risk of loss of human life or a risk to the public safety, as determined by the Secretary.

(4) DETERMINATION.—In assessing levees under paragraph (1), the Secretary shall take into consideration the potential of a levee to fail or overtop because of—

(A) hydrologic or hydraulic conditions;

(B) storm surges;

(C) geotechnical conditions;

(D) inadequate operating procedures;

(E) structural, mechanical, or design deficiencies; or

(F) other conditions that exist or may occur in the vicinity of the levee.

(5) STATE PARTICIPATION.—On request of a State levee safety agency, with respect to any levee the failure of which would affect the State, the Secretary shall—

(A) provide information to the State levee safety agency relating to the construction, operation, and maintenance of the levee; and

(B) allow an official of the State levee safety agency to participate in the assessment of the levee.

(6) REPORT.—As soon as practicable after the date on which a levee is assessed under this section, the Secretary shall provide to the Governor of the State in which the levee is located a notice describing the results of the assessment, including—

(A) a description of the results of the assessment under this subsection;

(B) a description of any hazardous condition discovered during the assessment; and

(C) on request of the Governor, information relating to any remedial measure necessary to mitigate or avoid any hazardous condition discovered during the assessment.

(7) SUBSEQUENT ASSESSMENTS.—

(A) IN GENERAL.—After the date on which a levee is initially assessed under this subsection, the Secretary shall conduct a subsequent assessment of the levee not less frequently than once every 5 years.

(B) STATE ASSESSMENT OF NON-FEDERAL LEVEES.—

(i) IN GENERAL.—Each State shall conduct assessments of non-Federal levees located within the State in accordance with the applicable State levee safety program.

(ii) AVAILABILITY OF INFORMATION.—Each State shall make the results of the assessments under clause (i) available for inclusion in the national inventory under subsection (f).

(iii) NON-FEDERAL LEVEES.—

(I) IN GENERAL.—On request of the Governor of a State, the Secretary may assess a non-Federal levee in the State.

(II) COST.—The State shall pay 100 percent of the cost of an assessment under subclause (I).

(III) FUNDING.—The Secretary may accept funds from any levee owner for the purposes of conducting engineering assessments to determine the performance and structural integrity of a levee.

(h) STATE LEVEE SAFETY PROGRAMS.—

(1) ASSISTANCE TO STATES.—In carrying out the program under this section, the Secretary shall provide funds to State levee safety agencies (or another appropriate State agency, as designated by the Governor of the State) to assist States in establishing, maintaining, and improving levee safety programs.

(2) APPLICATION.—

(A) IN GENERAL.—To receive funds under this subsection, a State levee safety agency shall submit to the Secretary an application in such time, in such manner, and containing such information as the Secretary may require.

(B) INCLUSION.—An application under subparagraph (A) shall include an agreement between the State levee safety agency and the Secretary under which the State levee safety agency shall, in accordance with State law—

(i) review and approve plans and specifications to construct, enlarge, modify, remove, or abandon a levee in the State;

(ii) perform periodic evaluations during levee construction to ensure compliance with the approved plans and specifications;

(iii) approve the construction of a levee in the State before the date on which the levee becomes operational;

(iv) assess, at least once every 5 years, all levees and reservoirs in the State the failure of which would cause a significant risk of loss of human life or risk to the public safety to determine whether the levees and reservoirs are safe;

(v) establish a procedure for more detailed and frequent safety evaluations;

(vi) ensure that assessments are led by a State-registered professional engineer with related experience in levee design and construction;

(vii) issue notices, if necessary, to require owners of levees to perform necessary maintenance or remedial work, improve security, revise operating procedures, or take other actions, including breaching levees;

(viii) contribute funds to—

(I) ensure timely repairs or other changes to, or removal of, a levee in order to reduce the risk

of loss of human life and the risk to public safety; and

(II) if the owner of a levee does not take an action described in subclause (I), take appropriate action as expeditiously as practicable;

(ix) establish a system of emergency procedures and emergency response plans to be used if a levee fails or if the failure of a levee is imminent;

(x) identify—

(I) each levee the failure of which could be reasonably expected to endanger human life;

(II) the maximum area that could be flooded if a levee failed; and

(III) necessary public facilities that would be affected by the flooding; and

(xi) for the period during which the funds are provided, maintain or exceed the aggregate expenditures of the State during the 2 fiscal years preceding the fiscal year during which the funds are provided to ensure levee safety.

(3) DETERMINATION OF SECRETARY.—

(A) IN GENERAL.—Not later than 120 days after the date on which the Secretary receives an application under paragraph (2), the Secretary shall approve or disapprove the application.

(B) NOTICE OF DISAPPROVAL.—If the Secretary disapproves an application under subparagraph (A), the Secretary shall immediately provide to the State levee safety agency a written notice of the disapproval, including a description of—

(i) the reasons for the disapproval; and

(ii) changes necessary for approval of the application, if any.

(C) FAILURE TO DETERMINE.—If the Secretary fails to make a determination by the deadline under subparagraph (A), the application shall be considered to be approved.

(4) REVIEW OF STATE LEVEE SAFETY PROGRAMS.—

(A) IN GENERAL.—The Secretary, in conjunction with the Committee, may periodically review any program carried out using funds under this subsection.

(B) INADEQUATE PROGRAMS.—If the Secretary determines under a review under subparagraph (A) that a program is inadequate to reasonably protect human life and property, the Secretary shall, until the Secretary determines the program to be adequate—

(i) revoke the approval of the program; and

(ii) withhold assistance under this subsection.

(i) REPORTING.—Not later than 90 days after the end of each odd-numbered fiscal year, the Secretary, in consultation with the Committee, shall submit to Congress a report describing—

(1) the status of the program under this section;

(2) the progress made by Federal agencies during the 2 preceding fiscal years in implementing Federal guidelines for levee safety;

(3) the progress made by State levee safety agencies participating in the program; and

(4) recommendations for legislative or other action that the Secretary considers to be necessary, if any.

(j) RESEARCH.—The Secretary, in coordination with the Committee, shall carry out a program of technical and archival research to develop and support—

(1) improved techniques, historical experience, and equipment for rapid and effective levee construction, rehabilitation, and assessment or inspection;

(2) the development of devices for the continued monitoring of levee safety;

(3) the development and maintenance of information resources systems required to manage levee safety projects; and

(4) public policy initiatives and other improvements relating to levee safety engineering, security, and management.

(k) PARTICIPATION BY STATE LEVEE SAFETY AGENCIES.—In carrying out the levee safety program under this section, the Secretary shall—

(1) solicit participation from State levee safety agencies; and

(2) periodically update State levee safety agencies and Congress on the status of the program.

(l) LEVEE SAFETY TRAINING.—The Secretary, in consultation with the Committee, shall establish a program under which the Secretary shall provide training for State levee safety agency staff and inspectors to a State that has, or intends to develop, a State levee safety program, on request of the State.

(m) EFFECT OF SUBTITLE.—Nothing in this subtitle—

(1) creates any Federal liability relating to the recovery of a levee caused by an action or failure to act;

(2) relieves an owner or operator of a levee of any legal duty, obligation, or liability relating to the ownership or operation of the levee; or

(3) except as provided in subsection (g)(7)(B)(iii)(III), preempts any applicable Federal or State law.

SEC. 2055. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary—

(1) $50,000,000 to establish and maintain the inventory under section 2054(f);

(2) $424,000,000 to carry out levee safety assessments under section 2054(g);

(3) to provide funds for State levee safety programs under section 2054(h)—

(A) $15,000,000 for fiscal year 2007; and

(B) $5,000,000 for each of fiscal years 2008 through 2011;

(4) $2,000,000 to carry out research under section 2054(j);

(5) $1,000,000 to carry out levee safety training under section 2054(l); and

(6) $150,000 to provide travel expenses to members of the Committee under section 2053(f).

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 3001. ST. HERMAN AND ST. PAUL HARBORS, KODIAK, ALASKA.

The Secretary shall carry out, on an emergency basis, necessary removal of rubble, sediment, and rock impeding the entrance to the St. Herman and St. Paul Harbors, Kodiak, Alaska, at a Federal cost of $2,000,000.

SEC. 3002. SITKA, ALASKA.

The Sitka, Alaska, element of the project for navigation, Southeast Alaska Harbors of Refuge, Alaska, authorized by section 101 of the Water Resources Development Act of 1992 (106 Stat. 4801), is modified to direct the Secretary to take such action as is necessary to correct design deficiencies in the Sitka Harbor Breakwater, at full Federal expense. The estimated cost is $6,300,000.

SEC. 3003. BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA.

(a) IN GENERAL.—The Secretary shall construct a new project management office located in the city of Tuscaloosa, Alabama, at a location within the vicinity of the city, at full Federal expense.

(b) TRANSFER OF LAND AND STRUCTURES.—The Secretary shall sell, convey, or otherwise transfer to the city of Tuscaloosa, Alabama, at fair market value, the land and structures associated with the existing project management office, if the city agrees to assume full responsibility for demolition of the existing project management office.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a) $32,000,000.

SEC. 3004. RIO DE FLAG, FLAGSTAFF, ARIZONA.

The project for flood damage reduction, Rio De Flag, Flagstaff, Arizona, authorized by section 101(b)(3) of the Water Resources Development Act of 2000 (114 Stat. 2576), is modified to authorize the Secretary to construct the project at a total cost of $54,100,000, with an estimated Federal cost of $35,000,000 and a non-Federal cost of $19,100,000.

SEC. 3005. AUGUSTA AND CLARENDON, ARKANSAS.

The Secretary may carry out rehabilitation of authorized and completed levees on the White River between Augusta and Clarendon, Arkansas, at a total estimated cost of $8,000,000, with an estimated Federal cost of $5,200,000 and an estimated non-Federal cost of $2,800,000.

SEC. 3006. RED-OUACHITA RIVER BASIN LEVEES, ARKANSAS AND LOUISIANA.

(a) IN GENERAL.—Section 204 of the Flood Control Act of 1950 (64 Stat. 170) is amended in the matter under the heading ''RED-OUACHITA RIVER BASIN'' by striking ''at Calion, Arkansas'' and inserting ''improvements at Calion, Arkansas (including authorization for the comprehensive flood-control project for Ouachita River and tributaries, incorporating in the project all flood control, drainage, and power improvements in the basin above the lower end of the left bank Ouachita River levee)''.

(b) MODIFICATION.—Section 3 of the Act of August 18, 1941 (55 Stat. 642, chapter 377), is amended in the second sentence of subsection (a) in the matter under the heading ''LOWER MISSISSIPPI RIVER'' by inserting before the period at the end the following: ''Provided, That the Ouachita River Levees, Louisiana, authorized by the first section of the Act of May 15, 1928 (45 Stat. 534, chapter 569), shall remain as a component of the Mississippi River and Tributaries Project and afforded operation and maintenance responsibilities as directed in section 3 of that Act (45 Stat. 535)''.

SEC. 3007. ST. FRANCIS BASIN, ARKANSAS AND MISSOURI.

(a) IN GENERAL.—The project for flood control, St. Francis River Basin, Arkansas, and Missouri, authorized the Act of June 15, 1936 (49 Stat. 1508, chapter 548), as modified, is further modified to authorize the Secretary to undertake channel stabilization and sediment removal measures on the St. Francis River and tributaries as an integral part of the original project.

(b) NO SEPARABLE ELEMENT.—The measures undertaken under subsection (a) shall not be considered to be a separable element of the project.

SEC. 3008. ST. FRANCIS BASIN LAND TRANSFER, ARKANSAS AND MISSOURI.

(a) IN GENERAL.—The Secretary shall convey to the State of Arkansas, without monetary consideration and subject to subsection (b), all right, title, and interest to land within the State acquired by the Federal Government as mitigation land for the project for flood control, St. Francis Basin, Arkansas and Missouri Project, authorized by the Act of May 15, 1928 (33 U.S.C. 702a et seq.) (commonly known as the ''Flood Control Act of 1928'').

(b) TERMS AND CONDITIONS.—

(1) IN GENERAL.—The conveyance by the United States under this section shall be subject to—

(A) the condition that the State of Arkansas (including the successors and assigns of the State) agree to operate, maintain, and manage the land at no cost or expense to the United States and for fish and wildlife, recreation, and environmental purposes; and

(B) such other terms and conditions as the Secretary determines to be in the interest of the United States.

(2) REVERSION.—If the State (or a successor or assign of the State) ceases to operate, maintain, and manage the land in accordance with this subsection, all right, title, and interest in and to the property shall revert to the United States, at the option of the Secretary.

SEC. 3009. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, ARKANSAS AND OKLAHOMA.

(a) NAVIGATION CHANNEL.—The Secretary shall continue construction of the McClellan-Kerr Arkansas River Navigation System, Arkansas and Oklahoma, to operate and maintain the navigation channel to the authorized depth of the channel, in accordance with section 136 of the Energy and Water Development Appropriations Act, 2004 (Public Law 108–137; 117 Stat. 1842).

(b) MITIGATION.—

(1) IN GENERAL.—As mitigation for any incidental taking relating to the McClellan-Kerr Navigation System, the Secretary shall determine the need for, and construct modifications in, the structures and operations of the Arkansas River in the area of Tulsa County, Oklahoma, including the construction of low water dams and islands to provide nesting and foraging habitat for the interior least tern, in accordance with the study entitled ''Arkansas River Corridor Master Plan Planning Assistance to States''.

(2) COST SHARING.—The non-Federal share of the cost of a project under this subsection shall be 35 percent.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $12,000,000.

SEC. 3010. CACHE CREEK BASIN, CALIFORNIA.

(a) IN GENERAL.—The project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), is modified to direct the Secretary to mitigate the impacts of the new south levee of the Cache Creek settling basin on the storm drainage system of the city of Woodland, including all appurtenant features, erosion control measures, and environmental protection features.

(b) OBJECTIVES.—Mitigation under subsection (a) shall restore the pre-project capacity of the city (1,360 cubic feet per second) to release water to the Yolo Bypass, including—

(1) channel improvements;

(2) an outlet work through the west levee of the Yolo Bypass; and

(3) a new low flow cross channel to handle city and county storm drainage and settling basin flows (1,760 cubic feet per second) when the Yolo Bypass is in a low flow condition.

SEC. 3011. CALFED LEVEE STABILITY PROGRAM, CALIFORNIA.

In addition to funds made available pursuant to the Water Supply, Reliability, and Environmental Improvement Act (Public Law 108–361) to carry out section 103(f)(3)(D) of that Act (118 Stat. 1696), there is authorized to be appropriated to carry out projects described in that section $106,000,000, to remain available until expended.

SEC. 3012. HAMILTON AIRFIELD, CALIFORNIA.

The project for environmental restoration, Hamilton Airfield, California, authorized by section 101(b)(3) of the Water Resources Development Act of 1999 (113 Stat. 279), is modified to include the diked bayland parcel known as ''Bel Marin Keys Unit V'' at an estimated total cost of $221,700,000, with an estimated Federal cost of $166,200,000 and an estimated non-Federal cost of $55,500,000, as part of the project to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the final report of the Chief of Engineers dated July 19, 2004.

SEC. 3013. LA–3 DREDGED MATERIAL OCEAN DISPOSAL SITE DESIGNATION, CALIFORNIA.

Section 102(c)(4) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1412(c)(4)) is amended in the third sentence by striking ''January 1, 2003'' and inserting ''January 1, 2007''.

SEC. 3014. LARKSPUR FERRY CHANNEL, CALIFORNIA.

(a) REPORT.—The project for navigation, Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to direct the Secretary to prepare a limited reevaluation report to determine whether maintenance of the project is feasible.

(b) AUTHORIZATION OF PROJECT.—If the Secretary determines that maintenance of the project is feasible, the Secretary shall carry out the maintenance.

SEC. 3015. LLAGAS CREEK, CALIFORNIA.

The project for flood damage reduction, Llagas Creek, California, authorized by section 501(a) of the Water Resources Development Act of 1999 (113 Stat. 333), is modified to authorize the Secretary to complete the project, in accordance with the requirements of local cooperation as specified in section 5 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1005), at a total remaining cost of $105,000,000, with an estimated remaining Federal cost of $65,000,000 and an estimated remaining non-Federal cost of $40,000,000.

SEC. 3016. MAGPIE CREEK, CALIFORNIA.

(a) IN GENERAL.—Subject to subsection (b), the project for Magpie Creek, California, authorized by section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to direct the Secretary to apply the cost-sharing requirements applicable to nonstructural flood control under section 103(b) of the Water Resources Development Act of 1986 (100 Stat. 4085) for the portion of the project consisting of land acquisition to preserve and enhance existing floodwater storage.

(b) CREDITING.—The crediting allowed under subsection (a) shall not exceed the non-Federal share of the cost of the project.

SEC. 3017. PINE FLAT DAM FISH AND WILDLIFE HABITAT, CALIFORNIA.

(a) COOPERATIVE PROGRAM.—

(1) IN GENERAL.—The Secretary shall participate with appropriate State and local agencies in the implementation of a cooperative program to improve and manage fisheries and aquatic habitat conditions in Pine Flat Reservoir and in the 14-mile reach of the Kings River immediately below Pine Flat Dam, California, in a manner that—

(A) provides for long-term aquatic resource enhancement; and

(B) avoids adverse effects on water storage and water rights holders.

(2) GOALS AND PRINCIPLES.—The cooperative program described in paragraph (1) shall be carried out—

(A) substantially in accordance with the goals and principles of the document entitled ''Kings River Fisheries Management Program Framework Agreement'' and dated May 29, 1999, between the California Department of Fish and Game and the Kings River Water Association and the Kings River Conservation District; and

(B) in cooperation with the parties to that agreement.

(b) PARTICIPATION BY SECRETARY.—

(1) IN GENERAL.—In furtherance of the goals of the agreement described in subsection (a)(2), the Secretary shall participate in the planning, design, and construction of projects and pilot projects on the Kings River and its tributaries to enhance aquatic habitat and water availability for fisheries purposes (including maintenance of a trout fishery) in accordance with flood control operations, water rights, and beneficial uses in existence as of the date of enactment of this Act.

(2) PROJECTS.—Projects referred to in paragraph (1) may include—

(A) projects to construct or improve pumping, conveyance, and storage facilities to enhance water transfers; and

(B) projects to carry out water exchanges and create opportunities to use floodwater within and downstream of Pine Flat Reservoir.

(c) NO AUTHORIZATION OF CERTAIN DAM-RELATED PROJECTS.—Nothing in this section authorizes any project for the raising of Pine Flat Dam or the construction of a multilevel intake structure at Pine Flat Dam.

(d) USE OF EXISTING STUDIES.—In carrying out this section, the Secretary shall use, to the maximum extent practicable, studies in existence on the date of enactment of this Act, including data and environmental documentation in the document entitled ''Final Feasibility Report and Report of the Chief of Engineers for Pine Flat Dam Fish and Wildlife Habitat Restoration'' and dated July 19, 2002.

(e) COST SHARING.—

(1) PROJECT PLANNING, DESIGN, AND CONSTRUCTION.—The Federal share of the cost of planning, design, and construction of a project under subsection (b) shall be 65 percent.

(2) NON-FEDERAL SHARE.—

(A) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary shall credit toward the non-Federal share of the cost of construction of any project under subsection (b) the value, regardless of the date of acquisition, of any land, easements, rights-of-way, dredged material disposal areas, or relocations provided by the non-Federal interest for use in carrying out the project.

(B) FORM.—The non-Federal interest may provide not more than 50 percent of the non-Federal share required under this clause in the form of services, materials, supplies, or other in-kind contributions.

(f) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

SEC. 3018. REDWOOD CITY NAVIGATION PROJECT, CALIFORNIA.

The Secretary may dredge the Redwood City Navigation Channel, California, on an annual basis, to maintain the authorized depth of –30 mean lower low water.

SEC. 3019. SACRAMENTO AND AMERICAN RIVERS FLOOD CONTROL, CALIFORNIA.

(a) CREDIT FOR NON-FEDERAL WORK.—

(1) IN GENERAL.—The Secretary shall credit toward that portion of the non-Federal share of the cost of any flood damage reduction project authorized before the date of enactment of this Act that is to be paid by the Sacramento Area Flood Control Agency an amount equal to the Federal share of the flood control project authorized by section 9159 of the Department of Defense Appropriations Act, 1993 (106 Stat. 1944).

(2) FEDERAL SHARE.—In determining the Federal share of the project authorized by section 9159(b) of that Act, the Secretary shall include all audit verified costs for planning, engineering, construction, acquisition of project land, easements, rights-of-way, relocations, and environmental mitigation for all project elements that the Secretary determines to be cost-effective.

(3) AMOUNT CREDITED.—The amount credited shall be equal to the Federal share determined under this section, reduced by the total of all reimbursements paid to the non-Federal interests for work under section 9159(b) of that Act before the date of enactment of this Act.

(b) FOLSOM DAM.—Section 128(a) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2259), is amended—

(1) in the first sentence, by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary'';

(2) in the second sentence, by striking ''The Secretaries'' and inserting the following:

''(2) TECHNICAL REVIEWS.—The Secretaries'';

(3) in the third sentence, by striking ''In developing'' and inserting the following:

''(3) IMPROVEMENTS.—

''(A) IN GENERAL.—In developing'';

(4) in the fourth sentence, by striking ''In conducting'' and inserting the following:

''(B) USE OF FUNDS.—In conducting''; and

(5) by adding at the end the following:

''(4) PROJECT ALTERNATIVE SOLUTIONS STUDY.—The Secretaries, in cooperation with non-Federal agencies, are directed to expedite their respective activities, including the formulation of all necessary studies and decision documents, in furtherance of the collaborative effort known as the 'Project Alternative Solutions Study', as well as planning, engineering, and design, including preparation of plans and specifications, of any features recommended for authorization by the Secretary of the Army under paragraph (6).

''(5) CONSOLIDATION OF TECHNICAL REVIEWS AND DESIGN ACTIVITIES.—The Secretary of the Army shall consolidate technical reviews and design activities for—

''(A) the project for flood damage reduction authorized by section 101(a)(6) of the Water Resources Development Act of 1999 (113 Stat. 274); and

''(B) the project for flood damage reduction, dam safety, and environmental restoration authorized by sections 128 and 134 of the Energy and Water Development Appropriations Act, 2004 (117 Stat. 1838, 1842).

''(6) REPORT.—The recommendations of the Secretary of the Army, along with the views of the Secretary of the Interior and relevant non-Federal agencies resulting from the activities directed in paragraphs (4) and (5), shall be forwarded to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives by not later than June 30, 2007, and shall provide status reports by not later than September 30, 2006, and quarterly thereafter.

''(7) EFFECT.—Nothing in this section shall be deemed as deauthorizing the full range of project features and parameters of the projects listed in paragraph (5), nor shall it limit any previous authorizations granted by Congress.''.

SEC. 3020. CONDITIONAL DECLARATION OF NONNAVIGABILITY, PORT OF SAN FRANCISCO, CALIFORNIA.

(a) CONDITIONAL DECLARATION OF NONNAVIGABILITY.—If the Secretary determines, in consultation with appropriate Federal and non-Federal entities, that projects proposed to be carried out by non-Federal entities within the portions of the San Francisco, California, waterfront described in subsection (b) are not in the public interest, the portions shall be declared not to be navigable water of the United States for the purposes of section 9 of the Act of March 3, 1899 (33 U.S.C. 401), and the General Bridge Act of 1946 (33 U.S.C. 525 et seq.).

(b) PORTIONS OF WATERFRONT.—The portions of the San Francisco, California, waterfront referred to in subsection (a) are those that are, or will be, bulkheaded, filled, or otherwise occupied by permanent structures and that are located as follows: beginning at the intersection of the northeasterly prolongation of the portion of the northwesterly line of Bryant Street lying between Beale Street and Main Street with the southwesterly line of Spear Street, which intersection lies on the line of jurisdiction of the San Francisco Port Commission; following thence southerly along said line of jurisdiction as described in the State of California Harbor and Navigation Code Section 1770, as amended in 1961, to its intersection with the easterly line of Townsend Street along a line that is parallel and distant 10 feet from the existing southern boundary of Pier 40 to its point of intersection with the United States Government pier-head line; thence northerly along said pier-head line to its intersection with a line parallel with, and distant 10 feet easterly from, the existing easterly boundary line of Pier 30–32; thence northerly along said parallel line and its northerly prolongation, to a point of intersection with a line parallel with, and distant 10 feet northerly from, the existing northerly boundary of Pier 30–32, thence westerly along last said parallel line to its intersection with the United States Government pier-head line; to the northwesterly line of Bryan Street northwesterly; thence southwesterly along said northwesterly line of Bryant Street to the point of beginning.

(c) REQUIREMENT THAT AREA BE IMPROVED.—If, by the date that is 20 years after the date of enactment of this Act, any portion of the San Francisco, California, waterfront described in subsection (b) has not been bulkheaded, filled, or otherwise occupied by 1 or more permanent structures, or if work in connection with any activity carried out pursuant to applicable Federal law requiring a permit, including sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401), is not commenced by the date that is 5 years after the date of issuance of such a permit, the declaration of nonnavigability for the portion under this section shall cease to be effective.

SEC. 3021. SALTON SEA RESTORATION, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) SALTON SEA AUTHORITY.—The term ''Salton Sea Authority'' means the Joint Powers Authority established under the laws of the State of California by a joint power agreement signed on June 2, 1993.

(2) SALTON SEA SCIENCE OFFICE.—The term ''Salton Sea Science Office'' means the Office established by the United States Geological Survey and currently located in La Quinta, California.

(b) PILOT PROJECTS.—

(1) IN GENERAL.—The Secretary shall review the preferred restoration concept plan approved by the Salton Sea Authority to determine that the pilot projects are economically justified, technically sound, environmentally acceptable, and meet the objectives of the Salton Sea Reclamation Act (Public Law 105–372). If the Secretary makes a positive determination, the Secretary may enter into an agreement with the Salton Sea Authority and, in consultation with the Salton Sea Science Office, carry out the pilot project for improvement of the environment in the Salton Sea, except that the Secretary shall be a party to each contract for construction under this subsection.

(2) LOCAL PARTICIPATION.—In prioritizing pilot projects under this section, the Secretary shall—

(A) consult with the Salton Sea Authority and the Salton Sea Science Office; and

(B) consider the priorities of the Salton Sea Authority.

(3) COST SHARING.—Before carrying out a pilot project under this section, the Secretary shall enter into a written agreement with the Salton Sea Authority that requires the non-Federal interest to—

(A) pay 35 percent of the total costs of the pilot project;

(B) acquire any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the pilot project; and

(C) hold the United States harmless from any claim or damage that may arise from carrying out the pilot project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (b) $26,000,000, of which not more than $5,000,000 may be used for any 1 pilot project under this section.

SEC. 3022. SANTA BARBARA STREAMS, LOWER MISSION CREEK, CALIFORNIA.

The project for flood damage reduction, Santa Barbara Streams, Lower Mission Creek, California, authorized by section 101(b)(8) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to authorize the Secretary to construct the project at a total cost of $30,000,000, with an estimated Federal cost of $15,000,000 and an estimated non-Federal cost of $15,000,000.

SEC. 3023. UPPER GUADALUPE RIVER, CALIFORNIA.

The project for flood damage reduction and recreation, Upper Guadalupe River, California, authorized by section 101(a)(9) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to authorize the Secretary to construct the project generally in accordance with the Upper Guadalupe River Flood Damage Reduction, San Jose, California, Limited Reevaluation Report, dated March, 2004, at a total cost of $244,500,000, with an estimated Federal cost of $130,600,000 and an estimated non-Federal cost of $113,900,000.

SEC. 3024. YUBA RIVER BASIN PROJECT, CALIFORNIA.

The project for flood damage reduction, Yuba River Basin, California, authorized by section 101(a)(10) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to authorize the Secretary to construct the project at a total cost of $107,700,000, with an estimated Federal cost of $70,000,000 and an estimated non-Federal cost of $37,700,000.

SEC. 3025. CHARLES HERVEY TOWNSHEND BREAKWATER, NEW HAVEN HARBOR, CONNECTICUT.

The western breakwater for the project for navigation, New Haven Harbor, Connecticut, authorized by the first section of the Act of September 19, 1890 (26 Stat. 426), shall be known and designated as the ''Charles Hervey Townshend Breakwater''.

SEC. 3026. ANCHORAGE AREA, NEW LONDON HARBOR, CONNECTICUT.

(a) IN GENERAL.—The portion of the project for navigation, New London Harbor, Connecticut, authorized by the Act of June 13, 1902 (32 Stat. 333), that consists of a 23-foot waterfront channel described in subsection (b), is redesignated as an anchorage area.

(b) DESCRIPTION OF CHANNEL.—The channel referred to in subsection (a) may be described as beginning at a point along the western limit of the existing project, N. 188, 802.75, E. 779, 462.81, thence running northeasterly about 1,373.88 feet to a point N. 189, 554.87, E. 780, 612.53, thence running southeasterly about 439.54 feet to a point N. 189, 319.88, E. 780, 983.98, thence running southwesterly about 831.58 feet to a point N. 188, 864.63, E. 780, 288.08, thence running southeasterly about 567.39 feet to a point N. 188, 301.88, E. 780, 360.49, thence running northwesterly about 1,027.96 feet to the point of origin.

SEC. 3027. NORWALK HARBOR, CONNECTICUT.

(a) IN GENERAL.—The portions of a 10-foot channel of the project for navigation, Norwalk Harbor, Connecticut, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1276) and described in subsection (b), are not authorized.

(b) DESCRIPTION OF PORTIONS.—The portions of the channel referred to in subsection (a) are as follows:

(1) RECTANGULAR PORTION.—An approximately rectangular-shaped section along the northwesterly terminus of the channel. The section is 35-feet wide and about 460-feet long and is further described as commencing at a point N. 104,165.85, E. 417,662.71, thence running south 24°06′55″ E. 395.00 feet to a point N. 103,805.32, E. 417,824.10, thence running south 00°38′06″ E. 87.84 feet to a point N. 103,717.49, E. 417,825.07, thence running north 24°06′55″ W. 480.00 feet, to a point N. 104,155.59, E. 417.628.96, thence running north 73°05′25″ E. 35.28 feet to the point of origin.

(2) PARALLELOGRAM-SHAPED PORTION.—An area having the approximate shape of a parallelogram along the northeasterly portion of the channel, southeast of the area described in paragraph (1), approximately 20 feet wide and 260 feet long, and further described as commencing at a point N. 103,855.48, E. 417,849.99, thence running south 33°07′30″ E. 133.40 feet to a point N. 103,743.76, E. 417,922.89, thence running south 24°07′04″ E. 127.75 feet to a point N. 103,627.16, E. 417,975.09, thence running north 33°07′30″ W. 190.00 feet to a point N. 103,786.28, E. 417,871.26, thence running north 17°05′15″ W. 72.39 feet to the point of origin.

(c) MODIFICATION.—The 10-foot channel portion of the Norwalk Harbor, Connecticut navigation project described in subsection (a) is modified to authorize the Secretary to realign the channel to include, immediately north of the area described in subsection (b)(2), a triangular section described as commencing at a point N. 103,968.35, E. 417,815.29, thence running S.

17°05′15″ east 118.09 feet to a point N. 103,855.48, E. 417,849.99, thence running N. 33°07′30″ west 36.76 feet to a point N. 103,886.27, E. 417,829.90, thence running N. 10°05′26″ west 83.37 feet to the point of origin.

SEC. 3028. ST. GEORGE'S BRIDGE, DELAWARE.

Section 102(g) of the Water Resources Development Act of 1990 (104 Stat. 4612) is amended by adding at the end the following: ''The Secretary shall assume ownership responsibility for the replacement bridge not later than the date on which the construction of the bridge is completed and the contractors are released of their responsibility by the State. In addition, the Secretary may not carry out any action to close or remove the St. George's Bridge, Delaware, without specific congressional authorization.''.

SEC. 3029. CHRISTINA RIVER, WILMINGTON, DELAWARE.

(a) IN GENERAL.—The Secretary shall remove the shipwrecked vessel known as the ''State of Pennsylvania'', and any debris associated with that vessel, from the Christina River at Wilmington, Delaware, in accordance with section 202(b) of the Water Resources Development Act of 1976 (33 U.S.C. 426m(b)).

(b) NO RECOVERY OF FUNDS.—Notwithstanding any other provision of law, in carrying out this section, the Secretary shall not be required to recover funds from the owner of the vessel described in subsection (a) or any other vessel.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $425,000, to remain available until expended.

SEC. 3030. DESIGNATION OF SENATOR WILLIAM V. ROTH, JR. BRIDGE, DELAWARE.

(a) DESIGNATION.—The State Route 1 Bridge over the Chesapeake and Delaware Canal in the State of Delaware is designated as the ''Senator William V. Roth, Jr. Bridge''.

(b) REFERENCES.—Any reference in a law (including regulations), map, document, paper, or other record of the United States to the bridge described in subsection (a) shall be considered to be a reference to the Senator William V. Roth, Jr. Bridge.

SEC. 3031. ADDITIONAL PROGRAM AUTHORITY, COMPREHENSIVE EVERGLADES RESTORATION, FLORIDA.

Section 601(c)(3) of the Water Resources Development Act of 2000 (114 Stat. 2684) is amended by adding at the end the following:

''(C) MAXIMUM COST OF PROGRAM AUTHORITY.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to the individual project funding limits in subparagraph (A) and the aggregate cost limits in subparagraph (B).''.

SEC. 3032. BREVARD COUNTY, FLORIDA.

(a) IN GENERAL.—The project for shoreline protection, Brevard County, Florida, authorized by section 418 of the Water Resources Development Act of 2000 (114 Stat. 2637), is amended by striking ''7.1-mile reach'' and inserting ''7.6-mile reach''.

(b) REFERENCES.—Any reference to a 7.1-mile reach with respect to the project described in subsection (a) shall be considered to be a reference to a 7.6-mile reach with respect to that project.

SEC. 3033. CRITICAL RESTORATION PROJECTS, EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION, FLORIDA.

Section 528(b)(3)(C) of the Water Resources Development Act of 1996 (110 Stat. 3769) is amended—

(1) in clause (i), by striking ''$75,000,000'' and all that follows and inserting ''$95,000,000.''; and

(2) by striking clause (ii) and inserting the following:

''(ii) FEDERAL SHARE.—

''(I) IN GENERAL.—Except as provided in subclause (II), the Federal share of the cost of carrying out a project under subparagraph (A) shall not exceed $25,000,000.

''(II) SEMINOLE WATER CONSERVATION PLAN.—The Federal share of the cost of carrying out the Seminole Water Conservation Plan shall not exceed $30,000,000.''.

SEC. 3034. LAKE OKEECHOBEE AND HILLSBORO AQUIFER PILOT PROJECTS, COMPREHENSIVE EVERGLADES RESTORATION, FLORIDA.

Section 601(b)(2)(B) of the Water Resources Development Act of 2000 (114 Stat. 2681) is amended by adding at the end the following:

''(v) HILLSBORO AND OKEECHOBEE AQUIFER, FLORIDA.—The pilot projects for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the Water Resources Development Act of 1999 (113 Stat. 276), shall be treated for the purposes of this section as being in the Plan and carried out in accordance with this section, except that costs of operation and maintenance of those projects shall remain 100 percent non-Federal.''.

SEC. 3035. LIDO KEY, SARASOTA COUNTY, FLORIDA.

The Secretary shall carry out the project for hurricane and storm damage reduction in Lido Key, Sarasota County, Florida, based on the report of the Chief of Engineers dated December 22, 2004, at a total cost of $14,809,000, with an estimated Federal cost of $9,088,000 and an estimated non-Federal cost of $5,721,000, and at an estimated total cost $63,606,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $31,803,000 and an estimated non-Federal cost of $31,803,000.

SEC. 3036. PORT SUTTON CHANNEL, TAMPA HARBOR, FLORIDA.

The project for navigation, Port Sutton Channel, Tampa Harbor, Florida, authorized by section 101(b)(12) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to authorize the Secretary to carry out the project at a total cost of $12,900,000.

SEC. 3037. TAMPA HARBOR, CUT B, TAMPA, FLORIDA.

The project for navigation, Tampa Harbor, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), is modified to authorize the Secretary to construct passing lanes in an area approximately 3.5 miles long and centered on Tampa Bay Cut B, if the Secretary determines that the improvements are necessary for navigation safety.

SEC. 3038. ALLATOONA LAKE, GEORGIA.

(a) LAND EXCHANGE.—

(1) IN GENERAL.—The Secretary may exchange land above 863 feet in elevation at Allatoona Lake, Georgia, identified in the Real Estate Design Memorandum prepared by the Mobile district engineer, April 5, 1996, and approved October 8, 1996, for land on the north side of Allatoona Lake that is required for wildlife management and protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—The basis for all land exchanges under this subsection shall be a fair market appraisal to ensure that land exchanged is of equal value.

(b) DISPOSAL AND ACQUISITION OF LAND, ALLATOONA LAKE, GEORGIA.—

(1) IN GENERAL.—The Secretary may—

(A) sell land above 863 feet in elevation at Allatoona Lake, Georgia, identified in the memorandum referred to in subsection (a)(1); and

(B) use the proceeds of the sale, without further appropriation, to pay costs associated with the purchase of land required for wildlife management and protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—

(A) WILLING SELLERS.—Land acquired under this subsection shall be by negotiated purchase from willing sellers only.

(B) BASIS.—The basis for all transactions under this subsection shall be a fair market value appraisal acceptable to the Secretary.

(C) SHARING OF COSTS.—Each purchaser of land under this subsection shall share in the associated environmental and real estate costs of the purchase, including surveys and associated fees in accordance with the memorandum referred to in subsection (a)(1).

(D) OTHER CONDITIONS.—The Secretary may impose on the sale and purchase of land under this subsection such other conditions as the Secretary determines to be appropriate.

(c) REPEAL.—Section 325 of the Water Resources Development Act of 1992 (106 Stat. 4849) is repealed.

SEC. 3039. DWORSHAK RESERVOIR IMPROVEMENTS, IDAHO.

(a) IN GENERAL.—The Secretary shall carry out additional general construction measures to allow for operation at lower pool levels to satisfy the recreation mission at Dworshak Dam, Idaho.

(b) IMPROVEMENTS.—In carrying out subsection (a), the Secretary shall provide for appropriate improvements to—

(1) facilities that are operated by the Corps of Engineers; and

(2) facilities that, as of the date of enactment of this Act, are leased, permitted, or licensed for use by others.

(c) COST SHARING.—The Secretary shall carry out this section through a cost-sharing program with Idaho State Parks and Recreation Department, with a total estimated project cost of $5,300,000, with an estimated Federal cost of $3,900,000 and an estimated non-Federal cost of $1,400,000.

SEC. 3040. LITTLE WOOD RIVER, GOODING, IDAHO.

The project for flood control, Gooding, Idaho, as constructed under the emergency conservation work program established under the Act of March 31, 1933 (16 U.S.C. 585 et seq.), is modified—

(1) to direct the Secretary to rehabilitate the Gooding Channel Project for the purposes of flood control and ecosystem restoration, if the Secretary determines that the rehabilitation and ecosystem restoration is feasible;

(2) to authorize and direct the Secretary to plan, design, and construct the project at a total cost of $9,000,000;

(3) to authorize the non-Federal interest to provide any portion of the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions;

(4) to authorize the non-Federal interest to use funds made available under any other Federal program toward the non-Federal share of the cost of the project if the use of the funds is permitted under the other Federal program; and

(5) to direct the Secretary, in calculating the non-Federal share of the cost of the project, to make a determination under section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) on the ability to pay of the non-Federal interest.

SEC. 3041. PORT OF LEWISTON, IDAHO.

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to property covered by each deed described in subsection (b)—

(1) the reversionary interests and use restrictions relating to port and industrial use purposes are extinguished;

(2) the restriction that no activity shall be permitted that will compete with services and facilities offered by public marinas is extinguished;

(3) the human habitation or other building structure use restriction is extinguished in each area in which the elevation is above the standard project flood elevation; and

(4) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is required.

(b) DEEDS.—The deeds referred to in subsection (a) are as follows:

(1) Auditor's Instrument No. 399218 of Nez Perce County, Idaho, 2.07 acres.

(2) Auditor's Instrument No. 487437 of Nez Perce County, Idaho, 7.32 acres.

(c) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects the remaining rights and interests of the Corps of Engineers for authorized project purposes with respect to property covered by deeds described in subsection (b).

SEC. 3042. CACHE RIVER LEVEE, ILLINOIS.

The Cache River Levee created for flood control at the Cache River, Illinois, and authorized by the Act of June 28, 1938 (52 Stat. 1215, chapter 795), is modified to add environmental restoration as a project purpose.

SEC. 3043. CHICAGO, ILLINOIS.

Section 425(a) of the Water Resources Development Act of 2000 (114 Stat. 2638) is amended by inserting ''Lake Michigan and'' before ''the Chicago River''.

SEC. 3044. CHICAGO RIVER, ILLINOIS.

The Federal navigation channel for the North Branch Channel portion of the Chicago River authorized by section 22 of the Act of March 3, 1899 (30 Stat. 1156, chapter 425), extending from 100 feet downstream of the Halsted Street Bridge to 100 feet upstream of the Division Street Bridge, Chicago, Illinois, is redefined to be no wider than 66 feet.

SEC. 3045. ILLINOIS RIVER BASIN RESTORATION.

Section 519(c)(3) of the Water Resources Development Act of 2000 (114 Stat. 2654) is amended by striking ''$5,000,000'' and inserting ''$20,000,000''.

SEC. 3046. MISSOURI AND ILLINOIS FLOOD PROTECTION PROJECTS RECONSTRUCTION PILOT PROGRAM.

(a) DEFINITION OF RECONSTRUCTION.—In this section:

(1) IN GENERAL.—The term ''reconstruction'' means any action taken to address 1 or more major deficiencies of a project caused by long-term degradation of the foundation, construction materials, or engineering systems or components of the project, the results of which render the project at risk of not performing in compliance with the authorized purposes of the project.

(2) INCLUSIONS.—The term ''reconstruction'' includes the incorporation by the Secretary of current design standards and efficiency improvements in a project if the incorporation does not significantly change the authorized scope, function, or purpose of the project.

(b) PARTICIPATION BY SECRETARY.—The Secretary may participate in the reconstruction of flood control projects within Missouri and Illinois as a pilot program if the Secretary determines that such reconstruction is not required as a result of improper operation and maintenance by the non-Federal interest.

(c) COST SHARING.—

(1) IN GENERAL.—Costs for reconstruction of a project under this section shall be shared by the Secretary and the non-Federal interest in the same percentages as the costs of construction of the original project were shared.

(2) OPERATION, MAINTENANCE, AND REPAIR COSTS.—The costs of operation, maintenance, repair, and rehabilitation of a project carried out under this section shall be a non-Federal responsibility.

(d) CRITICAL PROJECTS.—In carrying out this section, the Secretary shall give priority to the following projects:

(1) Clear Creek Drainage and Levee District, Illinois.

(2) Fort Chartres and Ivy Landing Drainage District, Illinois.

(3) Wood River Drainage and Levee District, Illinois.

(4) City of St. Louis, Missouri.

(5) Missouri River Levee Drainage District, Missouri.

(e) ECONOMIC JUSTIFICATION.—Reconstruction efforts and activities carried out under this section shall not require economic justification.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000, to remain available until expended.

SEC. 3047. SPUNKY BOTTOM, ILLINOIS.

(a) IN GENERAL.—The project for flood control, Illinois and Des Plaines River Basin, between Beardstown, Illinois, and the mouth of the Illinois River, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1583, chapter 688), is modified to authorize ecosystem restoration as a project purpose.

(b) MODIFICATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), notwithstanding the limitation on the expenditure of Federal funds to carry out project modifications in accordance with section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), modifications to the project referred to in subsection (a) shall be carried out at Spunky Bottoms, Illinois, in accordance with subsection (a).

(2) FEDERAL SHARE.—Not more than $7,500,000 in Federal funds may be expended under this section to carry out modifications to the project referred to in subsection (a).

(3) POST-CONSTRUCTION MONITORING AND MANAGEMENT.—Of the Federal funds expended under paragraph (2), not less than $500,000 shall remain available for a period of 5 years after the date of completion of construction of the modifications for use in carrying out post-construction monitoring and adaptive management.

(c) EMERGENCY REPAIR ASSISTANCE.—Notwithstanding any modifications carried out under subsection (b), the project described in subsection (a) shall remain eligible for emergency repair assistance under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), without consideration of economic justification.

SEC. 3048. STRAWN CEMETERY, JOHN REDMOND LAKE, KANSAS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary, acting through the Tulsa District of the Corps of Engineers, shall transfer to Pleasant Township, Coffey County, Kansas, for use as the New Strawn Cemetery, all right, title, and interest of the United States in and to the land described in subsection (c).

(b) REVERSION.—If the land transferred under this section ceases at any time to be used as a nonprofit cemetery or for another public purpose, the land shall revert to the United States.

(c) DESCRIPTION.—The land to be conveyed under this section is a tract of land near John Redmond Lake, Kansas, containing approximately 3 acres and lying adjacent to the west line of the Strawn Cemetery located in the SE corner of the NE¼ of sec. 32, T. 20 S., R. 14 E., Coffey County, Kansas.

(d) CONSIDERATION.—

(1) IN GENERAL.—The conveyance under this section shall be at fair market value.

(2) COSTS.—All costs associated with the conveyance shall be paid by Pleasant Township, Coffey County, Kansas.

(e) OTHER TERMS AND CONDITIONS.—The conveyance under this section shall be subject to such other terms and conditions as the Secretary considers necessary to protect the interests of the United States.

SEC. 3049. MILFORD LAKE, MILFORD, KANSAS.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall convey at fair market value by quitclaim deed to the Geary County Fire Department, Milford, Kansas, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 7.4 acres located in Geary County, Kansas, for construction, operation, and maintenance of a fire station.

(b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the description of the real property referred to in subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(c) REVERSION.—If the Secretary determines that the property conveyed under subsection (a) ceases to be held in public ownership or to be used for any purpose other than a fire station, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

SEC. 3050. OHIO RIVER, KENTUCKY, ILLINOIS, INDIANA, OHIO, PENNSYLVANIA, AND WEST VIRGINIA.

Section 101(16) of the Water Resources Development Act of 2000 (114 Stat. 2578) is amended—

(1) by striking ''(A) in general.—Projects for ecosystem restoration, Ohio River Mainstem'' and inserting the following:

''(A) AUTHORIZATION.—

''(i) IN GENERAL.—Projects for ecosystem restoration, Ohio River Basin (excluding the Tennessee and Cumberland River Basins)''; and

(2) in subparagraph (A), by adding at the end the following:

''(ii) NONPROFIT ENTITY.—For any ecosystem restoration project carried out under this paragraph, with the consent of the affected local government, a nonprofit entity may be considered to be a non-Federal interest.

''(iii) PROGRAM IMPLEMENTATION PLAN.—There is authorized to be developed a program implementation plan of the Ohio River Basin (excluding the Tennessee and Cumberland River Basins) at full Federal expense.

''(iv) PILOT PROGRAM.—There is authorized to be initiated a completed pilot program in Lower Scioto Basin, Ohio.''.

SEC. 3051. MCALPINE LOCK AND DAM, KENTUCKY AND INDIANA.

Section 101(a)(10) of the Water Resources Development Act of 1990 (104 Stat. 4606) is amended by striking ''$219,600,000'' each place it appears and inserting ''$430,000,000''.

SEC. 3052. PUBLIC ACCESS, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

(a) IN GENERAL.—The public access feature of the Atchafalaya Basin Floodway System, Louisiana project, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), is modified to authorize the Secretary to acquire from willing sellers the fee interest (exclusive of oil, gas, and minerals) of an additional 20,000 acres of land in the Lower Atchafalaya Basin Floodway for the public access feature of the Atchafalaya Basin Floodway System, Louisiana project.

(b) MODIFICATION.—

(1) IN GENERAL.—Subject to paragraph (2), effective beginning November 17, 1986, the public access feature of the Atchafalaya Basin Floodway System, Louisiana project, is modified to remove the $32,000,000 limitation on the maximum Federal expenditure for the first costs of the public access feature.

(2) FIRST COST.—The authorized first cost of $250,000,000 for the total project (as defined in section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142)) shall not be exceeded, except as authorized by section 902 of that Act (100 Stat. 4183).

(c) TECHNICAL AMENDMENT.—Section 315(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2603) is amended by inserting before the period at the end the following: ''and may include Eagle Point Park, Jeanerette, Louisiana, as 1 of the alternative sites''.

SEC. 3053. REGIONAL VISITOR CENTER, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

(a) PROJECT FOR FLOOD CONTROL.—Notwithstanding paragraph (3) of the report of the Chief of Engineers dated February 28, 1983 (relating to recreational development in the Lower Atchafalaya Basin Floodway), the Secretary shall carry out the project for flood control, Atchafalaya Basin Floodway System, Louisiana, authorized by chapter IV of title I of the Act of August 15, 1985 (Public Law 99–88; 99 Stat. 313; 100 Stat. 4142).

(b) VISITORS CENTER.—

(1) IN GENERAL.—The Secretary, acting through the Chief of Engineers and in consultation with the State of Louisiana, shall study, design, and construct a type A regional visitors center in the vicinity of Morgan City, Louisiana.

(2) COST SHARING.—

(A) IN GENERAL.—The cost of construction of the visitors center shall be shared in accordance with the recreation cost-share requirement under section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)).

(B) COST OF UPGRADING.—The non-Federal share of the cost of upgrading the visitors center from a type B to type A regional visitors center shall be 100 percent.

(3) AGREEMENT.—The project under this subsection shall be initiated only after the Secretary and the non-Federal interests enter into a binding agreement under which the non-Federal interests shall—

(A) provide any land, easement, right-of-way, or dredged material disposal area required for the project that is owned, claimed, or controlled by—

(i) the State of Louisiana (including agencies and political subdivisions of the State); or

(ii) any other non-Federal government entity authorized under the laws of the State of Louisiana;

(B) pay 100 percent of the cost of the operation, maintenance, repair, replacement, and rehabilitation of the project; and

(C) hold the United States free from liability for the construction, operation, maintenance, repair, replacement, and rehabilitation of the project, except for damages due to the fault or negligence of the United States or a contractor of the United States.

(4) DONATIONS.—In carrying out the project under this subsection, the Mississippi River Commission may accept the donation of cash or other funds, land, materials, and services from any non-Federal government entity or nonprofit corporation, as the Commission determines to be appropriate.

SEC. 3054. CALCASIEU RIVER AND PASS, LOUISIANA.

The project for the Calcasieu River and Pass, Louisiana, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 481), is modified to authorize the Secretary to provide $3,000,000 for each fiscal year, in a total amount of $15,000,000, for such rock bank protection of the Calcasieu River from mile 5 to mile 16 as the Chief of Engineers determines to be advisable to reduce maintenance dredging needs and facilitate protection of valuable disposal areas for the Calcasieu River and Pass, Louisiana.

SEC. 3055. EAST BATON ROUGE PARISH, LOUISIANA.

The project for flood damage reduction and recreation, East Baton Rouge Parish, Louisiana, authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (113 Stat. 277), as amended by section 116 of the Consolidated Appropriations Resolution, 2003 (117 Stat. 140), is modified to authorize the Secretary to carry out the project substantially in accordance with the Report of the Chief of Engineers dated December 23, 1996, and the subsequent Post Authorization Change Report dated December 2004, at a total cost of $178,000,000.

SEC. 3056. MISSISSIPPI RIVER GULF OUTLET RELOCATION ASSISTANCE, LOUISIANA.

(a) PORT FACILITIES RELOCATION.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $175,000,000, to remain available until expended, to support the relocation of Port of New Orleans deep draft facilities from the Mississippi River Gulf Outlet (referred to in this section as the ''Outlet''), the Gulf Intercoastal Waterway, and the Inner Harbor Navigation Canal to the Mississippi River.

(2) ADMINISTRATION.—

(A) IN GENERAL.—Amounts appropriated pursuant to paragraph (1) shall be administered by the Assistant Secretary for Economic Development (referred to in this section as the ''Assistant Secretary'') pursuant to sections 209(c)(2) and 703 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2), 3233).

(B) REQUIREMENT.—The Assistant Secretary shall make amounts appropriated pursuant to paragraph (1) available to the Port of New Orleans to relocate to the Mississippi River within the State of Louisiana the port-owned facilities that are occupied by businesses in the vicinity that may be impacted due to the treatment of the Outlet under the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(b) REVOLVING LOAN FUND GRANTS.—There is authorized to be appropriated to the Assistant Secretary $185,000,000, to remain available until expended, to provide assistance pursuant to sections 209(c)(2) and 703 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2), 3233) to 1 or more eligible recipients to establish revolving loan funds to make loans for terms up to 20 years at or below market interest rates (including interest-free loans) to private businesses within the Port of New Orleans that may need to relocate to the Mississippi River within the State of Louisiana due to the treatment of the Outlet under the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(c) COORDINATION WITH SECRETARY.—The Assistant Secretary shall ensure that the programs described in subsections (a) and (b) are fully coordinated with the Secretary to ensure that facilities are relocated in a manner that is consistent with the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(d) ADMINISTRATIVE EXPENSES.—The Assistant Secretary may use up to 2 percent of the amounts made available under subsections (a) and (b) for administrative expenses.

SEC. 3057. RED RIVER (J. BENNETT JOHNSTON) WATERWAY, LOUISIANA.

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), and section 316 of the Water Resources Development Act of 2000 (114 Stat. 2604), is further modified—

(1) to authorize the Secretary to carry out the project at a total cost of $33,200,000;

(2) to permit the purchase of marginal farmland for reforestation (in addition to the purchase of bottomland hardwood); and

(3) to incorporate wildlife and forestry management practices to improve species diversity on mitigation land that meets habitat goals and objectives of the Corps of Engineers and the State of Louisiana.

SEC. 3058. CAMP ELLIS, SACO, MAINE.

The maximum amount of Federal funds that may be expended for the project being carried out under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) for the mitigation of shore damages attributable to the project for navigation, Camp Ellis, Saco, Maine, shall be $20,000,000.

SEC. 3059. UNION RIVER, MAINE.

The project for navigation, Union River, Maine, authorized by the first section of the Act of June 3, 1896 (29 Stat. 215, chapter 314), is modified by redesignating as an anchorage area that portion of the project consisting of a 6-foot turning basin and lying northerly of a line commencing at a point N. 315,975.13, E. 1,004,424.86, thence running N. 61° 27′ 20.71″ W. about 132.34 feet to a point N. 316,038.37, E. 1,004,308.61.

SEC. 3060. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM, MARYLAND, PENNSYLVANIA, AND VIRGINIA.

Section 510(i) of the Water Resources Development Act of 1996 (110 Stat. 3761) is amended by striking ''$10,000,000'' and inserting ''$30,000,000''.

SEC. 3061. CUMBERLAND, MARYLAND.

Section 580(a) of the Water Resources Development Act of 1999 (113 Stat. 375) is amended—

(1) by striking ''$15,000,000'' and inserting ''$25,750,000'';

(2) by striking ''$9,750,000'' and inserting ''$16,738,000''; and

(3) by striking ''$5,250,000'' and inserting ''$9,012,000''.

SEC. 3062. AUNT LYDIA'S COVE, MASSACHUSETTS.

(a) DEAUTHORIZATION.—The portion of the project for navigation, Aunt Lydia's Cove, Massachusetts, authorized August 31, 1994, pursuant to section 107 of the Act of July 14, 1960 (33 U.S.C. 577) (commonly known as the ''River and Harbor Act of 1960''), consisting of the 8-foot deep anchorage in the cove described in subsection (b) is deauthorized.

(b) DESCRIPTION.—The portion of the project described in subsection (a) is more particularly described as the portion beginning at a point along the southern limit of the existing project, N. 254332.00, E. 1023103.96, thence running northwesterly about 761.60 feet to a point along the western limit of the existing project N. 255076.84, E. 1022945.07, thence running southwesterly about 38.11 feet to a point N. 255038.99, E. 1022940.60, thence running southeasterly about 267.07 feet to a point N. 254772.00, E. 1022947.00, thence running southeasterly about 462.41 feet to a point N. 254320.06, E. 1023044.84, thence running northeasterly about 60.31 feet to the point of origin.

SEC. 3063. FALL RIVER HARBOR, MASSACHUSETTS AND RHODE ISLAND.

(a) IN GENERAL.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the project for navigation, Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), shall remain authorized to be carried out by the Secretary, except that the authorized depth of that portion of the project extending riverward of the Charles M. Braga, Jr. Memorial Bridge, Fall River and Somerset, Massachusetts, shall not exceed 35 feet.

(b) FEASIBILITY.—The Secretary shall conduct a study to determine the feasibility of deepening that portion of the navigation channel of the navigation project for Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), seaward of the Charles M. Braga, Jr. Memorial Bridge Fall River and Somerset, Massachusetts.

(c) LIMITATION.—The project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period beginning on the date of enactment of this Act unless, during that period, funds have been obligated for construction (including planning and design) of the project.

SEC. 3064. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.

Section 426 of the Water Resources Development Act of 1999 (113 Stat. 326) is amended to read as follows:

''SEC. 426. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.

''(a) DEFINITIONS.—In this section:

''(1) MANAGEMENT PLAN.—The term 'management plan' means the management plan for the St. Clair River and Lake St. Clair, Michigan,

that is in effect as of the date of enactment of this section.

''(2) PARTNERSHIP.—The term 'Partnership' means the partnership established by the Secretary under subsection (b)(1).

''(b) PARTNERSHIP.—

''(1) IN GENERAL.—The Secretary shall establish and lead a partnership of appropriate Federal agencies (including the Environmental Protection Agency) and the State of Michigan (including political subdivisions of the State)—

''(A) to promote cooperation among the Federal Government, State and local governments, and other involved parties in the management of the St. Clair River and Lake St. Clair watersheds; and

''(B) develop and implement projects consistent with the management plan.

''(2) COORDINATION WITH ACTIONS UNDER OTHER LAW.—

''(A) IN GENERAL.—Actions taken under this section by the Partnership shall be coordinated with actions to restore and conserve the St. Clair River and Lake St. Clair and watersheds taken under other provisions of Federal and State law.

''(B) NO EFFECT ON OTHER LAW.—Nothing in this section alters, modifies, or affects any other provision of Federal or State law.

''(c) IMPLEMENTATION OF ST. CLAIR RIVER AND LAKE ST. CLAIR MANAGEMENT PLAN.—

''(1) IN GENERAL.—The Secretary shall—

''(A) develop a St. Clair River and Lake St. Clair strategic implementation plan in accordance with the management plan;

''(B) provide technical, planning, and engineering assistance to non-Federal interests for developing and implementing activities consistent with the management plan;

''(C) plan, design, and implement projects consistent with the management plan; and

''(D) provide, in coordination with the Administrator of the Environmental Protection Agency, financial and technical assistance, including grants, to the State of Michigan (including political subdivisions of the State) and interested nonprofit entities for the planning, design, and implementation of projects to restore, conserve, manage, and sustain the St. Clair River, Lake St. Clair, and associated watersheds.

''(2) SPECIFIC MEASURES.—Financial and technical assistance provided under subparagraphs (B) and (C) of paragraph (1) may be used in support of non-Federal activities consistent with the management plan.

''(d) SUPPLEMENTS TO MANAGEMENT PLAN AND STRATEGIC IMPLEMENTATION PLAN.—In consultation with the Partnership and after providing an opportunity for public review and comment, the Secretary shall develop information to supplement—

''(1) the management plan; and

''(2) the strategic implementation plan developed under subsection (c)(1)(A).

''(e) COST SHARING.—

''(1) NON-FEDERAL SHARE.—The non-Federal share of the cost of technical assistance, or the cost of planning, design, construction, and evaluation of a project under subsection (c), and the cost of development of supplementary information under subsection (d)—

''(A) shall be 25 percent of the total cost of the project or development; and

''(B) may be provided through the provision of in-kind services.

''(2) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary shall credit the non-Federal sponsor for the value of any land, easements, rights-of-way, dredged material disposal areas, or relocations provided for use in carrying out a project under subsection (c).

''(3) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity.

''(4) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be non-Federal responsibilities.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each fiscal year.''.

SEC. 3065. DULUTH HARBOR, MINNESOTA.

(a) IN GENERAL.—Notwithstanding the cost limitation described in section 107(b) of the River and Harbor Act of 1960 (33 U.S.C. 577(b)), the Secretary shall carry out the project for navigation, Duluth Harbor, Minnesota, pursuant to the authority provided under that section at a total Federal cost of $9,000,000.

(b) PUBLIC ACCESS AND RECREATIONAL FACILITIES.—Section 321 of the Water Resources Development Act of 2000 (114 Stat. 2605) is amended by inserting '', and to provide public access and recreational facilities'' after ''including any required bridge construction''.

SEC. 3066. RED LAKE RIVER, MINNESOTA.

The project for flood control, Red Lake River, Crookston, Minnesota, authorized by section 101(a)(23) of the Water Resources Development Act of 1999 (113 Stat. 278), is modified to include flood protection for the adjacent and interconnected areas generally known as the Sampson and Chase/Loring neighborhoods, in accordance with the feasibility report supplement, local flood protection, Crookston, Minnesota, at a total cost of $25,000,000, with an estimated Federal cost of $16,250,000 and an estimated non-Federal cost of $8,750,000.

SEC. 3067. BONNET CARRE FRESHWATER DIVERSION PROJECT, MISSISSIPPI AND LOUISIANA.

(a) IN GENERAL.—The project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana, authorized by section 3(a)(8) of the Water Resources Development Act of 1988 (102 Stat. 4013) is modified to direct the Secretary to carry out that portion of the project identified as the ''Bonnet Carre Freshwater Diversion Project'', in accordance with this section.

(b) NON-FEDERAL FINANCING REQUIREMENTS.—

(1) MISSISSIPPI AND LOUISIANA.—

(A) IN GENERAL.—The States of Mississippi and Louisiana shall provide the funds needed during any fiscal year for meeting the respective non-Federal cost sharing requirements of each State for the Bonnet Carre Freshwater Diversion Project during that fiscal year by making deposits of the necessary funds into an escrow account or into such other account as the Secretary determines to be acceptable.

(B) DEADLINE.—Any deposits required under this paragraph shall be made by the affected State by not later than 30 days after receipt of notification from the Secretary that the amounts are due.

(2) FAILURE TO PAY.—

(A) LOUISIANA.—In the case of deposits required to be made by the State of Louisiana, the Secretary may not award any new contract or proceed to the next phase of any feature being carried out in the State of Louisiana under section 1003 if the State of Louisiana is not in compliance with paragraph (1).

(B) MISSISSIPPI.—In the case of deposits required to be made by the State of Mississippi, the Secretary may not award any new contract or proceed to the next phase of any feature being carried out as a part of the Bonnet Carre Freshwater Diversion Project if the State of Mississippi is not in compliance with paragraph (1).

(3) ALLOCATION.—The non-Federal share of project costs shall be allocated between the States of Mississippi and Louisiana as described in the report to Congress on the status and potential options and enhancement of the Bonnet Carre Freshwater Diversion Project dated December 1996.

(4) EFFECT.—The modification of the Bonnet Carre Freshwater Diversion Project by this section shall not reduce the percentage of the cost of the project that is required to be paid by the Federal Government as determined on the date of enactment of section 3(a)(8) of the Water Resources Development Act of 1988 (102 Stat. 4013).

(c) DESIGN SCHEDULE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall complete the design of the Bonnet Carre Freshwater Diversion Project by not later than 1 year after the date of enactment of this Act.

(2) MISSED DEADLINE.—If the Secretary does not complete the design of the project by the date described in paragraph (1)—

(A) the Secretary shall assign such resources as the Secretary determines to be available and necessary to complete the design; and

(B) the authority of the Secretary to expend funds for travel, official receptions, and official representations shall be suspended until the design is complete.

(d) CONSTRUCTION SCHEDULE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall complete construction of the Bonnet Carre Freshwater Diversion Project by not later than September 30, 2012.

(2) MISSED DEADLINE.—If the Secretary does not complete the construction of the Bonnet Carre Freshwater Diversion Project by the date described in paragraph (1)—

(A) the Secretary shall assign such resources as the Secretary determines to be available and necessary to complete the construction; and

(B) the authority of the Secretary to expend funds for travel, official receptions, and official representations shall be suspended until the construction is complete.

SEC. 3068. LAND EXCHANGE, PIKE COUNTY, MISSOURI.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means the 2 parcels of Corps of Engineers land totaling approximately 42 acres, located on Buffalo Island in Pike County, Missouri, and consisting of Government Tract Numbers MIS–7 and a portion of FM–46.

(2) NON-FEDERAL LAND.—The term ''non-Federal land'' means the approximately 42 acres of land, subject to any existing flowage easements situated in Pike County, Missouri, upstream and northwest, about 200 feet from Drake Island (also known as Grimes Island).

(b) LAND EXCHANGE.—Subject to subsection (c), on conveyance by S.S.S., Inc., to the United States of all right, title, and interest in and to the non-Federal land, the Secretary shall convey to S.S.S., Inc., all right, title, and interest of the United States in and to the Federal land.

(c) CONDITIONS.—

(1) DEEDS.—

(A) NON-FEDERAL LAND.—The conveyance of the non-Federal land to the Secretary shall be by a warranty deed acceptable to the Secretary.

(B) FEDERAL LAND.—The conveyance of the Federal land to S.S.S., Inc., shall be—

(i) by quitclaim deed; and

(ii) subject to any reservations, terms, and conditions that the Secretary determines to be necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(C) LEGAL DESCRIPTIONS.—The Secretary shall, subject to approval of S.S.S., Inc., provide a legal description of the Federal land and non-Federal land for inclusion in the deeds referred to in subparagraphs (A) and (B).

(2) REMOVAL OF IMPROVEMENTS.—

(A) IN GENERAL.—The Secretary may require the removal of, or S.S.S., Inc., may voluntarily remove, any improvements to the non-Federal land before the completion of the exchange or as a condition of the exchange.

(B) NO LIABILITY.—If S.S.S., Inc., removes any improvements to the non-Federal land under subparagraph (A)—

(i) S.S.S., Inc., shall have no claim against the United States relating to the removal; and

(ii) the United States shall not incur or be liable for any cost associated with the removal or relocation of the improvements.

(3) ADMINISTRATIVE COSTS.—The Secretary shall require S.S.S., Inc. to pay reasonable administrative costs associated with the exchange.

(4) CASH EQUALIZATION PAYMENT.—If the appraised fair market value, as determined by the Secretary, of the Federal land exceeds the appraised fair market value, as determined by the Secretary, of the non-Federal land, S.S.S., Inc., shall make a cash equalization payment to the United States.

(5) DEADLINE.—The land exchange under subsection (b) shall be completed not later than 2 years after the date of enactment of this Act.

