

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

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

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

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

#### AMENDMENTS SUBMITTED AND PROPOSED

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

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

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

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

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

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

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

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

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

#### TEXT OF AMENDMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

At the end, add the following:

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

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

U.S.C. 577) and described as a 6-foot deep, 10-acre maneuvering basin located at the head of navigation, is redesignated as an anchorage area.

**SA 4888.** Mr. FRIST (for Mr. JEFFORDS (for himself and Mr. OBAMA)) proposed an amendment to the bill S. 466, to deauthorize a certain portion of the project for navigation, Rockland Harbor, Maine; as follows:

**SEC. XXX. HERBERT HOOVER DIKE SUPPLEMENTAL MAJOR REHABILITATION REPORT.**

(a) IN GENERAL.—Not later than May 31, 2007, the Secretary shall publish a supplement to the major rehabilitation report for the Herbert Hoover Dike system, approved by the Chief of Engineers in November 2000.

(b) INCLUSIONS.—The supplemental report under subsection (a) shall include—

(1) an evaluation of existing conditions at the Herbert Hoover Dike system;

(2) an identification of additional risks associated with flood events at the system that are equal to or greater than the standard projected flood risks;

(3) an evaluation of the potential to integrate projects of the Corps of Engineers into an enhanced flood protection system for Lake Okeechobee, including—

(A) the potential for additional water storage north of Lake Okeechobee; and

(B) an analysis of other project features included in the Comprehensive Everglades Restoration Plan; and

(4) a review of the report prepared for the South Florida Water Management District dated April 2006.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,500,000.

**SEC. XXX. ILLINOIS WATERWAY, SOUTH FORK OF THE SOUTH BRANCH OF THE CHICAGO RIVER, ILLINOIS.**

(a) IN GENERAL.—The portion of the Illinois Waterway project authorized by the Act of January 21, 1927 (commonly known as the “River and Harbor Act of 1927”) (44 Stat. 1013), in the South Fork of the South Branch of the Chicago River, as identified in subsection (b) is not authorized.

(b) DESCRIPTION OF PROJECT PORTION.—The portion of the project referred to in subsection (a) is the portion of the SW  $\frac{1}{4}$  of sec. 29, T. 39 N., R. 14 E., Third Principal Meridian, Cook County, Illinois, and more particularly described as follows:

(1) Commencing at the SW corner of the SW  $\frac{1}{4}$ .

(2) Thence north 1 degree, 32 minutes, 31 seconds west, bearing based on the Illinois State Plane Coordinate System, NAD 83 east zone, along the west line of that quarter, 1810.16 feet to the southerly line of the Illinois and Michigan Canal.

(3) Thence north 50 degrees, 41 minutes, 55 seconds east along that southerly line 62.91 feet to the easterly line of South Ashland Avenue, as widened by the ordinance dated November 24, 1920, which is also the east line of an easement to the State of Illinois for highway purposes numbered 12340342 and recorded July 13, 1939, for a point of beginnings.

(4) Thence continuing north 50 degrees, 41 minutes, 55 seconds east along that southerly line 70.13 feet to the southerly line of the South Branch Turning Basin per for the plat numbered 3645392 and recorded January 19, 1905.

(5) Thence south 67 degrees, 18 minutes, 31 seconds east along that southerly line 245.50 feet.

(6) Thence north 14 degrees, 35 minutes, 13 seconds east 145.38 feet.

(7) Thence north 10 degrees, 57 minutes, 15 seconds east 326.87 feet.

(8) Thence north 17 degrees, 52 minutes, 44 seconds west 56.20 feet.

(9) Thence north 52 degrees, 7 minutes, 32 seconds west 78.69 feet.

(10) Thence north 69 degrees, 26 minutes, 35 seconds west 58.97 feet.

(11) Thence north 90 degrees, 00 minutes, 00 seconds west 259.02 feet to the east line of South Ashland Avenue.

(12) Thence south 1 degree, 32 minutes, 31 seconds east along that east line 322.46 feet.

(13) Thence south 00 degrees, 14 minutes, 35 seconds east along that east line 11.56 feet to the point of beginnings.

**SA 4889.** Mr. FRIST (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8109. Of the amount made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY” and available for Military Engineering Advanced Technology, \$7,900,000 may be available for solid oxide fuel cell research in conjunction with Oak Ridge National Laboratory.

**NOTICE OF HEARING**

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, September 12th, at 10:00 a.m. in room SD-628 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony relating to the effects of the BP pipeline failure in the Prudhoe Bay Oil Field on U.S. oil supply and to examine what steps may be taken to prevent a recurrence of such an event.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Dick Bouts at 202-224-7545 or Sara Zecher at 202-224-8276.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON FOREIGN RELATIONS**

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 5, 2006, at 4:15 p.m. to hold a hearing on nominations.

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

**PRIVILEGES OF THE FLOOR**

Mr. DURBIN. Mr. President, I ask unanimous consent that Lona Stoll and William Johnson, legislative fellows in Senator KENNEDY’s office, be granted the privilege of the floor during the consideration of the Department of Defense appropriations bill, 2007, and any votes thereon.

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

**EXECUTIVE SESSION**

**EXECUTIVE CALENDAR**

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on today’s Executive Calendar: No. 866.

I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate’s action, and the Senate return to legislative session.

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

The nomination considered and confirmed is as follows:

**NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES**

Robert S. Martin, of Texas, to be a Member of the National Council on the Humanities for a term expiring January 26, 2012.

**LEGISLATIVE SESSION**

The PRESIDING OFFICER. The Senate will now return to legislative session.

**DEAUTHORIZING A CERTAIN PORTION OF THE PROJECT FOR NAVIGATION, ROCKLAND HARBOR, MAINE**

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of S. 466 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 466) to deauthorize a certain portion of the project for navigation, Rockland Harbor, Maine.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendments at the desk be agreed to, the bill as amended be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

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

The amendments (Nos. 4887 and 4888) were agreed to, as follows: