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House of Representatives

The House met at 10 a.m.

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

Times of great violence paralyze many and create distant waves of anxiety. The same burnishing moment that destroys innocents tests the mettle of survivors and produces some heroes. Terrible events born of evil intent and hatred cry out for ready explanation but often remain senseless, whether they happened yesterday or decades ago. In the very midst of the horrible scene there seems to appear a prophetic voice that screams out: ''Who are you as a people!''

Lord God, by whose coinage we are all fashioned and redeemed, be with all of us who are touched by the stories of mass murders. Let not the hatred be contagious or fester in our impurient nature. Free the news of gruesome details which only burn the imaginative memory.

Instead, Lord, strengthen us to choose life and compassion, that we may be bold enough to hear the confessions that come from prisons, concentration camps, and college campuses. In their lonely stories, Lord, help us to see part of ourselves, for we are united in You, now and forever.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. SALAZAR led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 1003. An act to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy.

H. Con. Res. 88. Concurrent resolution honoring the life of Ernest Gallo.

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

S. Con. Res. 28. Concurrent resolution congratulating the City of Chicago for being chosen to represent the United States in the international competition to host the 2016 Olympic and Paralympic Games, and encouraging the International Olympic Committee to select Chicago as the site of the 2016 Olympic and Paralympic Games.

The message also announced that pursuant to Public Law 96–114, as amended, the Chair, on behalf of the Republican Leader, appoints the following individual to the Congressional Award Board:

The Senator from Georgia (Mr. ISAKSON).

The message also announced that pursuant to section 154 of Public Law 108–199, the Chair, on behalf of the Majority Leader, appoints the following Senator as Chairman of the Senate Delegation to the United States-Russia Interparliamentary Group conference during the One Hundred Tenth Congress:

The Senator from Nebraska (Mr. NELSON).

The message also announced that pursuant to section 154 of Public Law 108–199, the Chair, on behalf of the Republican Leader, appoints the following Senator as Vice Chairman of the Senate Delegation to the United States-Russia Interparliamentary Group conference during the One Hundred Tenth Congress:

The Senator from Mississippi (Mr. LOTT).

HOUR OF MEETING ON FRIDAY, APRIL 20, 2007

Mr. WILSON of Ohio. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain requests for ten 1-minute speeches on each side.

SUPREME COURT DECISION TO UPHOLD THE FEDERAL ABORTION BAN

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

Mrs. MALONEY of New York. Madam Speaker, the Bush administration has gotten what they wished for. The Supreme Court has upheld a ban on a medical procedure for women without a health exception, thereby reversing four decades of rulings supporting a woman's right to choose.

Women who face serious health consequences have lost their right to the safest procedure available. Politicians have taken the place of doctors.

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Women have become a pawn in the hands of right-wing conservatives.

On my Web site, I keep a listing of all the ways this administration has chipped away at a woman's right to choose, but yesterday they used a sledgehammer. By upholding this ban and disregarding years of precedent, the Roberts court has shown not only its belief that women are second-class citizens, but also its potential to completely overturn Roe.

We need to stand up to right-wing, conservative, extremist efforts and protect the basic human rights of women.

DANGEROUS WAR SUPPLEMENTAL

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

Mr. WILSON of South Carolina. Mr. Speaker, for weeks the House has debated our strategy in Iraq and continued funding for the war. In the midst of this debate, the Democratic leadership adjourned for a 2-week spring break.

Even today, we appear no closer to a solution that will support our mission and our troops and sustain an effective foreign policy. The Democrat leadership of both Chambers has indicated its desire to move their message of defeat. Fortunately, President Bush is standing by his commitment to veto the bill and promote our mission for victory in Iraq, to protect American families.

Al Qaeda has stated Iraq is the central front in the war on terrorism. Osama bin Laden has characterized Iraq as the ''third world war.'' Withdrawing from Iraq will not end the global war on terrorism.

I have confidence in our military leaders, who should not be micromanaged by Congress. Yesterday, Admiral William Fallon testified effectively that the new reinforcement course in Baghdad is producing positive results. We will face the terrorists overseas or again in the streets of America.

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

TRIBUTE TO THE LATE RAYMOND G. MURPHY

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

Mr. SALAZAR. Mr. Speaker, I stand today to honor the life of a great American.

Lt. Col. Raymond Gerald Murphy was born on January 14, 1930, in Pueblo, Colorado. He graduated from Pueblo Catholic High School and attended Fort Lewis Junior College in Durango, then Adams State College in Alamosa.

After graduation, Jerry Murphy joined the Marine Corps Reserve and entered Officers Candidate School. In 1952, he was sent to Korea where he served with the 5th Marines, 1st Marine Division.

In February 1953, Raymond Gerald Murphy was cited for ''Conspicuous Gallantry at the risk of his life and above and beyond the call of duty as a Platoon Commander.''

Although painfully wounded by fragments from an enemy mortar shell, Second Lieutenant Murphy steadfastly refused medical attention and continued to lead his men up the hill through a withering barrage of hostile mortar and small-arms fire. Wounded a second time, he again refused assistance.

His resolute and inspiring leadership, exceptional fortitude and great personal valor reflect the highest credit upon Lt. Col. Murphy and enhance the finest traditions of the United States military service.

Raymond Gerald Murphy was the 39th United States Marine to be awarded the Medal of Honor for Heroism in the Korean War. In addition to the Medal of Honor, Lt. Col. Murphy was awarded the Silver Star, Purple Heart, Korean Service Medal with two Bronze Stars, the United Nations Service Medal and the National Defense Service Medal.

On Good Friday, Lt. Col. Raymond Jerry Murphy died in the Veterans Administration nursing home in Pueblo at the age of 77, Mr. Speaker, but his spirit and heroism will live forever.

OVERHAUL OUR CUMBERSOME TAX SYSTEM

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

Mr. SALI. Mr. Speaker, under Democrat leadership, the year 1993 witnessed the greatest tax increase in American history, until recently. Just 3 months into this new Congress, the Democrats have shown their vision for America with a more than $400 billion budget increase, an increase which can only be paid for through a colossal scale of taxation that will reach nearly every American.

The Federal Government has created a monster. Today, our Tax Code and regulations bulge at over 60,000 pages. I have yet to meet anyone who has read all of them. Americans pay billions of dollars to accountants and financial advisers just to comply with this labyrinth of rules. More than 50 percent of all taxpayers pay someone else to prepare their tax returns.

Planning for the future is challenging enough without the added headache of complex taxes and confusing deductions, not to mention the uncertainty of how taxes may change from one year to the next. Congress has the moral responsibility to remove the obstacles it has created that punish Americans who are simply working hard to achieve their dreams.

I encourage my colleagues in Congress to overhaul our cumbersome tax system.

WE SHOULD END THE WAR NOW

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

Mr. KUCINICH. Mr. Speaker, the American people want the war in Iraq to end and the troops to be brought home. Why then is this House preparing to capitulate to the Bush White House and let the war continue? We have learned that the Democratic compromise with the President is to make withdrawal timetables nonbinding.

We have the power to end the war now. We should not give the President another dime for the war. We should not permit this war to continue to go on. Yet this House passed a $97 billion supplemental which gives the President money to keep the war going through September of 2008, and then a week later approved the President's budget for another $195 billion for Iraq to keep the war going into 2009. And now we are talking about a nonbinding timetable for withdrawal.

What is the difference between the Democrats and the Republicans on the war? Well, the Republicans do not want any timetables for withdrawal at all, and the Democrats, well, the Democrats want nonbinding timetables for withdrawal.

PARTIAL BIRTH ABORTION RULING

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

Mr. PITTS. Mr. Speaker, yesterday's Supreme Court decision to uphold a ban on partial birth abortion has been a long time coming. Opinion polls have long shown overwhelming opposition to this gruesome and horrific procedure, and in response, Congress acted to ban partial birth abortion, passing the ban two times during the Clinton administration only to have it vetoed by President Clinton both times. In 2003, Congress passed the ban again with bipartisan majorities in the House and Senate, and this time it was signed into law by President Bush.

Unable to win through the democratic process, proponents of abortion-on-demand took to the courts, and for years their efforts delayed a final decision, leaving unborn children without protection from this gruesome procedure.

Thankfully, yesterday's decision ends the uncertainty, and this ruling protects America's unborn children from a barbaric, grisly procedure that has no place in a civilized society.

Mr. Speaker, this is a win for the sanctity of human life and a win for American democracy.

TAX RELIEF FOR WORKING CAREGIVERS

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

Mr. DONNELLY. Mr. Speaker, I rise today in support of H.R. 1911, the Tax Relief for Working Caregivers Act.

In recent years, the rising costs associated with caring for children and aging parents have placed a significant burden on many middle-class families. Today, more than 16 million Americans have joined the ranks of the new ''sandwich generation,'' those working Americans who provide care for both their own children and for their aging parents.

Yesterday, I introduced legislation to provide more tax relief for working families who provide dependent care for their children or parents.

My legislation does two things. First, it would extend the full benefit of the dependent care tax credit to allow more middle-class families to receive tax relief for the child and elder care expenses they must incur in order to work.

Secondly, the bill expands the credit to include all older dependent parents, not just those who live with the taxpayer. This makes it easier for families to care for their loved ones, while providing the flexibility to maintain a living situation more suited to the family's unique needs.

Mr. Speaker, I ask for support for this legislation.

□ 1015

MARK LUNSFORD—TRUCK DRIVER AND DADDY

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

Mr. POE. Mr. Speaker: ''Just a truck driver and a daddy'' is how Mark Lunsford described himself before February 24, 2005. However, that night forever altered the course of his own life. A convicted sex offender snuck into the Lunsford home and kidnapped Mark's 9-year-old daughter, Jessica. For 3 weeks, Mark pled to the American public for Jessica's safe return, to no avail.

A sex offender was captured, confessed to the kidnapping, sexually assaulting, and killing Jessica by burying her alive. Mark's mission to protect our Nation's children from these predators became his life's ambition.

Using the local and national media, Mark has raised the awareness and the need to strengthen the laws to keep sex offenders from harming our kids. He has traveled from State to State campaigning for Jessica's Law, which includes harsher punishments for sex offenders. He was also instrumental in helping Congress pass the Adam Walsh Child Safety Act, which tracks child molesters.

Last night, Congressman JIM COSTA and myself, on behalf of the Victims' Rights Caucus, were pleased to honor Mark Lunsford, this daddy, this truck driver, for his commitment to our Nation's children. After all, children are our greatest natural resource.

And that's just the way it is.

THE TRUTH FROM ATTORNEY GENERAL

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

Mr. EMANUEL. Mr. Speaker, today we will once again hear from the Attorney General, Alberto Gonzales, on the prosecutor purge. When it comes to the U.S. Attorney firings in public corruption cases, we have heard plenty of different explanations from the Attorney General and his associates.

What we have not heard is the simple truth. We know many of the fired U.S. Attorneys were pursuing public corruption cases. Contrary to the administration's earlier assertion, we know the decision to fire these prosecutors reached the highest levels of government in the administration and involved Members of Congress and Republican Party officials. So this administration either originally hired incompetent U.S. Attorneys in the first place, or hired competent attorneys but incompetently fired them.

Which is it? Are the public corruption cases that implicate Members of their own party off limits in the Bush Justice Department? Is this blind justice? Democrats have been asking these questions for months and for months, and we have been consistently told other stories. Now the time for misdirection is over. Today we will demand and seek the truth.

THE CONSTITUTION AND THE DISTRICT OF COLUMBIA

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

Mr. PRICE of Georgia. Mr. Speaker, article I, section 2 of the Constitution states that ''the House of Representatives shall be composed of Members chosen every second year by the people of the several States.'' It goes on to say: ''No person shall be a representative who shall not, when elected, be an inhabitant of that State in which he shall be chosen.''