SEC. 3069. L–15 LEVEE, MISSOURI.

The portion of the L–15 levee system that is under the jurisdiction of the Consolidated North County Levee District and situated along the right descending bank of the Mississippi River from the confluence of that river with the Missouri River and running upstream approximately 14 miles shall be considered to be a Federal levee for purposes of cost sharing under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n).

SEC. 3070. UNION LAKE, MISSOURI.

(a) IN GENERAL.—The Secretary shall offer to convey to the State of Missouri, before January 31, 2006, all right, title, and interest in and to approximately 205.50 acres of land described in subsection (b) purchased for the Union Lake Project that was deauthorized as of January 1, 1990 (55 Fed. Reg. 40906), in accordance with section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a(a)).

(b) LAND DESCRIPTION.—The land referred to in subsection (a) is described as follows:

(1) TRACT 500.—A tract of land situated in Franklin County, Missouri, being part of the SW¼ of sec. 7, and the NW¼ of the SW¼ of sec. 8, T. 42 N., R. 2 W. of the fifth principal meridian, consisting of approximately 112.50 acres.

(2) TRACT 605.—A tract of land situated in Franklin County, Missouri, being part of the N½ of the NE, and part of the SE of the NE of sec. 18, T. 42 N., R. 2 W. of the fifth principal meridian, consisting of approximately 93.00 acres.

(c) CONVEYANCE.—On acceptance by the State of Missouri of the offer by the Secretary under subsection (a), the land described in subsection (b) shall immediately be conveyed, in its current condition, by Secretary to the State of Missouri.

SEC. 3071. FORT PECK FISH HATCHERY, MONTANA.

Section 325(f)(1)(A) of the Water Resources Development Act of 2000 (114 Stat. 2607) is amended by striking ''$20,000,000'' and inserting ''$25,000,000''.

SEC. 3072. LOWER YELLOWSTONE PROJECT, MONTANA.

The Secretary may use funds appropriated to carry out the Missouri River recovery and mitigation program to assist the Bureau of Reclamation in the design and construction of the Lower Yellowstone project of the Bureau, Intake, Montana, for the purpose of ecosystem restoration.

SEC. 3073. YELLOWSTONE RIVER AND TRIBUTARIES, MONTANA AND NORTH DAKOTA.

(a) DEFINITION OF RESTORATION PROJECT.—In this section, the term ''restoration project'' means a project that will produce, in accordance with other Federal programs, projects, and activities, substantial ecosystem restoration and related benefits, as determined by the Secretary.

(b) PROJECTS.—The Secretary shall carry out, in accordance with other Federal programs, projects, and activities, restoration projects in the watershed of the Yellowstone River and tributaries in Montana, and in North Dakota, to produce immediate and substantial ecosystem restoration and recreation benefits.

(c) LOCAL PARTICIPATION.—In carrying out subsection (b), the Secretary shall—

(1) consult with, and consider the activities being carried out by—

(A) other Federal agencies;

(B) Indian tribes;

(C) conservation districts; and

(D) the Yellowstone River Conservation District Council; and

(2) seek the full participation of the State of Montana.

(d) COST SHARING.—Before carrying out any restoration project under this section, the Secretary shall enter into an agreement with the non-Federal interest for the restoration project under which the non-Federal interest shall agree—

(1) to provide 35 percent of the total cost of the restoration project, including necessary land, easements, rights-of-way, relocations, and disposal sites;

(2) to pay the non-Federal share of the cost of feasibility studies and design during construction following execution of a project cooperation agreement;

(3) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs incurred after the date of enactment of this Act that are associated with the restoration project; and

(4) to hold the United States harmless for any claim of damage that arises from the negligence of the Federal Government or a contractor of the Federal Government in carrying out the restoration project.

(e) FORM OF NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share of the cost of a restoration project carried out under this section may be provided in the form of in-kind credit for work performed during construction of the restoration project.

(f) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), with the consent of the applicable local government, a nonprofit entity may be a non-Federal interest for a restoration project carried out under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000.

SEC. 3074. LOWER TRUCKEE RIVER, MCCARRAN RANCH, NEVADA.

The maximum amount of Federal funds that may be expended for the project being carried out, as of the date of enactment of this Act, under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) for environmental restoration of McCarran Ranch, Nevada, shall be $5,775,000.

SEC. 3075. MIDDLE RIO GRANDE RESTORATION, NEW MEXICO.

(a) RESTORATION PROJECTS.—

(1) DEFINITION.—The term ''restoration project'' means a project that will produce, consistent with other Federal programs, projects, and activities, immediate and substantial ecosystem restoration and recreation benefits.

(2) PROJECTS.—The Secretary shall carry out restoration projects in the Middle Rio Grande from Cochiti Dam to the headwaters of Elephant Butte Reservoir, in the State of New Mexico.

(b) PROJECT SELECTION.—The Secretary shall select restoration projects in the Middle Rio Grande.

(c) LOCAL PARTICIPATION.—In carrying out subsection (b), the Secretary shall consult with, and consider the activities being carried out by—

(1) the Middle Rio Grande Endangered Species Act Collaborative Program; and

(2) the Bosque Improvement Group of the Middle Rio Grande Bosque Initiative.

(d) COST SHARING.—Before carrying out any restoration project under this section, the Secretary shall enter into an agreement with non-Federal interests that requires the non-Federal interests to—

(1) provide 35 percent of the total cost of the restoration projects including provisions for necessary lands, easements, rights-of-way, relocations, and disposal sites;

(2) pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs incurred after the date of the enactment of this Act that are associated with the restoration projects; and

(3) hold the United States harmless for any claim of damage that arises from the negligence of the Federal Government or a contractor of the Federal Government.

(e) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal interest for any project carried out under this section may include a nonprofit entity, with the consent of the local government.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 to carry out this section.

SEC. 3076. LONG ISLAND SOUND OYSTER RESTORATION, NEW YORK AND CONNECTICUT.

(a) IN GENERAL.—The Secretary shall plan, design, and construct projects to increase aquatic habitats within Long Island Sound and adjacent waters, including the construction and restoration of oyster beds and related shellfish habitat.

(b) COST-SHARING.—The non-Federal share of the cost of activities carried out under this section shall be 25 percent and may be provided through in-kind services and materials.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 to carry out this section.

SEC. 3077. ORCHARD BEACH, BRONX, NEW YORK.

Section 554 of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended by striking ''$5,200,000'' and inserting ''$18,200,000''.

SEC. 3078. NEW YORK HARBOR, NEW YORK, NEW YORK.

Section 217 of the Water Resources Development Act of 1996 (33 U.S.C. 2326a) is amended—

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

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

''(c) DREDGED MATERIAL FACILITY.—

''(1) IN GENERAL.—The Secretary may enter into cost-sharing agreements with 1 or more non-Federal public interests with respect to a project, or group of projects within a geographic region, if appropriate, for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material, which may include effective sediment contaminant reduction technologies) using funds provided in whole or in part by the Federal Government.

''(2) PERFORMANCE.—One or more of the parties to the agreement may perform the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility.

''(3) MULTIPLE FEDERAL PROJECTS.—If appropriate, the Secretary may combine portions of separate Federal projects with appropriate combined cost-sharing between the various projects, if the facility serves to manage dredged material from multiple Federal projects located in the geographic region of the facility.

''(4) PUBLIC FINANCING.—

''(A) AGREEMENTS.—

''(i) SPECIFIED FEDERAL FUNDING SOURCES AND COST SHARING.—The cost-sharing agreement used shall clearly specify—

''(I) the Federal funding sources and combined cost-sharing when applicable to multiple Federal navigation projects; and

''(II) the responsibilities and risks of each of the parties related to present and future dredged material managed by the facility.

''(ii) MANAGEMENT OF SEDIMENTS.—

''(I) IN GENERAL.—The cost-sharing agreement may include the management of sediments from the maintenance dredging of Federal navigation

projects that do not have partnerships agreements.

''(II) PAYMENTS.—The cost-sharing agreement may allow the non-Federal interest to receive reimbursable payments from the Federal Government for commitments made by the non-Federal interest for disposal or placement capacity at dredged material treatment, processing, contaminant reduction, or disposal facilities.

''(iii) CREDIT.—The cost-sharing agreement may allow costs incurred prior to execution of a partnership agreement for construction or the purchase of equipment or capacity for the project to be credited according to existing cost-sharing rules.

''(B) CREDIT.—

''(i) EFFECT ON EXISTING AGREEMENTS.—Nothing in this subsection supersedes or modifies an agreement in effect on the date of enactment of this paragraph between the Federal Government and any other non-Federal interest for the cost-sharing, construction, and operation and maintenance of a Federal navigation project.

''(ii) CREDIT FOR FUNDS.—Subject to the approval of the Secretary and in accordance with law (including regulations and policies) in effect on the date of enactment of this paragraph, a non-Federal public interest of a Federal navigation project may seek credit for funds provided for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility to the extent the facility is used to manage dredged material from the Federal navigation project.

''(iii) NON-FEDERAL INTEREST RESPONSIBILITIES.—The non-Federal interest shall—

''(I) be responsible for providing all necessary land, easement rights-of-way, or relocations associated with the facility; and

''(II) receive credit for those items.''; and

(3) in paragraphs (1) and (2)(A) of subsection (d) (as redesignated by paragraph (1))—

(A) by inserting ''and maintenance'' after ''operation'' each place it appears; and

(B) by inserting ''processing, treatment, or'' after ''dredged material'' the first place it appears in each of those paragraphs.

SEC. 3079. MISSOURI RIVER RESTORATION, NORTH DAKOTA.

Section 707(a) of the Water Resources Act of 2000 (114 Stat. 2699) is amended in the first sentence by striking ''$5,000,000'' and all that follows through ''2005'' and inserting ''$25,000,000''.

SEC. 3080. LOWER GIRARD LAKE DAM, GIRARD, OHIO.

Section 507(1) of the Water Resources Development Act of 1996 (110 Stat. 3758) is amended—

(1) by striking ''$2,500,000'' and inserting ''$5,500,000''; and

(2) by adding before the period at the end the following: ''(which repair and rehabilitation shall include lowering the crest of the Dam by not more than 12.5 feet)''.

SEC. 3081. TOUSSAINT RIVER NAVIGATION PROJECT, CARROLL TOWNSHIP, OHIO.

Increased operation and maintenance activities for the Toussaint River Federal Navigation Project, Carroll Township, Ohio, that are carried out in accordance with section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and relate directly to the presence of unexploded ordnance, shall be carried out at full Federal expense.

SEC. 3082. ARCADIA LAKE, OKLAHOMA.

Payments made by the city of Edmond, Oklahoma, to the Secretary in October 1999 of all costs associated with present and future water storage costs at Arcadia Lake, Oklahoma, under Arcadia Lake Water Storage Contract Number DACW56–79–C–0072 shall satisfy the obligations of the city under that contract.

SEC. 3083. LAKE EUFAULA, OKLAHOMA.

(a) PROJECT GOAL.—

(1) IN GENERAL.—The goal for operation of Lake Eufaula shall be to maximize the use of available storage in a balanced approach that incorporates advice from representatives from all the project purposes to ensure that the full value of the reservoir is realized by the United States.

(2) RECOGNITION OF PURPOSE.—To achieve the goal described in paragraph (1), recreation is recognized as a project purpose at Lake Eufaula, pursuant to the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 887, chapter 665).

(b) LAKE EUFAULA ADVISORY COMMITTEE.—

(1) IN GENERAL.—In accordance with the Federal Advisory Committee Act (5 U.S.C. App.), the Secretary shall establish an advisory committee for the Lake Eufaula, Canadian River, Oklahoma project authorized by the Act of July 24, 1946 (commonly known as the ''River and Harbor Act of 1946'') (Public Law 79–525; 60 Stat. 634).

(2) PURPOSE.—The purpose of the committee shall be advisory only.

(3) DUTIES.—The committee shall provide information and recommendations to the Corps of Engineers regarding the operations of Lake Eufaula for the project purposes for Lake Eufaula.

(4) COMPOSITION.—The Committee shall be composed of members that equally represent the project purposes for Lake Eufaula.

(c) REALLOCATION STUDY.—

(1) IN GENERAL.—Subject to the appropriation of funds, the Secretary, acting through the Chief of Engineers, shall perform a reallocation study, at full Federal expense, to develop and present recommendations concerning the best value, while minimizing ecological damages, for current and future use of the Lake Eufaula storage capacity for the authorized project purposes of flood control, water supply, hydroelectric power, navigation, fish and wildlife, and recreation.

(2) FACTORS FOR CONSIDERATION.—The reallocation study shall take into consideration the recommendations of the Lake Eufaula Advisory Committee.

(d) POOL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 360 days after the date of enactment of this Act, to the extent feasible within available project funds and subject to the completion and approval of the reallocation study under subsection (c), the Tulsa District Engineer, taking into consideration recommendations of the Lake Eufaula Advisory Committee, shall develop an interim management plan that accommodates all project purposes for Lake Eufaula.

(2) MODIFICATIONS.—A modification of the plan under paragraph (1) shall not cause significant adverse impacts on any existing permit, lease, license, contract, public law, or project purpose, including flood control operation, relating to Lake Eufaula.

SEC. 3084. RELEASE OF RETAINED RIGHTS, INTERESTS, AND RESERVATIONS, OKLAHOMA.

(a) RELEASE OF RETAINED RIGHTS, INTERESTS, AND RESERVATIONS.—Each reversionary interest and use restriction relating to public parks and recreation on the land conveyed by the Secretary to the State of Oklahoma at Lake Texoma pursuant to the Act entitled ''An Act to authorize the sale of certain lands to the State of Oklahoma'' (67 Stat. 62, chapter 118) is terminated.

(b) INSTRUMENT OF RELEASE.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, an amended deed, or another appropriate instrument to release each interest and use restriction described in subsection (a).

SEC. 3085. OKLAHOMA LAKES DEMONSTRATION PROGRAM, OKLAHOMA.

(a) IMPLEMENTATION OF PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Secretary shall implement an innovative program at the lakes located primarily in the State of Oklahoma that are a part of an authorized civil works project under the administrative jurisdiction of the Corps of Engineers for the purpose of demonstrating the benefits of enhanced recreation facilities and activities at those lakes.

(b) REQUIREMENTS.—In implementing the program under subsection (a), the Secretary shall, consistent with authorized project purposes—

(1) pursue strategies that will enhance, to the maximum extent practicable, recreation experiences at the lakes included in the program;

(2) use creative management strategies that optimize recreational activities; and

(3) ensure continued public access to recreation areas located on or associated with the civil works project.

(c) GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue guidelines for the implementation of this section, to be developed in coordination with the State of Oklahoma.

(d) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the program under subsection (a).

(2) INCLUSIONS.—The report under paragraph (1) shall include a description of the projects undertaken under the program, including—

(A) an estimate of the change in any related recreational opportunities;

(B) a description of any leases entered into, including the parties involved; and

(C) the financial conditions that the Corps of Engineers used to justify those leases.

(3) AVAILABILITY TO PUBLIC.—The Secretary shall make the report available to the public in electronic and written formats.

(e) TERMINATION.—The authority provided by this section shall terminate on the date that is 10 years after the date of enactment of this Act.

SEC. 3086. WAURIKA LAKE, OKLAHOMA.

The remaining obligation of the Waurika Project Master Conservancy District payable to the United States Government in the amounts, rates of interest, and payment schedules—

(1) is set at the amounts, rates of interest, and payment schedules that existed on June 3, 1986; and

(2) may not be adjusted, altered, or changed without a specific, separate, and written agreement between the District and the United States.

SEC. 3087. LOOKOUT POINT PROJECT, LOWELL, OREGON.

(a) IN GENERAL.—Subject to subsection (c), the Secretary shall convey at fair market value to the Lowell School District No. 71, all right, title, and interest of the United States in and to a parcel consisting of approximately 0.98 acres of land, including 3 abandoned buildings on the land, located in Lowell, Oregon, as described in subsection (b).

(b) DESCRIPTION OF PROPERTY.—The parcel of land to be conveyed under subsection (a) is more particularly described as follows: Commencing at the point of intersection of the west line of Pioneer Street with the westerly extension of the north line of Summit Street, in Meadows Addition to Lowell, as platted and recorded on page 56 of volume 4, Lane County Oregon Plat Records; thence north on the west line of Pioneer Street a distance of 176.0 feet to the true point of beginning of this description; thence north on the west line of Pioneer Street a distance of 170.0 feet; thence west at right angles to the west line of Pioneer Street a distance of 250.0 feet; thence south and parallel to the west line of Pioneer Street a distance of 170.0 feet; and thence east 250.0 feet to the true point of beginning of this description in sec. 14, T. 19 S., R. 1 W. of the Willamette Meridian, Lane County, Oregon.

(c) CONDITION.—The Secretary shall not complete the conveyance under subsection (a) until such time as the Forest Service—

(1) completes and certifies that necessary environmental remediation associated with the structures located on the property is complete; and

(2) transfers the structures to the Corps of Engineers.

(d) EFFECT OF OTHER LAW.—

(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(2) LIABILITY.—

(A) IN GENERAL.—Lowell School District No, 71 shall hold the United States harmless from any liability with respect to activities carried out on the property described in subsection (b) on or after the date of the conveyance under subsection (a).

(B) CERTAIN ACTIVITIES.—The United States shall be liable with respect to any activity carried out on the property described in subsection (b) before the date of conveyance under subsection (a).

SEC. 3088. UPPER WILLAMETTE RIVER WATERSHED ECOSYSTEM RESTORATION.

(a) IN GENERAL.—The Secretary shall conduct studies and ecosystem restoration projects for the upper Willamette River watershed from Albany, Oregon, to the headwaters of the Willamette River and tributaries.

(b) CONSULTATION.—The Secretary shall carry out ecosystem restoration projects under this section for the Upper Willamette River watershed in consultation with the Governor of the State of Oregon, the heads of appropriate Indian tribes, the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, the Bureau of Land Management, the Forest Service, and local entities.

(c) AUTHORIZED ACTIVITIES.—In carrying out ecosystem restoration projects under this section, the Secretary shall undertake activities necessary to protect, monitor, and restore fish and wildlife habitat.

(d) COST SHARING REQUIREMENTS.—

(1) STUDIES.—Studies conducted under this section shall be subject to cost sharing in accordance with section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(2) ECOSYSTEM RESTORATION PROJECTS.—

(A) IN GENERAL.—Non-Federal interests shall pay 35 percent of the cost of any ecosystem restoration project carried out under this section.

(B) ITEMS PROVIDED BY NON-FEDERAL INTERESTS.—

(i) IN GENERAL.—Non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for ecosystem restoration projects to be carried out under this section.

(ii) CREDIT TOWARD PAYMENT.—The value of the land, easements, rights-of-way, dredged material disposal areas, and relocations provided under paragraph (1) shall be credited toward the payment required under subsection (a).

(C) IN-KIND CONTRIBUTIONS.—100 percent of the non-Federal share required under subsection (a) may be satisfied by the provision of in-kind contributions.

(3) OPERATIONS AND MAINTENANCE.—Non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.

SEC. 3089. TIOGA TOWNSHIP, PENNSYLVANIA.

(a) IN GENERAL.—The Secretary shall convey to the Tioga Township, Pennsylvania, at fair market value, all right, title, and interest in and to the parcel of real property located on the northeast end of Tract No. 226, a portion of the Tioga-Hammond Lakes Floods Control Project, Tioga County, Pennsylvania, consisting of approximately 8 acres, together with any improvements on that property, in as-is condition, for public ownership and use as the site of the administrative offices and road maintenance complex for the Township.

(b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the real property described in subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(c) RESERVATION OF INTERESTS.—The Secretary shall reserve such rights and interests in and to the property to be conveyed as the Secretary considers necessary to preserve the operational integrity and security of the Tioga-Hammond Lakes Flood Control Project.

(d) REVERSION.—If the Secretary determines that the property conveyed under subsection (a) ceases to be held in public ownership, or to be used as a site for the Tioga Township administrative offices and road maintenance complex or for related public purposes, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

SEC. 3090. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

Section 567 of the Water Resources Development Act of 1996 (110 Stat. 3787) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) COOPERATION AGREEMENTS.—

''(1) IN GENERAL.—In conducting the study and implementing the strategy under this section, the Secretary shall enter into cost-sharing and project cooperation agreements with the Federal Government, State and local governments (with the consent of the State and local governments), land trusts, or nonprofit, nongovernmental organizations with expertise in wetland restoration.

''(2) FINANCIAL ASSISTANCE.—Under the cooperation agreement, the Secretary may provide assistance for implementation of wetland restoration projects and soil and water conservation measures.''; and

(2) by striking subsection (d) and inserting the following:

''(d) IMPLEMENTATION OF STRATEGY.—

''(1) IN GENERAL.—The Secretary shall carry out the development, demonstration, and implementation of the strategy under this section in cooperation with local landowners, local government officials, and land trusts.

''(2) GOALS OF PROJECTS.—Projects to implement the strategy under this subsection shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, nongovernmental organizations with expertise in wetland restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects.''.

SEC. 3091. NARRAGANSETT BAY, RHODE ISLAND.

The Secretary may use amounts in the Environmental Restoration Account, Formerly Used Defense Sites, under section 2703(a)(5) of title 10, United States Code, for the removal of abandoned marine camels at any Formerly Used Defense Site under the jurisdiction of the Department of Defense that is undergoing (or is scheduled to undergo) environmental remediation under chapter 160 of title 10, United States Code (and other provisions of law), in Narragansett Bay, Rhode Island, in accordance with the Corps of Engineers prioritization process under the Formerly Used Defense Sites program.

SEC. 3092. SOUTH CAROLINA DEPARTMENT OF COMMERCE DEVELOPMENT PROPOSAL AT RICHARD B. RUSSELL LAKE, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary shall convey to the State of South Carolina, by quitclaim deed, all right, title, and interest of the United States in and to the parcels of land described in subsection (b)(1) that are managed, as of the date of enactment of this Act, by the South Carolina Department of Commerce for public recreation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1420).

(b) LAND DESCRIPTION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the parcels of land referred to in subsection (a) are the parcels contained in the portion of land described in Army Lease Number DACW21–1–92–0500.

(2) RETENTION OF INTERESTS.—The United States shall retain—

(A) ownership of all land included in the lease referred to in paragraph (1) that would have been acquired for operational purposes in accordance with the 1971 implementation of the 1962 Army/Interior Joint Acquisition Policy; and

(B) such other land as is determined by the Secretary to be required for authorized project purposes, including easement rights-of-way to remaining Federal land.

(3) SURVEY.—The exact acreage and legal description of the land described in paragraph (1) shall be determined by a survey satisfactory to the Secretary, with the cost of the survey to be paid by the State.

(c) GENERAL PROVISIONS.—

(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to the conveyance under this section.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that the conveyance under this section be subject to such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(3) COSTS OF CONVEYANCE.—

(A) IN GENERAL.—The State shall be responsible for all costs, including real estate transaction and environmental compliance costs, associated with the conveyance under this section.

(B) FORM OF CONTRIBUTION.—As determined appropriate by the Secretary, in lieu of payment of compensation to the United States under subparagraph (A), the State may perform certain environmental or real estate actions associated with the conveyance under this section if those actions are performed in close coordination with, and to the satisfaction of, the United States.

(4) LIABILITY.—The State shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed under this section.

(d) ADDITIONAL TERMS AND CONDITIONS.—

(1) IN GENERAL.—The State shall pay fair market value consideration, as determined by the United States, for any land included in the conveyance under this section.

(2) NO EFFECT ON SHORE MANAGEMENT POLICY.—The Shoreline Management Policy (ER–1130–2–406) of the Corps of Engineers shall not be changed or altered for any proposed development of land conveyed under this section.

(3) FEDERAL STATUTES.—The conveyance under this section shall be subject to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (including public review under that Act) and other Federal statutes.

(4) COST SHARING.—In carrying out the conveyance under this section, the Secretary and the State shall comply with all obligations of any cost sharing agreement between the Secretary and the State in effect as of the date of the conveyance.

(5) LAND NOT CONVEYED.—The State shall continue to manage the land not conveyed under this section in accordance with the terms and conditions of Army Lease Number DACW21–1–92–0500.

SEC. 3093. MISSOURI RIVER RESTORATION, SOUTH DAKOTA.

(a) MEMBERSHIP.—Section 904(b)(1)(B) of the Water Resources Development Act of 2000 (114 Stat. 2708) is amended—

(1) in clause (vii), by striking ''and'' at the end;

(2) by redesignating clause (viii) as clause (ix); and

(3) by inserting after clause (vii) the following:

''(viii) rural water systems; and''.

(b) REAUTHORIZATION.—Section 907(a) of the Water Resources Development Act of 2000 (114 Stat. 2712) is amended in the first sentence by striking ''2005'' and inserting ''2010''.

SEC. 3094. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.

Section 514 of the Water Resources Development Act of 1999 (113 Stat. 343; 117 Stat. 142) is amended—

(1) by redesignating subsections (f) and (g) as subsections (h) and (i), respectively;

(2) in subsection (h) (as redesignated by paragraph (1)), by striking paragraph (1) and inserting the following:

''(1) NON-FEDERAL SHARE.—

''(A) IN GENERAL.—The non-Federal share of the cost of projects may be provided—

''(i) in cash;

''(ii) by the provision of land, easements, rights-of-way, relocations, or disposal areas;

''(iii) by in-kind services to implement the project; or

''(iv) by any combination of the foregoing.

''(B) PRIVATE OWNERSHIP.—Land needed for a project under this authority may remain in private ownership subject to easements that are—

''(i) satisfactory to the Secretary; and

''(ii) necessary to assure achievement of the project purposes.'';

(3) in subsection (i) (as redesignated by paragraph (1)), by striking ''for the period of fiscal years 2000 and 2001.'' and inserting ''per year, and that authority shall extend until Federal fiscal year 2015.''; and

(4) by inserting after subsection (e) the following:

''(f) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a regional or national nonprofit entity with the consent of the affected local government.

''(g) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be allotted under this section for a project at any single locality.''

SEC. 3095. ANDERSON CREEK, JACKSON AND MADISON COUNTIES, TENNESSEE.

(a) IN GENERAL.—The Secretary may carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at Anderson Creek, Jackson and Madison Counties, Tennessee, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

(b) RELATIONSHIP TO WEST TENNESSEE TRIBUTARIES PROJECT, TENNESSEE.—Consistent with the report of the Chief of Engineers dated March 24, 1948, on the West Tennessee Tributaries project—

(1) Anderson Creek shall not be considered to be an authorized channel of the West Tennessee Tributaries Project; and

(2) the Anderson Creek flood damage reduction project shall not be considered to be part of the West Tennessee Tributaries Project.

SEC. 3096. HARRIS FORK CREEK, TENNESSEE AND KENTUCKY.

Notwithstanding section 1001(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 579a), the project for flood control, Harris Fork Creek, Tennessee and Kentucky, authorized by section 102 of the Water Resources Development Act of 1976 (33 U.S.C. 701c note; 90 Stat. 2920) shall remain authorized to be carried out by the Secretary for a period of 7 years beginning on the date of enactment of this Act.

SEC. 3097. NONCONNAH WEIR, MEMPHIS, TENNESSEE.

The project for flood control, Nonconnah Creek, Tennessee and Mississippi, authorized by section 401 of the Water Resources Development Act of 1986 (100 Stat. 4124) and modified by the section 334 of the Water Resources Development Act of 2000 (114 Stat. 2611), is modified to authorize the Secretary—

(1) to reconstruct, at full Federal expense, the weir originally constructed in the vicinity of the mouth of Nonconnah Creek; and

(2) to make repairs and maintain the weir in the future so that the weir functions properly.

SEC. 3098. OLD HICKORY LOCK AND DAM, CUMBERLAND RIVER, TENNESSEE.

(a) RELEASE OF RETAINED RIGHTS, INTERESTS, RESERVATIONS.—With respect to land conveyed by the Secretary to the Tennessee Society of Crippled Children and Adults, Incorporated (commonly known as ''Easter Seals Tennessee'') at Old Hickory Lock and Dam, Cumberland River, Tennessee, under section 211 of the Flood Control Act of 1965 (79 Stat. 1087), the reversionary interests and the use restrictions relating to recreation and camping purposes are extinguished.

(b) INSTRUMENT OF RELEASE.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of interests required by subsection (a).

(c) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects any remaining right or interest of the Corps of Engineers with respect to an authorized purpose of any project.

SEC. 3099. SANDY CREEK, JACKSON COUNTY, TENNESSEE.

(a) IN GENERAL.—The Secretary may carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at Sandy Creek, Jackson County, Tennessee, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

(b) RELATIONSHIP TO WEST TENNESSEE TRIBUTARIES PROJECT, TENNESSEE.—Consistent with the report of the Chief of Engineers dated March 24, 1948, on the West Tennessee Tributaries project—

(1) Sandy Creek shall not be considered to be an authorized channel of the West Tennessee Tributaries Project; and

(2) the Sandy Creek flood damage reduction project shall not be considered to be part of the West Tennessee Tributaries Project.

SEC. 3100. CEDAR BAYOU, TEXAS.

Section 349(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2632) is amended by striking ''except that the project is authorized only for construction of a navigation channel 12 feet deep by 125 feet wide'' and inserting ''except that the project is authorized for construction of a navigation channel that is 10 feet deep by 100 feet wide''.

SEC. 3101. DENISON, TEXAS.

(a) IN GENERAL.—The Secretary may offer to convey at fair market value to the city of Denison, Texas (or a designee of the city), all right, title, and interest of the United States in and to the approximately 900 acres of land located in Grayson County, Texas, which is currently subject to an Application for Lease for Public Park and Recreational Purposes made by the city of Denison, dated August 17, 2005.

(b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and description of the real property referred to in subsection (a) shall be determined by a survey paid for by the city of Denison, Texas (or a designee of the city), that is satisfactory to the Secretary.

(c) CONVEYANCE.—On acceptance by the city of Denison, Texas (or a designee of the city), of an offer under subsection (a), the Secretary may immediately convey the land surveyed under subsection (b) by quitclaim deed to the city of Denison, Texas (or a designee of the city).

SEC. 3102. FREEPORT HARBOR, TEXAS.

(a) IN GENERAL.—The project for navigation, Freeport Harbor, Texas, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), is modified to provide that—

(1) all project costs incurred as a result of the discovery of the sunken vessel COMSTOCK of the Corps of Engineers are a Federal responsibility; and

(2) the Secretary shall not seek further obligation or responsibility for removal of the vessel COMSTOCK, or costs associated with a delay due to the discovery of the sunken vessel COMSTOCK, from the Port of Freeport.

(b) COST SHARING.—This section does not affect the authorized cost sharing for the balance of the project described in subsection (a).

SEC. 3103. HARRIS COUNTY, TEXAS.

Section 575(b) of the Water Resources Development Act of 1996 (110 Stat. 3789; 113 Stat. 311) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(3) by adding the following:

''(5) the project for flood control, Upper White Oak Bayou, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125).''.

SEC. 3104. CONNECTICUT RIVER RESTORATION, VERMONT.

Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), with respect to the study entitled ''Connecticut River Restoration Authority'', dated May 23, 2001, a nonprofit entity may act as the non-Federal interest for purposes of carrying out the activities described in the agreement executed between The Nature Conservancy and the Department of the Army on August 5, 2005.

SEC. 3105. DAM REMEDIATION, VERMONT.

Section 543 of the Water Resources Development Act of 2000 (114 Stat. 2673) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) may carry out measures to restore, protect, and preserve an ecosystem affected by a dam described in subsection (b).''; and

(2) in subsection (b), by adding at the end the following:

''(11) Camp Wapanacki, Hardwick.

''(12) Star Lake Dam, Mt. Holly.

''(13) Curtis Pond, Calais.

''(14) Weathersfield Reservoir, Springfield.

''(15) Burr Pond, Sudbury.

''(16) Maidstone Lake, Guildhall.

''(17) Upper and Lower Hurricane Dam.

''(18) Lake Fairlee.

''(19) West Charleston Dam.''.

SEC. 3106. LAKE CHAMPLAIN EURASIAN MILFOIL, WATER CHESTNUT, AND OTHER NONNATIVE PLANT CONTROL, VERMONT.

Under authority of section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall revise the existing General Design Memorandum to permit the use of chemical means of control, when appropriate, of Eurasian milfoil, water chestnuts, and other nonnative plants in the Lake Champlain basin, Vermont.

SEC. 3107. UPPER CONNECTICUT RIVER BASIN WETLAND RESTORATION, VERMONT AND NEW HAMPSHIRE.

(a) IN GENERAL.—The Secretary, in cooperation with the States of Vermont and New Hampshire, shall carry out a study and develop a strategy for the use of wetland restoration, soil and water conservation practices, and nonstructural measures to reduce flood damage, improve water quality, and create wildlife habitat in the Upper Connecticut River watershed.

(b) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of the study and development of the strategy under subsection (a) shall be 65 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of the study and development of the strategy may be provided through the contribution of in-kind services and materials.

(c) NON-FEDERAL INTEREST.—A nonprofit organization with wetland restoration experience may serve as the non-Federal interest for the study and development of the strategy under this section.

(d) COOPERATIVE AGREEMENTS.—In conducting the study and developing the strategy under this section, the Secretary may enter into 1 or more cooperative agreements to provide technical assistance to appropriate Federal, State, and local agencies and nonprofit organizations with wetland restoration experience, including assistance for the implementation of wetland restoration projects and soil and water conservation measures.

(e) IMPLEMENTATION.—The Secretary shall carry out development and implementation of the strategy under this section in cooperation with local landowners and local government officials.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000, to remain available until expended.

SEC. 3108. UPPER CONNECTICUT RIVER BASIN ECOSYSTEM RESTORATION, VERMONT AND NEW HAMPSHIRE.

(a) GENERAL MANAGEMENT PLAN DEVELOPMENT.—

(1) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture and in consultation with the States of Vermont and New Hampshire and the Connecticut River Joint Commission, shall conduct a study and develop a general management plan for ecosystem restoration of the Upper Connecticut River ecosystem for the purposes of—

(A) habitat protection and restoration;

(B) streambank stabilization;

(C) restoration of stream stability;

(D) water quality improvement;

(E) invasive species control;

(F) wetland restoration;

(G) fish passage; and

(H) natural flow restoration.

(2) EXISTING PLANS.—In developing the general management plan, the Secretary shall depend heavily on existing plans for the restoration of the Upper Connecticut River.

(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in any critical restoration project in the Upper Connecticut River Basin in accordance with the general management plan developed under subsection (a).

(2) ELIGIBLE PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the project—

(A) meets the purposes described in the general management plan developed under subsection (a); and

(B) with respect to the Upper Connecticut River and Upper Connecticut River watershed, consists of—

(i) bank stabilization of the main stem, tributaries, and streams;

(ii) wetland restoration and migratory bird habitat restoration;

(iii) soil and water conservation;

(iv) restoration of natural flows;

(v) restoration of stream stability;

(vi) implementation of an intergovernmental agreement for coordinating ecosystem restoration, fish passage installation, streambank stabilization, wetland restoration, habitat protection and restoration, or natural flow restoration;

(vii) water quality improvement;

(viii) invasive species control;

(ix) wetland restoration and migratory bird habitat restoration;

(x) improvements in fish migration; and

(xi) conduct of any other project or activity determined to be appropriate by the Secretary.

(c) COST SHARING.—The Federal share of the cost of any project carried out under this section shall not be less than 65 percent.

(d) NON-FEDERAL INTEREST.—A nonprofit organization may serve as the non-Federal interest for a project carried out under this section.

(e) CREDITING.—

(1) FOR WORK.—The Secretary shall provide credit, including credit for in-kind contributions of up to 100 percent of the non-Federal share, for work (including design work and materials) if the Secretary determines that the work performed by the non-Federal interest is integral to the product.

(2) FOR OTHER CONTRIBUTIONS.—The non-Federal interest shall receive credit for land, easements, rights-of-way, dredged material disposal areas, and relocations necessary to implement the projects.

(f) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into 1 or more cooperative agreements to provide financial assistance to appropriate Federal, State, or local governments or nonprofit agencies, including assistance for the implementation of projects to be carried out under subsection (b).

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

SEC. 3109. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.

Section 542 of the Water Resources Development Act of 2000 (114 Stat. 2671) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (D), by striking ''or'' at the end;

(B) by redesignating subparagraph (E) as subparagraph (G); and

(C) by inserting after subparagraph (D) the following:

''(E) river corridor assessment, protection, management, and restoration for the purposes of ecosystem restoration;

''(F) geographic mapping conducted by the Secretary using existing technical capacity to produce a high-resolution, multispectral satellite imagery-based land use and cover data set; or'';

(2) in subsection (e)(2)—

(A) in subparagraph (A)—

(i) by striking ''The non-Federal'' and inserting the following:

''(i) IN GENERAL.—The non-Federal''; and

(ii) by adding at the end the following:

''(ii) APPROVAL OF DISTRICT ENGINEER.—Approval of credit for design work of less than $100,000 shall be determined by the appropriate district engineer.''; and

(B) in subparagraph (C), by striking ''up to 50 percent of''; and

(3) in subsection (g), by striking ''$20,000,000'' and inserting ''$32,000,000''.

SEC. 3110. CHESAPEAKE BAY OYSTER RESTORATION, VIRGINIA AND MARYLAND.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) in paragraph (1)—

(A) in the second sentence, by striking ''$20,000,000'' and inserting ''$50,000,000''; and

(B) in the third sentence, by striking ''Such projects'' and inserting the following:

''(2) INCLUSIONS.—Such projects'';

(3) by striking paragraph (2)(D) (as redesignated by paragraph (2)(B)) and inserting the following:

''(D) the restoration and rehabilitation of habitat for fish, including native oysters, in the Chesapeake Bay and its tributaries in Virginia and Maryland, including—

''(i) the construction of oyster bars and reefs;

''(ii) the rehabilitation of existing marginal habitat;

''(iii) the use of appropriate alternative substrate material in oyster bar and reef construction;

''(iv) the construction and upgrading of oyster hatcheries; and

''(v) activities relating to increasing the output of native oyster broodstock for seeding and monitoring of restored sites to ensure ecological success.

''(3) RESTORATION AND REHABILITATION ACTIVITIES.—The restoration and rehabilitation activities described in paragraph (2)(D) shall be—

''(A) for the purpose of establishing permanent sanctuaries and harvest management areas; and

''(B) consistent with plans and strategies for guiding the restoration of the Chesapeake Bay oyster resource and fishery.''; and

(4) by adding at the end the following:

''(5) DEFINITION OF ECOLOGICAL SUCCESS.—In this subsection, the term 'ecological success' means—

''(A) achieving a tenfold increase in native oyster biomass by the year 2010, from a 1994 baseline; and

''(B) the establishment of a sustainable fishery as determined by a broad scientific and economic consensus.''.

SEC. 3111. TANGIER ISLAND SEAWALL, VIRGINIA.

Section 577(a) of the Water Resources Development Act of 1996 (110 Stat. 3789) is amended by striking ''at a total cost of $1,200,000, with an estimated Federal cost of $900,000 and an estimated non-Federal cost of $300,000.'' and inserting ''at a total cost of $3,000,000, with an estimated Federal cost of $2,400,000 and an estimated non-Federal cost of $600,000.''.

SEC. 3112. EROSION CONTROL, PUGET ISLAND, WAHKIAKUM COUNTY, WASHINGTON.

(a) IN GENERAL.—The Lower Columbia River levees and bank protection works authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 178) is modified with regard to the Wahkiakum County diking districts No. 1 and 3, but without regard to any cost ceiling authorized before the date of enactment of this Act, to direct the Secretary to provide a 1-time placement of dredged material along portions of the Columbia River shoreline of Puget Island, Washington, between river miles 38 to 47, and the shoreline of Westport Beach, Clatsop County, Oregon, between river miles 43 to 45, to protect economic and environmental resources in the area from further erosion.

(b) COORDINATION AND COST-SHARING REQUIREMENTS.—The Secretary shall carry out subsection (a)—

(1) in coordination with appropriate resource agencies;

(2) in accordance with all applicable Federal law (including regulations); and

(3) at full Federal expense.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000.

SEC. 3113. LOWER GRANITE POOL, WASHINGTON.

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to property covered by each deed described in subsection (b)—

(1) the reversionary interests and use restrictions relating to port or industrial purposes are extinguished;

(2) the human habitation or other building structure use restriction is extinguished in each area in which the elevation is above the standard project flood elevation; and

(3) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required for the use of fill material.

(b) DEEDS.—The deeds referred to in subsection (a) are as follows:

(1) Auditor's File Numbers 432576, 443411, 499988, and 579771 of Whitman County, Washington.

(2) Auditor's File Numbers 125806, 138801, 147888, 154511, 156928, and 176360 of Asotin County, Washington.

(c) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects any remaining rights and interests of the Corps of Engineers for authorized project purposes in or to property covered by a deed described in subsection (b).

SEC. 3114. MCNARY LOCK AND DAM, MCNARY NATIONAL WILDLIFE REFUGE, WASHINGTON AND IDAHO.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the land acquired for the McNary Lock and Dam Project and managed by the United States Fish and Wildlife Service under Cooperative Agreement Number DACW68–4–00–13 with the Corps of Engineers, Walla Walla District, is transferred from the Secretary to the Secretary of the Interior.

(b) EASEMENTS.—The transfer of administrative jurisdiction under subsection (a) shall be subject to easements in existence as of the date of enactment of this Act on land subject to the transfer.

(c) RIGHTS OF SECRETARY.—

(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall retain rights described in paragraph (2) with respect to the land for which administrative jurisdiction is transferred under subsection (a).

(2) RIGHTS.—The rights of the Secretary referred to in paragraph (1) are the rights—

(A) to flood land described in subsection (a) to the standard project flood elevation;

(B) to manipulate the level of the McNary Project Pool;

(C) to access such land described in subsection (a) as may be required to install, maintain, and inspect sediment ranges and carry out similar activities;

(D) to construct and develop wetland, riparian habitat, or other environmental restoration features authorized by section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330);

(E) to dredge and deposit fill materials; and

(F) to carry out management actions for the purpose of reducing the take of juvenile salmonids by avian colonies that inhabit, before, on, or after the date of enactment of this Act, any island included in the land described in subsection (a).

(3) COORDINATION.—Before exercising a right described in any of subparagraphs (C) through (F) of paragraph (2), the Secretary shall coordinate the exercise with the United States Fish and Wildlife Service.

(d) MANAGEMENT.—

(1) IN GENERAL.—The land described in subsection (a) shall be managed by the Secretary of the Interior as part of the McNary National Wildlife Refuge.

(2) CUMMINS PROPERTY.—

(A) RETENTION OF CREDITS.—Habitat unit credits described in the memorandum entitled ''Design Memorandum No. 6, LOWER SNAKE RIVER FISH AND WILDLIFE COMPENSATION PLAN, Wildlife Compensation and Fishing Access Site Selection, Letter Supplement No. 15, SITE DEVELOPMENT PLAN FOR THE WALLULA HMU'' provided for the Lower Snake River Fish and Wildlife Compensation Plan through development of the parcel of land formerly known as the ''Cummins property'' shall be retained by the Secretary despite any changes in management of the parcel on or after the date of enactment of this Act.

(B) SITE DEVELOPMENT PLAN.—The United States Fish and Wildlife Service shall obtain prior approval of the Washington State Department of Fish and Wildlife for any change to the previously approved site development plan for the parcel of land formerly known as the ''Cummins property''.

(3) MADAME DORIAN RECREATION AREA.—The United States Fish and Wildlife Service shall continue operation of the Madame Dorian Recreation Area for public use and boater access.

(e) ADMINISTRATIVE COSTS.—The United States Fish and Wildlife Service shall be responsible for all survey, environmental compliance, and other administrative costs required to implement the transfer of administrative jurisdiction under subsection (a).

SEC. 3115. SNAKE RIVER PROJECT, WASHINGTON AND IDAHO.

The Fish and Wildlife Compensation Plan for the Lower Snake River, Washington and Idaho, as authorized by section 101 of the Water Resources Development Act of 1976 (90 Stat. 2921), is amended to authorize the Secretary to conduct studies and implement aquatic and riparian ecosystem restorations and improvements specifically for fisheries and wildlife.

SEC. 3116. WHATCOM CREEK WATERWAY, BELLINGHAM, WASHINGTON.

That portion of the project for navigation, Whatcom Creek Waterway, Bellingham, Washington, authorized by the Act of June 25, 1910 (36 Stat. 664, chapter 382) (commonly known as the ''River and Harbor Act of 1910'') and the River and Harbor Act of 1958 (72 Stat. 299), consisting of the last 2,900 linear feet of the inner portion of the waterway, and beginning at station 29+00 to station 0+00, shall not be authorized as of the date of enactment of this Act.