Mr. Speaker, in spite of the Constitution and what it says today, this new majority will pass a bill to provide a vote, by law, not constitutional amendment, a vote in this House for the delegate from the District of Columbia.

Now, I support, strongly, voting rights for residents of D.C. The proper way to do that, the constitutional way, is to return residential area in the District of Columbia to Maryland. It respects the supreme law of the land of the Constitution. Even the Democrat chairman, Peter Rodino of the Judiciary Committee in the 95th Congress, said: ''If the citizens of the District are to have voting representation in Congress, a constitutional amendment is essential. Statutory action alone will not suffice.''

So why would this new majority pass a law so clearly violative of the Constitution? Because they can. It's an arrogance and hypocrisy that the American people recognize, and they are watching.

THE CARNAGE IN IRAQ AND THE SUPPLEMENTAL BILL

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

Mr. CLEAVER. Mr. Speaker, yesterday, as military leaders were on the Hill explaining how well things were moving in Iraq, news outlets were reporting that 171 human beings were killed at a Baghdad market. The carnage seems to have no end, even as we see endless U.S. troops shipped into an Iraqi shooting gallery.

This Congress has approved a supplemental bill which provides everything the President requested and more. In fact, the bill provides plentifully, but appropriately, for the wounded who return home every month.

The hope is that the President will sign the supplemental as the American public desires. Every opinion poll shows that the American public wants this war to end. Sign the supplemental.

LIFE IS WINNING IN AMERICA

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

Mr. PENCE. Mr. Speaker, despite the best efforts of the abortion rights movement, 34 years since Roe v. Wade, more Americans embrace the sanctity of life than ever before. Yesterday, thanks to the leadership of the Republican Congress and this Republican President, the United States Supreme Court echoed that moral awakening.

I rise to commend the United States Supreme Court for affirming, in a 5–4 decision, the constitutionality of the ban of the barbaric procedure that has come to be known as partial birth abortion. I commend President Bush for signing the bill, my colleagues on both sides of the aisle who supported it, and Congressman STEVE CHABOT of Ohio, its principal author.

Life is winning in America. In big cities and small towns, American women are listening and learning. It's not a choice; it's a baby. American women are choosing life as never before.

To all who labor in the cause of life, I say in the wake of yesterday's decision, press on. Your labors on behalf of the unborn are not in vain.

PRESIDENT BUSH SHOULD NOT VETO STEM CELL RESEARCH LEGISLATION THAT WILL PROVIDE REAL HOPE

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

Ms. SHEA-PORTER. Mr. Speaker, President Bush has an opportunity to

provide real hope to millions of Americans who are suffering from debilitating diseases, such as Alzheimer's, Parkinson's disease, multiple sclerosis, and cancer. All he has to do now is reconsider his threat to veto this promising legislation that has recently passed the House.

Here in the House we passed, in a bipartisan manner, during the first 100 hours of Congress, legislation that would increase the number of embryonic stem cells eligible for Federal funding. The Senate, in strong bipartisan passion, did exactly the same. Now it has arrived at the President's desk.

Last year the President vetoed stem cell legislation, the only issue he vetoed throughout his Presidency. We have a real opportunity finally to solve some of these debilitating diseases. There are 100 million Americans waiting for the President to say ''yes.'' I urge him to reconsider.

A REALITY CHECK ON THE IRAQ SUPPLEMENTAL AND WHEN THE FUNDS ARE NEEDED

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

Mr. PALLONE. Mr. Speaker, we keep on hearing all of these doomsday scenarios from the White House and our Republican colleagues about the emergency supplemental bill. It would be nice if they would listen to the President's own defense Secretary, who said this week that our timelines are already creating positive results in Iraq. Yet the President threatens to veto the bill and says that the money is needed immediately.