SEC. 3117. LOWER MUD RIVER, MILTON, WEST VIRGINIA.

The project for flood control at Milton, West Virginia, authorized by section 580 of the Water Resources Development Act of 1996 (110 Stat. 3790), as modified by section 340 of the Water Resources Development Act of 2000 (114 Stat. 2612), is modified to authorize the Secretary to construct the project substantially in accordance with the draft report of the Corps of Engineers dated May 2004, at an estimated total cost of $45,500,000, with an estimated Federal cost of $34,125,000 and an estimated non-Federal cost of $11,375,000.

SEC. 3118. MCDOWELL COUNTY, WEST VIRGINIA.

(a) IN GENERAL.—The McDowell County nonstructural component of the project for flood control, Levisa and Tug Fork of the Big Sandy and Cumberland Rivers, West Virginia, Virginia, and Kentucky, authorized by section 202(a) of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339), is modified to direct the Secretary to take measures to provide protection, throughout McDowell County, West Virginia, from the reoccurrence of the greater of—

(1) the April 1977 flood;

(2) the July 2001 flood;

(3) the May 2002 flood; or

(4) the 100-year frequency event.

(b) UPDATES AND REVISIONS.—The measures under subsection (a) shall be carried out in accordance with, and during the development of, the updates and revisions under section 2006(e)(2).

SEC. 3119. GREEN BAY HARBOR PROJECT, GREEN BAY, WISCONSIN.

The portion of the inner harbor of the Federal navigation channel of the Green Bay Harbor project, authorized by the first section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved July 5, 1884 (commonly known as the ''River and Harbor Act of 1884'') (23 Stat. 136, chapter 229), from Station 190+00 to Station 378+00 is authorized to a width of 75 feet and a depth of 6 feet.

SEC. 3120. UNDERWOOD CREEK DIVERSION FACILITY PROJECT, MILWAUKEE COUNTY, WISCONSIN.

Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332) is amended—

(1) in paragraph (22), by striking ''and'' at the end;

(2) in paragraph (23), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(24) Underwood Creek Diversion Facility Project (County Grounds), Milwaukee County, Wisconsin.''.

SEC. 3121. OCONTO HARBOR, WISCONSIN.

(a) IN GENERAL.—The portion of the project for navigation, Oconto Harbor, Wisconsin, authorized by the Act of August 2, 1882 (22 Stat. 196, chapter 375), and the Act of June 25, 1910 (36 Stat. 664, chapter 382) (commonly known as the ''River and Harbor Act of 1910''), consisting of a 15-foot-deep turning basin in the Oconto River, as described in subsection (b), is no longer authorized.

(b) PROJECT DESCRIPTION.—The project referred to in subsection (a) is more particularly described as—

(1) beginning at a point along the western limit of the existing project, N. 394,086.71, E. 2,530,202.71;

(2) thence northeasterly about 619.93 feet to a point N. 394,459.10, E. 2,530,698.33;

(3) thence southeasterly about 186.06 feet to a point N. 394,299.20, E. 2,530,793.47;

(4) thence southwesterly about 355.07 feet to a point N. 393,967.13, E. 2,530,667.76;

(5) thence southwesterly about 304.10 feet to a point N. 393,826.90, E. 2,530,397.92; and

(6) thence northwesterly about 324.97 feet to the point of origin.

SEC. 3122. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.

Section 21 of the Water Resources Development Act of 1988 (102 Stat. 4027) is amended—

(1) in subsection (a)—

(A) by striking ''1276.42'' and inserting ''1278.42'';

(B) by striking ''1218.31'' and inserting ''1221.31''; and

(C) by striking ''1234.82'' and inserting ''1235.30''; and

(2) by striking subsection (b) and inserting the following:

''(b) EXCEPTION.—

''(1) IN GENERAL.—The Secretary may operate the headwaters reservoirs below the minimum or above the maximum water levels established under subsection (a) in accordance with water control regulation manuals (or revisions to those manuals) developed by the Secretary, after consultation with the Governor of Minnesota and affected tribal governments, landowners, and commercial and recreational users.

''(2) EFFECTIVE DATE OF MANUALS.—The water control regulation manuals referred to in paragraph (1) (and any revisions to those manuals) shall be effective as of the date on which the Secretary submits the manuals (or revisions) to Congress.

''(3) NOTIFICATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not less than 14 days before operating any headwaters reservoir below the minimum or above the maximum water level limits specified in subsection (a), the Secretary shall submit to Congress a notice of intent to operate the headwaters reservoir.

''(B) EXCEPTION.—Notice under subparagraph (A) shall not be required in any case in which—

''(i) the operation of a headwaters reservoir is necessary to prevent the loss of life or to ensure the safety of a dam; or

''(ii) the drawdown of the water level of the reservoir is in anticipation of a flood control operation.''.

SEC. 3123. LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE.

Section 103(c)(2) of the Water Resources Development Act of 1992 (106 Stat. 4811) is amended by striking ''property currently held by the Resolution Trust Corporation in the vicinity of the Mississippi River Bridge'' and inserting ''riverfront property''.

SEC. 3124. PILOT PROGRAM, MIDDLE MISSISSIPPI RIVER.

(a) IN GENERAL.—In accordance with the project for navigation, Mississippi River between

the Ohio and Missouri Rivers (Regulating Works), Missouri and Illinois, authorized by the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly known as the ''River and Harbor Act of 1910''), the Act of January 1, 1927 (44 Stat. 1010, chapter 47) (commonly known as the ''River and Harbor Act of 1927''), and the Act of July 3, 1930 (46 Stat. 918), the Secretary shall carry out over at least a 10-year period a pilot program to restore and protect fish and wildlife habitat in the middle Mississippi River.

(b) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—As part of the pilot program carried out under subsection (a), the Secretary shall conduct any activities that are necessary to improve navigation through the project referred to in subsection (a) while restoring and protecting fish and wildlife habitat in the middle Mississippi River system.

(2) INCLUSIONS.—Activities authorized under paragraph (1) shall include—

(A) the modification of navigation training structures;

(B) the modification and creation of side channels;

(C) the modification and creation of islands;

(D) any studies and analysis necessary to develop adaptive management principles; and

(E) the acquisition from willing sellers of any land associated with a riparian corridor needed to carry out the goals of the pilot program.

(c) COST-SHARING REQUIREMENT.—The cost-sharing requirement required under the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly known as the ''River and Harbor Act of 1910''), the Act of January 1, 1927 (44 Stat. 1010, chapter 47) (commonly known as the ''River and Harbor Act of 1927''), and the Act of July 3, 1930 (46 Stat. 918), for the project referred to in subsection (a) shall apply to any activities carried out under this section.

SEC. 3125. UPPER MISSISSIPPI RIVER SYSTEM ENVIRONMENTAL MANAGEMENT PROGRAM.

(a) IN GENERAL.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any Upper Mississippi River fish and wildlife habitat rehabilitation and enhancement project carried out under section 1103(e) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)), with the consent of the affected local government, a nongovernmental organization may be considered to be a non-Federal interest.

(b) CONFORMING AMENDMENT.—Section 1103(e)(1)(A)(ii) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(1)(A)(ii)) is amended by inserting before the period at the end the following: '', including research on water quality issues affecting the Mississippi River, including elevated nutrient levels, and the development of remediation strategies''.

SEC. 3126. UPPER BASIN OF MISSOURI RIVER.

(a) USE OF FUNDS.—Notwithstanding the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247), funds made available for recovery or mitigation activities in the lower basin of the Missouri River may be used for recovery or mitigation activities in the upper basin of the Missouri River, including the States of Montana, Nebraska, North Dakota, and South Dakota.

(b) CONFORMING AMENDMENT.—The matter under the heading ''MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA'' of section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143), as modified by section 334 of the Water Resources Development Act of 1999 (113 Stat. 306), is amended by adding at the end the following: ''The Secretary may carry out any recovery or mitigation activities in the upper basin of the Missouri River, including the States of Montana, Nebraska, North Dakota, and South Dakota, using funds made available under this heading in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and consistent with the project purposes of the Missouri River Mainstem System as authorized by section 10 of the Act of December 22, 1944 (commonly known as the 'Flood Control Act of 1944') (58 Stat. 897).''.

SEC. 3127. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION PROGRAM.

(a) GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.—Section 506(c) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22(c)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

''(2) RECONNAISSANCE STUDIES.—Before planning, designing, or constructing a project under paragraph (3), the Secretary shall carry out a reconnaissance study—

''(A) to identify methods of restoring the fishery, ecosystem, and beneficial uses of the Great Lakes; and

''(B) to determine whether planning of a project under paragraph (3) should proceed.''; and

(3) in paragraph (4)(A) (as redesignated by paragraph (1)), by striking ''paragraph (2)'' and inserting ''paragraph (3)''.

(b) COST SHARING.—Section 506(f) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22(f)) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

(2) by inserting after paragraph (1) the following:

''(2) RECONNAISSANCE STUDIES.—Any reconnaissance study under subsection (c)(2) shall be carried out at full Federal expense.'';

(3) in paragraph (3) (as redesignated by paragraph (1)), by striking ''(2) or (3)'' and inserting ''(3) or (4)''; and

(4) in paragraph (4)(A) (as redesignated by paragraph (1)), by striking ''subsection (c)(2)'' and inserting ''subsection (c)(3)''.

SEC. 3128. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401(c) of the Water Resources Development Act of 1990 (104 Stat. 4644; 33 U.S.C. 1268 note) is amended by striking ''through 2006'' and inserting ''through 2011''.

SEC. 3129. GREAT LAKES TRIBUTARY MODELS.

Section 516(g)(2) of the Water Resources Development Act of 1996 (33 U.S.C. 2326b(g)(2)) is amended by striking ''through 2006'' and inserting ''through 2011''.

SEC. 3130. UPPER OHIO RIVER AND TRIBUTARIES NAVIGATION SYSTEM NEW TECHNOLOGY PILOT PROGRAM.

(a) DEFINITION OF UPPER OHIO RIVER AND TRIBUTARIES NAVIGATION SYSTEM.—In this section, the term ''Upper Ohio River and Tributaries Navigation System'' means the Allegheny, Kanawha, Monongahela, and Ohio Rivers.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a pilot program to evaluate new technologies applicable to the Upper Ohio River and Tributaries Navigation System.

(2) INCLUSIONS.—The program may include the design, construction, or implementation of innovative technologies and solutions for the Upper Ohio River and Tributaries Navigation System, including projects for—

(A) improved navigation;

(B) environmental stewardship;

(C) increased navigation reliability; and

(D) reduced navigation costs.

(3) PURPOSES.—The purposes of the program shall be, with respect to the Upper Ohio River and Tributaries Navigation System—

(A) to increase the reliability and availability of federally-owned and federally-operated navigation facilities;

(B) to decrease system operational risks; and

(C) to improve—

(i) vessel traffic management;

(ii) access; and

(iii) Federal asset management.

(c) FEDERAL OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is federally owned.

(d) LOCAL COOPERATION AGREEMENTS.—

(1) IN GENERAL.—The Secretary shall enter into local cooperation agreements with non-Federal interests to provide for the design, construction, installation, and operation of the projects to be carried out under the program.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall include the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a navigation improvement project, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project.

(3) COST SHARING.—Total project costs under each local cooperation agreement shall be cost-shared in accordance with the formula relating to the applicable original construction project.

(4) EXPENDITURES.—

(A) IN GENERAL.—Expenditures under the program may include, for establishment at federally-owned property, such as locks, dams, and bridges—

(i) transmitters;

(ii) responders;

(iii) hardware;

(iv) software; and

(v) wireless networks.

(B) EXCLUSIONS.—Transmitters, responders, hardware, software, and wireless networks or other equipment installed on privately-owned vessels or equipment shall not be eligible under the program.

(e) REPORT.—Not later than December 31, 2007, the Secretary shall submit to Congress a report on the results of the pilot program carried out under this section, together with recommendations concerning whether the program or any component of the program should be implemented on a national basis.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,100,000, to remain available until expended.

TITLE IV—STUDIES

SEC. 4001. EURASIAN MILFOIL.

Under the authority of section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall carry out a study, at full Federal expense, to develop national protocols for the use of the Euhrychiopsis lecontei weevil for biological control of Eurasian milfoil in the lakes of Vermont and other northern tier States.

SEC. 4002. NATIONAL PORT STUDY.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, shall conduct a study of the ability of coastal or deep-water port infrastructure to meet current and projected national economic needs.

(b) COMPONENTS.—In conducting the study, the Secretary shall—

(1) consider—

(A) the availability of alternate transportation destinations and modes;

(B) the impact of larger cargo vessels on existing port capacity; and

(C) practicable, cost-effective congestion management alternatives; and

(2) give particular consideration to the benefits and proximity of proposed and existing port, harbor, waterway, and other transportation infrastructure.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the results of the study.

SEC. 4003. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION CHANNEL.

(a) IN GENERAL.—To determine with improved accuracy the environmental impacts of the project on the McClellan-Kerr Arkansas River Navigation Channel (referred to in this section as the ''MKARN''), the Secretary shall carry out the measures described in subsection (b) in a timely manner.

(b) SPECIES STUDY.—

(1) IN GENERAL.—The Secretary, in conjunction with Oklahoma State University, shall convene a panel of experts with acknowledged expertise in wildlife biology and genetics to review the available scientific information regarding the genetic variation of various sturgeon species and possible hybrids of those species that, as determined by the United States Fish and Wildlife Service, may exist in any portion of the MKARN.

(2) REPORT.—The Secretary shall direct the panel to report to the Secretary, not later than 1 year after the date of enactment of this Act and in the best scientific judgment of the panel—

(A) the level of genetic variation between populations of sturgeon sufficient to determine or establish that a population is a measurably distinct species, subspecies, or population segment; and

(B) whether any pallid sturgeons that may be found in the MKARN (including any tributary of the MKARN) would qualify as such a distinct species, subspecies, or population segment.

SEC. 4004. LOS ANGELES RIVER REVITALIZATION STUDY, CALIFORNIA.

(a) IN GENERAL.—The Secretary, in coordination with the city of Los Angeles, shall—

(1) prepare a feasibility study for environmental ecosystem restoration, flood control, recreation, and other aspects of Los Angeles River revitalization that is consistent with the goals of the Los Angeles River Revitalization Master Plan published by the city of Los Angeles; and

(2) consider any locally-preferred project alternatives developed through a full and open evaluation process for inclusion in the study.

(b) USE OF EXISTING INFORMATION AND MEASURES.—In preparing the study under subsection (a), the Secretary shall use, to the maximum extent practicable—

(1) information obtained from the Los Angeles River Revitalization Master Plan; and

(2) the development process of that plan.

(c) DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—The Secretary is authorized to construct demonstration projects in order to provide information to develop the study under subsection (a)(1).

(2) FEDERAL SHARE.—The Federal share of the cost of any project under this subsection shall be not more than 65 percent.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $12,000,000.

SEC. 4005. NICHOLAS CANYON, LOS ANGELES, CALIFORNIA.

The Secretary shall carry out a study for bank stabilization and shore protection for Nicholas Canyon, Los Angeles, California, under section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).

SEC. 4006. OCEANSIDE, CALIFORNIA, SHORELINE SPECIAL STUDY.

Section 414 of the Water Resources Development Act of 2000 (114 Stat. 2636) is amended by striking ''32 months'' and inserting ''44 months''.

SEC. 4007. COMPREHENSIVE FLOOD PROTECTION PROJECT, ST. HELENA, CALIFORNIA.

(a) FLOOD PROTECTION PROJECT.—

(1) REVIEW.—The Secretary shall review the project for flood control and environmental restoration at St. Helena, California, generally in accordance with Enhanced Minimum Plan A, as described in the final environmental impact report prepared by the city of St. Helena, California, and certified by the city to be in compliance with the California Environmental Quality Act on February 24, 2004.

(2) ACTION ON DETERMINATION.—If the Secretary determines under paragraph (1) that the project is economically justified, technically sound, and environmentally acceptable, the Secretary is authorized to carry out the project at a total cost of $30,000,000, with an estimated Federal cost of $19,500,000 and an estimated non-Federal cost of $10,500,000.

(b) COST SHARING.—Cost sharing for the project described in subsection (a) shall be in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

SEC. 4008. SAN FRANCISCO BAY, SACRAMENTO-SAN JOAQUIN DELTA, SHERMAN ISLAND, CALIFORNIA.

The Secretary shall carry out a study of the feasibility of a project to use Sherman Island, California, as a dredged material rehandling facility for the beneficial use of dredged material to enhance the environment and meet other water resource needs on the Sacramento-San Joaquin Delta, California, under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

SEC. 4009. SOUTH SAN FRANCISCO BAY SHORELINE STUDY, CALIFORNIA.

(a) IN GENERAL.—The Secretary, in cooperation with non-Federal interests, shall conduct a study of the feasibility of carrying out a project for—

(1) flood protection of South San Francisco Bay shoreline;

(2) restoration of the South San Francisco Bay salt ponds (including on land owned by other Federal agencies); and

(3) other related purposes, as the Secretary determines to be appropriate.

(b) INDEPENDENT REVIEW.—To the extent required by applicable Federal law, a national science panel shall conduct an independent review of the study under subsection (a).

(c) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subsection (a).

(2) INCLUSIONS.—The report under paragraph (1) shall include recommendations of the Secretary with respect to the project described in subsection (a) based on planning, design, and land acquisition documents prepared by—

(A) the California State Coastal Conservancy;

(B) the Santa Clara Valley Water District; and

(C) other local interests.

SEC. 4010. SAN PABLO BAY WATERSHED RESTORATION, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall complete work as expeditiously as practicable on the San Pablo watershed, California, study authorized by section 209 of the Flood Control Act of 1962 (76 Stat. 1196) to determine the feasibility of opportunities for restoring, preserving, and protecting the San Pablo Bay Watershed.

(b) REPORT.—Not later than March 31, 2008, the Secretary shall submit to Congress a report that describes the results of the study.

SEC. 4011. FOUNTAIN CREEK, NORTH OF PUEBLO, COLORADO.

Subject to the availability of appropriations, the Secretary shall expedite the completion of the Fountain Creek, North of Pueblo, Colorado, watershed study authorized by a resolution adopted by the House of Representatives on September 23, 1976.

SEC. 4012. SELENIUM STUDY, COLORADO.

(a) IN GENERAL.—The Secretary, in consultation with State water quality and resource and conservation agencies, shall conduct regional and watershed-wide studies to address selenium concentrations in the State of Colorado, including studies—

(1) to measure selenium on specific sites; and

(2) to determine whether specific selenium measures studied should be recommended for use in demonstration projects.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

SEC. 4013. PROMONTORY POINT THIRD-PARTY REVIEW, CHICAGO SHORELINE, CHICAGO, ILLINOIS.

(a) REVIEW.—

(1) IN GENERAL.—The Secretary is authorized to conduct a third-party review of the Promontory Point project along the Chicago Shoreline, Chicago, Illinois, at a cost not to exceed $450,000.

(2) JOINT REVIEW.—The Buffalo and Seattle Districts of the Corps of Engineers shall jointly conduct the review under paragraph (1).

(3) STANDARDS.—The review shall be based on the standards under part 68 of title 36, Code of Federal Regulations (or successor regulation), for implementation by the non-Federal sponsor for the Chicago Shoreline Chicago, Illinois, project.

(b) CONTRIBUTIONS.—The Secretary shall accept from a State or political subdivision of a State voluntarily contributed funds to initiate the third-party review.

(c) TREATMENT.—While the third-party review is of the Promontory Point portion of the Chicago Shoreline, Chicago, Illinois, project, the third-party review shall be separate and distinct from the Chicago Shoreline, Chicago, Illinois, project.

(d) EFFECT OF SECTION.—Nothing in this section affects the authorization for the Chicago Shoreline, Chicago, Illinois, project.

SEC. 4014. VIDALIA PORT, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation improvement at Vidalia, Louisiana.

SEC. 4015. LAKE ERIE AT LUNA PIER, MICHIGAN.

The Secretary shall study the feasibility of storm damage reduction and beach erosion protection and other related purposes along Lake Erie at Luna Pier, Michigan.

SEC. 4016. MIDDLE BASS ISLAND STATE PARK, MIDDLE BASS ISLAND, OHIO.

The Secretary shall carry out a study of the feasibility of a project for navigation improvements, shoreline protection, and other related purposes, including the rehabilitation the harbor basin (including entrance breakwaters), interior shoreline protection, dredging, and the development of a public launch ramp facility, for Middle Bass Island State Park, Middle Bass Island, Ohio.

SEC. 4017. JASPER COUNTY PORT FACILITY STUDY, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary may determine the feasibility of providing improvements to the Savannah River for navigation and related purposes that may be necessary to support the location of container cargo and other port facilities to be located in Jasper County, South Carolina, near the vicinity of mile 6 of the Savannah Harbor Entrance Channel.

(b) CONSIDERATION.—In making a determination under subsection (a), the Secretary shall take into consideration—

(1) landside infrastructure;

(2) the provision of any additional dredged material disposal area for maintenance of the ongoing Savannah Harbor Navigation project; and

(3) the results of a consultation with the Governor of the State of Georgia and the Governor of the State of South Carolina.

SEC. 4018. JOHNSON CREEK, ARLINGTON, TEXAS.

The Secretary shall conduct a feasibility study to determine the technical soundness, economic feasibility, and environmental acceptability of the plan prepared by the city of Arlington, Texas, as generally described in the report entitled ''Johnson Creek: A Vision of Conservation, Arlington, Texas'', dated March 2006.

SEC. 4019. LAKE CHAMPLAIN CANAL STUDY, VERMONT AND NEW YORK.

(a) DISPERSAL BARRIER PROJECT.—The Secretary shall determine, at full Federal expense, the feasibility of a dispersal barrier project at the Lake Champlain Canal.

(b) CONSTRUCTION, MAINTENANCE, AND OPERATION.—If the Secretary determines that the project described in subsection (a) is feasible, the Secretary shall construct, maintain, and operate a dispersal barrier at the Lake Champlain Canal at full Federal expense.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 5001. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148; 110 Stat. 3758; 113 Stat. 295) is amended—

(1) in paragraph (18), by striking ''and'' at the end;

(2) in paragraph (19), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(20) Kinkaid Lake, Jackson County, Illinois, removal of silt and aquatic growth and measures to address excessive sedimentation;

''(21) Lake Sakakawea, North Dakota, removal of silt and aquatic growth and measures to address excessive sedimentation;

''(22) Lake Morley, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation;

''(23) Lake Fairlee, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation; and

''(24) Lake Rodgers, Creedmoor, North Carolina, removal of silt and excessive nutrients and restoration of structural integrity.''.

SEC. 5002. ESTUARY RESTORATION.

(a) PURPOSES.—Section 102 of the Estuary Restoration Act of 2000 (33 U.S.C. 2901) is amended—

(1) in paragraph (1), by inserting before the semicolon the following: ''by implementing a coordinated Federal approach to estuary habitat restoration activities, including the use of common monitoring standards and a common system for tracking restoration acreage'';

(2) in paragraph (2), by inserting ''and implement'' after ''to develop''; and

(3) in paragraph (3), by inserting ''through cooperative agreements'' after ''restoration projects''.

(b) DEFINITION OF ESTUARY HABITAT RESTORATION PLAN.—Section 103(6)(A) of the Estuary Restoration Act of 2000 (33 U.S.C. 2902(6)(A)) is amended by striking ''Federal or State'' and inserting ''Federal, State, or regional''.

(c) ESTUARY HABITAT RESTORATION PROGRAM.—Section 104 of the Estuary Restoration Act of 2000 (33 U.S.C. 2903) is amended—

(1) in subsection (a), by inserting ''through the award of contracts and cooperative agreements'' after ''assistance'';

(2) in subsection (c)—

(A) in paragraph (3)(A), by inserting ''or State'' after ''Federal''; and

(B) in paragraph (4)(B), by inserting ''or approach'' after ''technology'';

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''Except'' and inserting the following:

''(i) IN GENERAL.—Except''; and

(ii) by adding at the end the following:

''(ii) MONITORING.—

''(I) COSTS.—The costs of monitoring an estuary habitat restoration project funded under this title may be included in the total cost of the estuary habitat restoration project.

''(II) GOALS.—The goals of the monitoring are—

''(aa) to measure the effectiveness of the restoration project; and

''(bb) to allow adaptive management to ensure project success.'';

(B) in paragraph (2), by inserting ''or approach'' after ''technology''; and

(C) in paragraph (3), by inserting ''(including monitoring)'' after ''services'';

(4) in subsection (f)(1)(B), by inserting ''long-term'' before ''maintenance''; and

(5) in subsection (g)—

(A) by striking ''In carrying'' and inserting the following:

''(1) IN GENERAL.—In carrying''; and

(B) by adding at the end the following:

''(2) SMALL PROJECTS.—

''(A) DEFINITION.—Small projects carried out under this Act shall have a Federal share of less than $1,000,000.

''(B) DELEGATION OF PROJECT IMPLEMENTATION.—In carrying out this section, the Secretary, on recommendation of the Council, shall consider delegating implementation of the small project to—

''(i) the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service);

''(ii) the Under Secretary for Oceans and Atmosphere of the Department of Commerce;

''(iii) the Administrator of the Environmental Protection Agency; or

''(iv) the Secretary of Agriculture.

''(C) FUNDING.—Small projects delegated to another Federal department or agency may be funded from the responsible department or appropriations of the agency authorized by section 109(a)(1).

''(D) AGREEMENTS.—The Federal department or agency to which a small project is delegated shall enter into an agreement with the non-Federal interest generally in conformance with the criteria in subsections (d) and (e). Cooperative agreements may be used for any delegated project.''.

(d) ESTABLISHMENT OF ESTUARY HABITAT RESTORATION COUNCIL.—Section 105(b) of the Estuary Restoration Act of 2000 (33 U.S.C. 2904(b)) is amended—

(1) in paragraph (4), by striking ''and'' after the semicolon;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(6) cooperating in the implementation of the strategy developed under section 106;

''(7) recommending standards for monitoring for restoration projects and contribution of project information to the database developed under section 107; and

''(8) otherwise using the respective agency authorities of the Council members to carry out this title.''.

(e) MONITORING OF ESTUARY HABITAT RESTORATION PROJECTS.—Section 107(d) of the Estuary Restoration Act of 2000 (33 U.S.C. 2906(d)) is amended by striking ''compile'' and inserting ''have general data compilation, coordination, and analysis responsibilities to carry out this title and in support of the strategy developed under this section, including compilation of''.

(f) REPORTING.—Section 108(a) of the Estuary Restoration Act of 2000 (33 U.S.C. 2907(a)) is amended by striking ''third and fifth'' and inserting ''sixth, eighth, and tenth''.

(g) FUNDING.—Section 109(a) of the Estuary Restoration Act of 2000 (33 U.S.C. 2908(a)) is amended—

(1) in paragraph (1), by striking subparagraphs (A) through (D) and inserting the following:

''(A) to the Secretary, $25,000,000 for each of fiscal years 2006 through 2010;

''(B) to the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), $2,500,000 for each of fiscal years 2006 through 2010;

''(C) to the Under Secretary for Oceans and Atmosphere of the Department of Commerce, $2,500,000 for each of fiscal years 2006 through 2010;

''(D) to the Administrator of the Environmental Protection Agency, $2,500,000 for each of fiscal years 2006 through 2010; and

''(E) to the Secretary of Agriculture, $2,500,000 for each of fiscal years 2006 through 2010.''; and

(2) in the first sentence of paragraph (2)—

(A) by inserting ''and other information compiled under section 107'' after ''this title''; and

(B) by striking ''2005'' and inserting ''2010''.

(h) GENERAL PROVISIONS.—Section 110 of the Estuary Restoration Act of 2000 (33 U.S.C. 2909) is amended—

(1) in subsection (b)(1)—

(A) by inserting ''or contracts'' after ''agreements''; and

(B) by inserting '', nongovernmental organizations,'' after ''agencies''; and

(2) by striking subsections (d) and (e).

SEC. 5003. DELMARVA CONSERVATION CORRIDOR, DELAWARE AND MARYLAND.

(a) ASSISTANCE.—The Secretary may provide technical assistance to the Secretary of Agriculture for use in carrying out the Conservation Corridor Demonstration Program established under subtitle G of title II of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

(b) COORDINATION AND INTEGRATION.—In carrying out water resources projects in the States on the Delmarva Peninsula, the Secretary shall coordinate and integrate those projects, to the maximum extent practicable, with any activities carried out to implement a conservation corridor plan approved by the Secretary of Agriculture under section 2602 of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

SEC. 5004. SUSQUEHANNA, DELAWARE, AND POTOMAC RIVER BASINS, DELAWARE, MARYLAND, PENNSYLVANIA, AND VIRGINIA.

(a) EX OFFICIO MEMBER.—Notwithstanding section 3001(a) of the 1997 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (111 Stat. 176) and sections 2.2 of the Susquehanna River Basin Compact (Public Law 91–575) and the Delaware River Basin Compact (Public Law 87–328), beginning in fiscal year 2002, and each fiscal year thereafter, the Division Engineer, North Atlantic Division, Corps of Engineers—

(1) shall be the ex officio United States member under the Susquehanna River Basin Compact, the Delaware River Basin Compact, and the Potomac River Basin Compact;

(2) shall serve without additional compensation; and

(3) may designate an alternate member in accordance with the terms of those compacts.

(b) AUTHORIZATION TO ALLOCATE.—The Secretary shall allocate funds to the Susquehanna River Basin Commission, Delaware River Basin Commission, and the Interstate Commission on the Potomac River Basin (Potomac River Basin Compact (Public Law 91–407)) to fulfill the equitable funding requirements of the respective interstate compacts.

(c) WATER SUPPLY AND CONSERVATION STORAGE, DELAWARE RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Delaware River Basin Commission to provide temporary water supply and conservation storage at the Francis E. Walter Dam, Pennsylvania, for any period during which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

(d) WATER SUPPLY AND CONSERVATION STORAGE, SUSQUEHANNA RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Susquehanna River Basin Commission to provide temporary water supply and conservation storage at Federal facilities operated by the Corps of Engineers in the Susquehanna River Basin, during any period in which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

(e) WATER SUPPLY AND CONSERVATION STORAGE, POTOMAC RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Potomac River Basin Commission to provide temporary water supply and conservation storage at Federal facilities operated by the Corps of Engineers in the Potomac River Basin for any period during which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

SEC. 5005. ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND MARYLAND.

(a) COMPREHENSIVE ACTION PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary, in coordination with the Mayor of the District of Columbia, the Governor of Maryland, the county executives of Montgomery County and Prince George's County, Maryland, and other stakeholders, shall develop and make available to the public a 10-year comprehensive action plan to provide for the restoration and protection of the ecological integrity of the Anacostia River and its tributaries.

(b) PUBLIC AVAILABILITY.—On completion of the comprehensive action plan under subsection (a), the Secretary shall make the plan available to the public.

SEC. 5006. CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIERS PROJECT, ILLINOIS.

(a) TREATMENT AS SINGLE PROJECT.—The Chicago Sanitary and Ship Canal Dispersal Barrier Project (Barrier I) (as in existence on the date of enactment of this Act), constructed as a demonstration project under section 1202(i)(3) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)), and Barrier II, as authorized by section 345 of the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1352), shall be considered to constitute a single project.

(b) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary, acting through the Chief of Engineers, is authorized and directed, at full Federal expense—

(A) to upgrade and make permanent Barrier I;

(B) to construct Barrier II, notwithstanding the project cooperation agreement with the State of Illinois dated June 14, 2005;

(C) to operate and maintain Barrier I and Barrier II as a system to optimize effectiveness;

(D) to conduct, in consultation with appropriate Federal, State, local, and nongovernmental entities, a study of a full range of options and technologies for reducing impacts of hazards that may reduce the efficacy of the Barriers; and

(E) to provide to each State a credit in an amount equal to the amount of funds contributed by the State toward Barrier II.

(2) USE OF CREDIT.—A State may apply a credit received under paragraph (1)(E) to any cost sharing responsibility for an existing or future Federal project with the Corps of Engineers in the State.

(c) CONFORMING AMENDMENTS.—

(1) NONINDIGENOUS AQUATIC NUISANCE PREVENTION AND CONTROL.—Section 1202(i)(3)(C) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)(C)), is amended by striking '', to carry out this paragraph, $750,000'' and inserting ''such sums as are necessary to carry out the dispersal barrier demonstration project under this paragraph''.

(2) BARRIER II AUTHORIZATION.—Section 345 of the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1352), is amended to read as follows:

''SEC. 345. CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIER, ILLINOIS.

''There are authorized to be appropriated such sums as are necessary to carry out the Barrier II project of the project for the Chicago Sanitary and Ship Canal Dispersal Barrier, Illinois, initiated pursuant to section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2294 note; 100 Stat. 4251).''.

SEC. 5007. RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, COLORADO, NEW MEXICO, AND TEXAS.

(a) SHORT TITLE.—This section may be cited as the ''Rio Grande Environmental Management Act of 2006''.

(b) DEFINITIONS.—In this section:

(1) RIO GRANDE COMPACT.—The term ''Rio Grande Compact'' means the compact approved by Congress under the Act of May 31, 1939 (53 Stat. 785, chapter 155), and ratified by the States.

(2) RIO GRANDE BASIN.—The term ''Rio Grande Basin'' means the Rio Grande (including all tributaries and their headwaters) located—

(A) in the State of Colorado, from the Rio Grande Reservoir, near Creede, Colorado, to the New Mexico State border;

(B) in the State of New Mexico, from the Colorado State border downstream to the Texas State border; and

(C) in the State of Texas, from the New Mexico State border to the southern terminus of the Rio Grande at the Gulf of Mexico.

(3) STATES.—The term ''States'' means the States of Colorado, New Mexico, and Texas.

(c) PROGRAM AUTHORITY.—

(1) IN GENERAL.—The Secretary shall carry out, in the Rio Grande Basin—

(A) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement; and

(B) implementation of a long-term monitoring, computerized data inventory and analysis, applied research, and adaptive management program.

(2) REPORTS.—Not later than December 31, 2008, and not later than December 31 of every sixth year thereafter, the Secretary, in consultation with the Secretary of the Interior and the States, shall submit to Congress a report that—

(A) contains an evaluation of the programs described in paragraph (1);

(B) describes the accomplishments of each program;

(C) provides updates of a systemic habitat needs assessment; and

(D) identifies any needed adjustments in the authorization of the programs.

(d) STATE AND LOCAL CONSULTATION AND COOPERATIVE EFFORT.—For the purpose of ensuring the coordinated planning and implementation of the programs described in subsection (c), the Secretary shall—

(1) consult with the States and other appropriate entities in the States the rights and interests of which might be affected by specific program activities; and

(2) enter into an interagency agreement with the Secretary of the Interior to provide for the direct participation of, and transfer of funds to, the United States Fish and Wildlife Service and any other agency or bureau of the Department of the Interior for the planning, design, implementation, and evaluation of those programs.

(e) COST SHARING.—

(1) IN GENERAL.—The non-Federal share of the cost of a project carried out under subsection (c)(1)(A)—

(A) shall be 35 percent;

(B) may be provided through in-kind services or direct cash contributions; and

(C) shall include provision of necessary land, easements, relocations, and disposal sites.

(2) OPERATION AND MAINTENANCE.—The costs of operation and maintenance of a project located on Federal land, or land owned or operated by a State or local government, shall be borne by the Federal, State, or local agency that has jurisdiction over fish and wildlife activities on the land.

(f) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), with the consent of the affected local government, a nonprofit entity may be included as a non-Federal interest for any project carried out under subsection (c)(1)(A).

(g) EFFECT ON OTHER LAW.—

(1) WATER LAW.—Nothing in this section preempts any State water law.

(2) COMPACTS AND DECREES.—In carrying out this section, the Secretary shall comply with the Rio Grande Compact, and any applicable court decrees or Federal and State laws, affecting water or water rights in the Rio Grande Basin.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $25,000,000 for fiscal year 2006 and each subsequent fiscal year.

SEC. 5008. MISSOURI RIVER AND TRIBUTARIES, MITIGATION, RECOVERY AND RESTORATION, IOWA, KANSAS, MISSOURI, MONTANA, NEBRASKA, NORTH DAKOTA, SOUTH DAKOTA, AND WYOMING.

(a) STUDY.—The Secretary, in consultation with the Missouri River Recovery and Implementation Committee established by subsection (b)(1), shall conduct a study of the Missouri River and its tributaries to determine actions required—

(1) to mitigate losses of aquatic and terrestrial habitat;

(2) to recover federally listed species under the Endangered Species Act (16 U.S.C. 1531 et seq.); and

(3) to restore the ecosystem to prevent further declines among other native species.

(b) MISSOURI RIVER RECOVERY IMPLEMENTATION COMMITTEE.—

(1) ESTABLISHMENT.—Not later than June 31, 2006, the Secretary shall establish a committee to be known as the ''Missouri River Recovery Implementation Committee'' (referred to in this section as the ''Committee'').

(2) MEMBERSHIP.—The Committee shall include representatives from—

(A) Federal agencies;

(B) States located near the Missouri River Basin; and

(C) other appropriate entities, as determined by the Secretary, including—

(i) water management and fish and wildlife agencies;

(ii) Indian tribes located near the Missouri River Basin; and

(iii) nongovernmental stakeholders.

(3) DUTIES.—The Commission shall—

(A) with respect to the study under subsection (a), provide guidance to the Secretary and any other affected Federal agency, State agency, or Indian tribe;

(B) provide guidance to the Secretary with respect to the Missouri River recovery and mitigation program in existence on the date of enactment of this Act, including recommendations relating to—

(i) changes to the implementation strategy from the use of adaptive management; and

(ii) the coordination of the development of consistent policies, strategies, plans, programs, projects, activities, and priorities for the program;

(C) exchange information regarding programs, projects, and activities of the agencies and entities represented on the Committee to promote the goals of the Missouri River recovery and mitigation program;

(D) establish such working groups as the Committee determines to be necessary to assist in carrying out the duties of the Committee, including duties relating to public policy and scientific issues;

(E) facilitate the resolution of interagency and intergovernmental conflicts between entities represented on the Committee associated with the Missouri River recovery and mitigation program;

(F) coordinate scientific and other research associated with the Missouri River recovery and mitigation program; and

(G) annually prepare a work plan and associated budget requests.

(4) COMPENSATION; TRAVEL EXPENSES.—

(A) COMPENSATION.—Members of the Committee shall not receive compensation from the Secretary in carrying out the duties of the Committee under this section.

(B) TRAVEL EXPENSES.—Travel expenses incurred by a member of the Committee in carrying out the duties of the Committee under this section shall be paid by the agency, Indian tribe, or unit of government represented by the member.

(c) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

SEC. 5009. LOWER PLATTE RIVER WATERSHED RESTORATION, NEBRASKA.

(a) IN GENERAL.—The Secretary, acting through the Chief of Engineers, may cooperate with and provide assistance to the Lower Platte River natural resources districts in the State of Nebraska to serve as local sponsors with respect to—

(1) conducting comprehensive watershed planning in the natural resource districts;

(2) assessing water resources in the natural resource districts; and

(3) providing project feasibility planning, design, and construction assistance for water resource and watershed management in the natural resource districts, including projects for environmental restoration and flood damage reduction.

(b) FUNDING.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity described in subsection (a) shall be 65 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out an activity described in subsection (a)—

(A) shall be 35 percent; and

(B) may be provided in cash or in-kind.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $12,000,000.

SEC. 5010. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND TERRESTRIAL WILDLIFE HABITAT RESTORATION, SOUTH DAKOTA.

(a) DISBURSEMENT PROVISIONS OF THE STATE OF SOUTH DAKOTA AND THE CHEYENNE RIVER SIOUX TRIBE AND THE LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.—Section 602(a)(4) of the Water Resources Development Act of 1999 (113 Stat. 386) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by inserting ''and the Secretary of the Treasury'' after ''Secretary''; and

(B) by striking clause (ii) and inserting the following:

''(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the State of South Dakota funds from the State of South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund established under section 603, to be used to carry out the plan for terrestrial wildlife habitat restoration submitted by the State of South Dakota after the State certifies to the Secretary of the Treasury that the funds to be disbursed will be used in accordance with section 603(d)(3) and only after the Trust Fund is fully capitalized.''; and

(2) in subparagraph (B), by striking clause (ii) and inserting the following:

''(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe funds from the Cheyenne River Sioux Terrestrial Wildlife Habitat Restoration Trust Fund and the Lower Brule Sioux Terrestrial Wildlife Habitat Restoration Trust Fund, respectively, established under section 604, to be used to carry out the plans for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, respectively, after the respective tribe certifies to the Secretary of the Treasury that the funds to be disbursed will be used in accordance with section 604(d)(3) and only after the Trust Fund is fully capitalized.''.

(b) INVESTMENT PROVISIONS OF THE STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE RESTORATION TRUST FUND.—Section 603 of the Water Resources Development Act of 1999 (113 Stat. 388) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) INVESTMENTS.—

''(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Fund.

''(2) INVESTMENT REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary of the Treasury shall invest the Fund in accordance with all of the requirements of this paragraph.

''(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

''(i) PRINCIPAL ACCOUNT.—The amounts deposited in the Fund under subsection (b) shall be credited to an account within the Fund (referred to in this paragraph as the 'principal account') and invested as provided in subparagraph (C).

''(ii) INTEREST ACCOUNT.—The interest earned from investing amounts in the principal account of the Fund shall be transferred to a separate account within the Fund (referred to in this paragraph as the 'interest account') and invested as provided in subparagraph (D).

''(iii) CREDITING.—The interest earned from investing amounts in the interest account of the Fund shall be credited to the interest account.

''(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

''(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of the Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

''(ii) SUBSEQUENT INVESTMENT.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

''(iii) DISCONTINUANCE OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

''(D) INVESTMENT OF INTEREST ACCOUNT.—

''(i) BEFORE FULL CAPITALIZATION.—Until the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent practicable, with the date on which the Fund is expected to be fully capitalized.

''(ii) AFTER FULL CAPITALIZATION.—On and after the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

''(E) PAR PURCHASE PRICE.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

''(F) HIGHEST YIELD.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

''(G) HOLDING TO MATURITY.—Eligible obligations purchased shall generally be held to their maturities.

''(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the State of South Dakota the results of the investment activities and financial status of the Fund during the preceding 12-month period.

''(4) AUDITS.—

''(A) IN GENERAL.—The activities of the State of South Dakota (referred to in this subsection as the 'State') in carrying out the plan of the State for terrestrial wildlife habitat restoration under section 602(a) shall be audited as part of the annual audit that the State is required to prepare under the Office of Management and Budget Circular A-133 (or a successor circulation).

''(B) DETERMINATION BY AUDITORS.—An auditor that conducts an audit under subparagraph (A) shall—

''(i) determine whether funds received by the State under this section during the period covered by the audit were used to carry out the plan of the State in accordance with this section; and

''(ii) include the determination under clause (i) in the written findings of the audit.

''(5) MODIFICATION OF INVESTMENT REQUIREMENTS.—

''(A) IN GENERAL.—If the Secretary of the Treasury determines that meeting the requirements under paragraph (2) with respect to the investment of a Fund is not practicable, or would result in adverse consequences for the Fund, the Secretary shall modify the requirements, as the Secretary determines to be necessary.

''(B) CONSULTATION.—Before modifying a requirement under subparagraph (A), the Secretary of the Treasury shall consult with the State regarding the proposed modification.'';

(2) in subsection (d)(2), by inserting ''of the Treasury'' after Secretary''; and

(3) by striking subsection (f) and inserting the following:

''(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of the Treasury, to pay expenses associated with investing the Fund and auditing the uses of amounts withdrawn from the Fund—

''(1) up to $500,000 for each of fiscal years 2006 and 2007; and

''(2) such sums as are necessary for each subsequent fiscal year.''.

(c) INVESTMENT PROVISIONS FOR THE CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TRUST FUNDS.—Section 604 of the Water Resources Development Act of 1999 (113 Stat. 389) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) INVESTMENTS.—

''(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited

under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Funds.

''(2) INVESTMENT REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary of the Treasury shall invest each of the Funds in accordance with all of the requirements of this paragraph.

''(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

''(i) PRINCIPAL ACCOUNT.—The amounts deposited in each Fund under subsection (b) shall be credited to an account within the Fund (referred to in this paragraph as the 'principal account') and invested as provided in subparagraph (C).

''(ii) INTEREST ACCOUNT.—The interest earned from investing amounts in the principal account of each Fund shall be transferred to a separate account within the Fund (referred to in this paragraph as the 'interest account') and invested as provided in subparagraph (D).

''(iii) CREDITING.—The interest earned from investing amounts in the interest account of each Fund shall be credited to the interest account.

''(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

''(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of each Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

''(ii) SUBSEQUENT INVESTMENT.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

''(iii) DISCONTINUATION OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

''(D) INVESTMENT OF THE INTEREST ACCOUNT.—

''(i) BEFORE FULL CAPITALIZATION.—Until the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent practicable, with the date on which the Fund is expected to be fully capitalized.

''(ii) AFTER FULL CAPITALIZATION.—On and after the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

''(E) PAR PURCHASE PRICE.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

''(F) HIGHEST YIELD.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

''(G) HOLDING TO MATURITY.—Eligible obligations purchased shall generally be held to their maturities.

''(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe (referred to in this subsection as the 'Tribes') the results of the investment activities and financial status of the Funds during the preceding 12-month period.

''(4) AUDITS.—

''(A) IN GENERAL.—The activities of the Tribes in carrying out the plans of the Tribes for terrestrial wildlife habitat restoration under section 602(a) shall be audited as part of the annual audit that the Tribes are required to prepare under the Office of Management and Budget Circular A-133 (or a successor circulation).

''(B) DETERMINATION BY AUDITORS.—An auditor that conducts an audit under subparagraph (A) shall—

''(i) determine whether funds received by the Tribes under this section during the period covered by the audit were used to carry out the plan of the appropriate Tribe in accordance with this section; and

''(ii) include the determination under clause (i) in the written findings of the audit.

''(5) MODIFICATION OF INVESTMENT REQUIREMENTS.—

''(A) IN GENERAL.—If the Secretary of the Treasury determines that meeting the requirements under paragraph (2) with respect to the investment of a Fund is not practicable, or would result in adverse consequences for the Fund, the Secretary shall modify the requirements, as the Secretary determines to be necessary.

''(B) CONSULTATION.—Before modifying a requirement under subparagraph (A), the Secretary of the Treasury shall consult with the Tribes regarding the proposed modification.''; and

(2) by striking subsection (f) and inserting the following:

''(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of the Treasury to pay expenses associated with investing the Funds and auditing the uses of amounts withdrawn from the Funds—

''(1) up to $500,000 for each of fiscal years 2006 and 2007; and

''(2) such sums as are necessary for each subsequent fiscal year.''.

SEC. 5011. CONNECTICUT RIVER DAMS, VERMONT.

(a) IN GENERAL.—The Secretary shall evaluate, design, and construct structural modifications at full Federal cost to the Union Village Dam (Ompompanoosuc River), North Hartland Dam (Ottauquechee River), North Springfield Dam (Black River), Ball Mountain Dam (West River), and Townshend Dam (West River), Vermont, to regulate flow and temperature to mitigate downstream impacts on aquatic habitat and fisheries.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000.

TITLE VI—PROJECT DEAUTHORIZATIONS

SEC. 6001. LITTLE COVE CREEK, GLENCOE, ALABAMA.

The project for flood damage reduction, Little Cove Creek, Glencoe, Alabama, authorized by the Supplemental Appropriations Act, 1985 (99 Stat. 312), is not authorized.

SEC. 6002. GOLETA AND VICINITY, CALIFORNIA.

The project for flood control, Goleta and Vicinity, California, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1826), is not authorized.

SEC. 6003. BRIDGEPORT HARBOR, CONNECTICUT.

(a) IN GENERAL.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by the Act of July 3, 1930 (46 Stat. 919), consisting of an 18-foot channel in Yellow Mill River and described in subsection (b), is not authorized.

(b) DESCRIPTION OF PROJECT.—The project referred to in subsection (a) is described as beginning at a point along the eastern limit of the existing project, N. 123,649.75, E. 481,920.54, thence running northwesterly about 52.64 feet to a point N. 123,683.03, E. 481,879.75, thence running northeasterly about 1,442.21 feet to a point N. 125,030.08, E. 482,394.96, thence running northeasterly about 139.52 feet to a point along the east limit of the existing channel, N. 125,133.87, E. 482,488.19, thence running southwesterly about 1,588.98 feet to the point of origin.

SEC. 6004. BRIDGEPORT, CONNECTICUT.

The project for environmental infrastructure, Bridgeport, Connecticut, authorized by section 219(f)(26) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336), is not authorized.

SEC. 6005. HARTFORD, CONNECTICUT.

The project for environmental infrastructure, Hartford, Connecticut, authorized by section 219(f)(27) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336), is not authorized.

SEC. 6006. NEW HAVEN, CONNECTICUT.

The project for environmental infrastructure, New Haven, Connecticut, authorized by section 219(f)(28) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336), is not authorized.

SEC. 6007. INLAND WATERWAY FROM DELAWARE RIVER TO CHESAPEAKE BAY, PART II, INSTALLATION OF FENDER PROTECTION FOR BRIDGES, DELAWARE AND MARYLAND.

The project for the construction of bridge fenders for the Summit and St. Georges Bridge for the Inland Waterway of the Delaware River to the C & D Canal of the Chesapeake Bay, authorized by the River and Harbor Act of 1954 (68 Stat. 1249), is not authorized.

SEC. 6008. SHINGLE CREEK BASIN, FLORIDA.

The project for flood control, Central and Southern Florida Project, Shingle Creek Basin, Florida, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182), is not authorized.

SEC. 6009. BREVOORT, INDIANA.

The project for flood control, Brevoort, Indiana, authorized by section 5 of the Flood Control Act of 1936 (49 Stat. 1587), is not authorized.

SEC. 6010. MIDDLE WABASH, GREENFIELD BAYOU, INDIANA.

The project for flood control, Middle Wabash, Greenfield Bayou, Indiana, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 649), is not authorized.

SEC. 6011. LAKE GEORGE, HOBART, INDIANA.

The project for flood damage reduction, Lake George, Hobart, Indiana, authorized by section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148), is not authorized.

SEC. 6012. GREEN BAY LEVEE AND DRAINAGE DISTRICT NO. 2, IOWA.

The project for flood damage reduction, Green Bay Levee and Drainage District No. 2, Iowa, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), deauthorized in fiscal year 1991, and reauthorized by section 115(a)(1) of the Water Resources Development Act of 1992 (106 Stat. 4821), is not authorized.

SEC. 6013. MUSCATINE HARBOR, IOWA.

The project for navigation at the Muscatine Harbor on the Mississippi River at Muscatine, Iowa, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 166), is not authorized.

SEC. 6014. BIG SOUTH FORK NATIONAL RIVER AND RECREATIONAL AREA, KENTUCKY AND TENNESSEE.

The project for recreation facilities at Big South Fork National River and Recreational

Area, Kentucky and Tennessee, authorized by section 108 of the Water Resources Development Act of 1974 (88 Stat. 43), is not authorized.

SEC. 6015. EAGLE CREEK LAKE, KENTUCKY.

The project for flood control and water supply, Eagle Creek Lake, Kentucky, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1188), is not authorized.

SEC. 6016. HAZARD, KENTUCKY.

The project for flood damage reduction, Hazard, Kentucky, authorized by section 3 of the Water Resources Development Act of 1988 (102 Stat. 4014) and section 108 of the Water Resources Development Act of 1990 (104 Stat. 4621), is not authorized.

SEC. 6017. WEST KENTUCKY TRIBUTARIES, KENTUCKY.

The project for flood control, West Kentucky Tributaries, Kentucky, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1081), section 201 of the Flood Control Act of 1970 (84 Stat. 1825), and section 401(b) of the Water Resources Development Act of 1986 (100 Stat. 4129), is not authorized.

SEC. 6018. BAYOU COCODRIE AND TRIBUTARIES, LOUISIANA.

The project for flood damage reduction, Bayou Cocodrie and Tributaries, Louisiana, authorized by section 3 of the of the Act of August 18, 1941 (55 Stat. 644, chapter 377), and section 1(a) of the Water Resources Development Act of 1974 (88 Stat. 12), is not authorized.

SEC. 6019. BAYOU LAFOURCHE AND LAFOURCHE JUMP, LOUISIANA.

The uncompleted portions of the project for navigation improvement for Bayou LaFourche and LaFourche Jump, Louisiana, authorized by the Act of August 30, 1935 (49 Stat. 1033, chapter 831), and the River and Harbor Act of 1960 (74 Stat. 481), are not authorized.

SEC. 6020. EASTERN RAPIDES AND SOUTH-CENTRAL AVOYELLES PARISHES, LOUISIANA.

The project for flood control, Eastern Rapides and South-Central Avoyelles Parishes, Louisiana, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825), is not authorized.

SEC. 6021. FORT LIVINGSTON, GRAND TERRE ISLAND, LOUISIANA.

The project for erosion protection and recreation, Fort Livingston, Grande Terre Island, Louisiana, authorized by the Act of August 13, 1946 (commonly known as the ''Flood Control Act of 1946'') (33 U.S.C. 426e et seq.), is not authorized.

SEC. 6022. GULF INTERCOASTAL WATERWAY, LAKE BORGNE AND CHEF MENTEUR, LOUISIANA.

The project for the construction of bulkheads and jetties at Lake Borgne and Chef Menteur, Louisiana, as part of the Gulf Intercoastal Waterway authorized by the first section of the River and Harbor Act of 1946 (60 Stat. 635), is not authorized.

SEC. 6023. RED RIVER WATERWAY, SHREVEPORT, LOUISIANA TO DAINGERFIELD, TEXAS.

The project for the Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is not authorized.

SEC. 6024. CASCO BAY, PORTLAND, MAINE.

The project for environmental infrastructure, Casco Bay in the Vicinity of Portland, Maine, authorized by section 307 of the Water Resources Development Act of 1992 (106 Stat. 4841), is not authorized.

SEC. 6025. NORTHEAST HARBOR, MAINE.

The project for navigation, Northeast Harbor, Maine, authorized by section 2 of the Act of March 2, 1945 (59 Stat. 12, chapter 19), is not authorized.

SEC. 6026. PENOBSCOT RIVER, BANGOR, MAINE.

The project for environmental infrastructure, Penobscot River in the Vicinity of Bangor, Maine, authorized by section 307 of the Water Resources Development Act of 1992 (106 Stat. 4841), is not authorized.

SEC. 6027. SAINT JOHN RIVER BASIN, MAINE.

The project for research and demonstration program of cropland irrigation and soil conservation techniques, Saint John River Basin, Maine, authorized by section 1108 of the Water Resources Development Act of 1986 (106 Stat. 4230), is not authorized.

SEC. 6028. TENANTS HARBOR, MAINE.

The project for navigation, Tenants Harbor, Maine, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1275, chapter 95), is not authorized.

SEC. 6029. GRAND HAVEN HARBOR, MICHIGAN.

The project for navigation, Grand Haven Harbor, Michigan, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4093), is not authorized.

SEC. 6030. GREENVILLE HARBOR, MISSISSIPPI.

The project for navigation, Greenville Harbor, Mississippi, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), is not authorized.

SEC. 6031. PLATTE RIVER FLOOD AND RELATED STREAMBANK EROSION CONTROL, NEBRASKA.

The project for flood damage reduction, Platte River Flood and Related Streambank Erosion Control, Nebraska, authorized by section 603 of the Water Resources Development Act of 1986 (100 Stat. 4149), is not authorized.

SEC. 6032. EPPING, NEW HAMPSHIRE.

The project for environmental infrastructure, Epping, New Hampshire, authorized by section 219(c)(6) of the Water Resources Development Act of 1992 (106 Stat. 4835), is not authorized.

SEC. 6033. MANCHESTER, NEW HAMPSHIRE.

The project for environmental infrastructure, Manchester, New Hampshire, authorized by section 219(c)(7) of the Water Resources Development Act of 1992 (106 Stat. 4836), is not authorized.

SEC. 6034. NEW YORK HARBOR AND ADJACENT CHANNELS, CLAREMONT TERMINAL, JERSEY CITY, NEW JERSEY.

The project for navigation, New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098), is not authorized.

SEC. 6035. EISENHOWER AND SNELL LOCKS, NEW YORK.

The project for navigation, Eisenhower and Snell Locks, New York, authorized by section 1163 of the Water Resources Development Act of 1986 (100 Stat. 4258), is not authorized.

SEC. 6036. OLCOTT HARBOR, LAKE ONTARIO, NEW YORK.

The project for navigation, Olcott Harbor, Lake Ontario, New York, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143), is not authorized.

SEC. 6037. OUTER HARBOR, BUFFALO, NEW YORK.

The project for navigation, Outer Harbor, Buffalo, New York, authorized by section 110 of the Water Resources Development Act of 1992 (106 Stat. 4817), is not authorized.

SEC. 6038. SUGAR CREEK BASIN, NORTH CAROLINA AND SOUTH CAROLINA.

The project for flood damage reduction, Sugar Creek Basin, North Carolina and South Carolina, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4121), is not authorized.

SEC. 6039. CLEVELAND HARBOR 1958 ACT, OHIO.

The project for navigation, Cleveland Harbor (uncompleted portion), Ohio, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 299), is not authorized.

SEC. 6040. CLEVELAND HARBOR 1960 ACT, OHIO.

The project for navigation, Cleveland Harbor (uncompleted portion), Ohio, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482), is not authorized.

SEC. 6041. CLEVELAND HARBOR, UNCOMPLETED PORTION OF CUT #4, OHIO.

The project for navigation, Cleveland Harbor (uncompleted portion of Cut #4), Ohio, authorized by the first section of the Act of July 24, 1946 (60 Stat. 636, chapter 595), is not authorized.

SEC. 6042. COLUMBIA RIVER, SEAFARERS MEMORIAL, HAMMOND, OREGON.

The project for the Columbia River, Seafarers Memorial, Hammond, Oregon, authorized by title I of the Energy and Water Development Appropriations Act, 1991 (104 Stat. 2078), is not authorized.

SEC. 6043. SCHUYLKILL RIVER, PENNSYLVANIA.

The project for navigation, Schuylkill River (Mouth to Penrose Avenue), Pennsylvania, authorized by section 3(a)(12) of the Water Resources Development Act of 1988 (102 Stat. 4013), is not authorized.

SEC. 6044. TIOGA-HAMMOND LAKES, PENNSYLVANIA.

The project for flood control and recreation, Tioga-Hammond Lakes, Mill Creek Recreation, Pennsylvania, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 313), is not authorized.

SEC. 6045. TAMAQUA, PENNSYLVANIA.

The project for flood control, Tamaqua, Pennsylvania, authorized by section 1(a) of the Water Resources Development Act of 1974 (88 Stat. 14), is not authorized.

SEC. 6046. NARRAGANSETT TOWN BEACH, NARRAGANSETT, RHODE ISLAND.

The project for navigation, Narragansett Town Beach, Narragansett, Rhode Island, authorized by section 361 of the Water Resources Development Act of 1992 (106 Stat. 4861), is not authorized.

SEC. 6047. QUONSET POINT-DAVISVILLE, RHODE ISLAND.

The project for bulkhead repairs, Quonset Point-Davisville, Rhode Island, authorized by section 571 of the Water Resources Development Act of 1996 (110 Stat. 3788), is not authorized.

SEC. 6048. ARROYO COLORADO, TEXAS.

The project for flood damage reduction, Arroyo Colorado, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125), is not authorized.

SEC. 6049. CYPRESS CREEK-STRUCTURAL, TEXAS.

The project for flood damage reduction, Cypress Creek-Structural, Texas, authorized by section 3(a)(13) of the Water Resources Development Act of 1988 (102 Stat. 4014), is not authorized.

SEC. 6050. EAST FORK CHANNEL IMPROVEMENT, INCREMENT 2, EAST FORK OF THE TRINITY RIVER, TEXAS.

The project for flood damage reduction, East Fork Channel Improvement, Increment 2, East Fork of the Trinity River, Texas, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1185), is not authorized.

SEC. 6051. FALFURRIAS, TEXAS.

The project for flood damage reduction, Falfurrias, Texas, authorized by section 3(a)(14) of the Water Resources Development Act of 1988 (102 Stat. 4014), is not authorized.

SEC. 6052. PECAN BAYOU LAKE, TEXAS.

The project for flood control, Pecan Bayou Lake, Texas, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 742), is not authorized.

SEC. 6053. LAKE OF THE PINES, TEXAS.

The project for navigation improvements affecting Lake of the Pines, Texas, for the portion of the Red River below Fulton, Arkansas, authorized by the Act of July 13, 1892 (27 Stat. 88, chapter 158), as amended by the Act of July 24, 1946 (60 Stat. 635, chapter 595), the Act of May 17, 1950 (64 Stat. 163, chapter 188), and the River and Harbor Act of 1968 (82 Stat. 731), is not authorized.

SEC. 6054. TENNESSEE COLONY LAKE, TEXAS.

The project for navigation, Tennessee Colony Lake, Trinity River, Texas, authorized by section 204 of the River and Harbor Act of 1965 (79 Stat. 1091), is not authorized.

SEC. 6055. CITY WATERWAY, TACOMA, WASHINGTON.

The portion of the project for navigation, City Waterway, Tacoma, Washington, authorized by the first section of the Act of June 13, 1902 (32 Stat. 347), consisting of the last 1,000 linear feet of the inner portion of the Waterway beginning at Station 70+00 and ending at Station 80+00, is not authorized.

SEC. 6056. KANAWHA RIVER, CHARLESTON, WEST VIRGINIA.

The project for bank erosion, Kanawha River, Charleston, West Virginia, authorized by section 603(f)(13) of the Water Resources Development Act of 1986 (100 Stat. 4153), is not authorized.

Mr. BOND. I move to reconsider the vote.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. I thank all Senators for the passage of this very important bill. There has been tremendous bipartisan cooperation. I especially thank Senator JEFFORDS and Catharine Ransom, Jo-Ellen Darcy, and the great leadership of our chairman, Senator INHOFE. He did an outstanding job, with the great help of Angie Giancarlo, Ruth Van Mark and Stephen Aaron.

On my staff I express a special thanks to a fellow, Letmon Lee, who has worked on this tirelessly for better than 2 years, Karla Klingner, on my staff, Brian Klippenstein, who worked so hard. I believe we have a product we can take to the House.

It is long overdue that we pass the Water Resources Development Act. It was due to be passed in 2002. We have finally done it. My thanks to both sides.

Mr. JEFFORDS. I commend the Senator for his statement. I concur with him wholeheartedly. Let's get on with it.

Mr. BOND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—H.R. 9

Mr. SPECTER. Mr. President, I ask unanimous consent that on Thursday at 9:30 a.m. the Senate proceed to Calendar No. 521, H.R. 9, the Voting Rights Act. I further ask there be 8 hours of debate equally divided between the two leaders or their designees with no amendments in order to the bill, and that following the use or yielding of time, the Senate proceed to a vote on passage without any intervening action or debate.

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

MORNING BUSINESS

Mr. SPECTER. Mr. President, I further ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

Mr. SPECTER. Mr. President, since we will be proceeding to the Voting Rights Act tomorrow morning at 9:30, I thought you would be interested to know, since you are on the Judiciary Committee, there will be no executive committee meeting because Senator LEAHY and I cannot be in two places at the same time. There will be no executive meeting tomorrow at 9:30. We will try to have a meeting off the floor if we can to pass out the judges.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WYDEN. Mr. President, I ask unanimous consent to speak in morning business for up to 20 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator is recognized for 20 minutes.

OIL ROYALTIES

Mr. WYDEN. Mr. President, last week a group of Senators announced they had reached an agreement to open more offshore areas to oil drilling. For the first time, they would allow nearby States, under their proposal, to share in the oil royalties from drilling in Federal waters.

I have come to the floor tonight to say that while I am very hopeful the Senate can come to agreement on a plan that provides significantly more relief to the areas that have been ravaged by Hurricane Katrina, I am also hopeful that the Senate will use this opportunity to finally address a current program, a current royalty relief program, that is out of control and is diverting billions of dollars away from the Federal Treasury.

What the Senate is going to confront, apparently next week, is the prospect that while there is a royalty relief program now that needs to be fixed and has not been fixed, the Senate is going to start a new royalty relief program.

Usually, the first thing you do is fix the program that is not working today before you start anything else. Apparently, some would not be supportive of that taking place. I am one who sees this otherwise.

I also think if you can fix the current royalty relief program, where the Government Accountability Office says $20 billion to possibly $60 billion is being wasted, you could use that money from the current program—that even the sponsor, our respected former colleague, Senator Bennett Johnston, says is out of control—you could use that money from the current program, that wastes so much money, and get some of that to these areas that have been ravaged by Katrina.

There were two floods, in effect, that the Congress must now confront. First, we have to help rebuild the States of Louisiana, Mississippi, and Alabama that were destroyed by the storm surge of August 29 of last year. But the second flood that needs to be stemmed is the flood of billions of dollars of oil royalties that have gone into the pockets of the world's largest oil companies at a time when they have enjoyed extraordinary profits. They have enjoyed tremendous profits. We have seen extraordinary prices, and yet they continue to get these great subsidies.

As I say, if we can clean up the current royalty program, which is so inefficient that even its sponsor thinks is out of control, we will have more money to help these flood-ravaged areas of the gulf that are the legitimate concern of all of my colleagues from those States.

The existing oil royalty giveaways have grown over the years to become the biggest oil subsidy of all and one of the largest boondoggles that wastes taxpayer money of any Federal program.

The General Accountability Office estimates that at a minimum the Federal Government and the taxpayers are going to be out $20 billion in lost revenues. If the Government loses pending lawsuits, that amount could reach as high as $80 billion. This comes at a time when, according to the Congressional Research Service, the oil companies are enjoying record profits.

It will be very difficult to explain to the American public how Congress can be proposing to allow additional billions of dollars of royalty money to be given away before it first puts a stop to what is already going out the door.

Now, in opening this discussion tonight—I expect the Senate will look at this formally next week—I want to be very clear in saying that I understand the need of the gulf States to secure Federal funds to restore their coastlines and rebuild their communities. There is no question that Katrina and Rita flattened New Orleans and other communities up and down the gulf coast, and that there is a clear need for all Americans, including my constituents at home in Oregon, to be part of going to bat for our fellow Americans.

But I do hope, fervently, that as the Senate looks to find additional resources for these gulf States, the Senate will not be given a false choice between either aiding the gulf States or standing up for the public interest in the face of the outrageous oil company windfalls now being paid for today. We can and should do both.

Helping the victims of Katrina is not mutually exclusive from helping taxpayers. It is possible to do both. And as