I think it's time for a reality check. Fact: the nonpartisan Congressional Research Service concluded last month that the Pentagon could maintain its wartime operations well into July with funds they have already been provided.

Another fact: As of today, it's only been 73 days since the President sent his funding request to the Capitol. Last year, the Republican-controlled Congress took 119 days to send the Iraq war supplemental to the President, and yet the President never attacked the Republican-controlled Congress for supposedly holding up funding for our troops.

President Bush should stop playing politics with this emergency funding bill so that we can finally move the war in Iraq in a new direction.

PROVIDING FOR CONSIDERATION OF H.R. 1495, WATER RESOURCES DEVELOPMENT ACT OF 2007

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 319 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 319

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 9 or 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1495 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Mr. SNYDER). The gentlewoman from California (Ms. MATSUI) is recognized for 1 hour.

GENERAL LEAVE

Ms. MATSUI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). During consideration of this resolution, all time yielded is for the purpose of debate only.

□ 1030

Mr. Speaker, this rule permits the House to consider the Water Resources Development Act of 2007.

The structured rule makes in order six amendments. As yesterday's debate in the Rules Committee demonstrated, Members on both sides of the aisle are focused on getting this bill to conference and onto the President's desk, and this rule reflects that consensus.

Mr. Speaker, it has been well documented that our country has not had a WRDA bill in over 7 years. Seven years is perilously close to an entire generation passing without a national water resources policy being signed into law by a President.

The bill made in order under this rule authorizes nearly $14 billion for the construction of more than 700 water resources development projects and studies by the Army Corps of Engineers for flood control, navigation, and environmental restoration.

Additionally, H.R. 1495 authorizes hurricane recovery activities along the gulf coast that would cost an estimated $3 billion. Furthermore, the bill requires an external peer review for studies of projects that would cost more than $50 million. The bill also coordinates environmental analyses and other permit processes among Federal and State agencies and authorizes environmental quality initiatives. In short, this bill today moves our country forward.

In my district of Sacramento, California, this WRDA bill is one of the most important pieces of legislation that will pass Congress this year. We have been waiting a long time for this bill. Sacramento is the most at-risk river city in this country for catastrophic flooding. Located at the confluence of the great Sacramento and American Rivers, the Sacramento floodplain contains over 165,000 homes, over 488,000 residents, 1,300 government facilities including the State capital, and businesses providing 200,000 jobs. It is the hub of a six-county regional economy that provides 800,000 jobs for 1.5 million people.

A major flood along the American River or the Sacramento River would cripple this economy, and cost upwards of $35 billion in direct property damages and likely result in a significant loss of life.

Sacramento has had major floods throughout its history, the last major floods being in 1986 and 1997. We live with a constant threat of catastrophic flooding. In my district, we understand the need and urgency for an overarching water resources policy to protect our homes, businesses, and families. This bill, the projects and policies

it contains, goes a long way in addressing my district and our country's flood vulnerabilities.

Nationally, regions across the country are starving for a Federal partner in water resources policy. Our country is confronted with population growth, climate change and growing demands on our water infrastructure. Our districts across this country need this bill, and the Members in this Chamber have repeatedly supported WRDA bills.

In the 108th Congress, WRDA passed the House by a vote of 412–8. In the 109th Congress, WRDA passed the House 406–14. There is a strong history of support and bipartisanship for WRDA bills. It is my hope that this support continues and that we will move forward on this very important work.

I also want to congratulate and thank Water Resources and Environment Subcommittee Chair, EDDIE BERNICE JOHNSON, and the full committee chairman, JIM OBERSTAR, for their commitment to make this bill a priority in the 110th Congress.

I strongly urge my colleagues to support this rule and final passage of the underlying Water Resources Development Act of 2007.

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

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentlewoman from California (Ms. MATSUI) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, in the 107th, 108th, and the 109th Congresses, the House considered and passed legislation to provide for conservation and development of water and related resources, and to authorize the construction of various projects in order to improve rivers and harbors in the United States.

Unfortunately, differences could not be resolved with the other body, and these bipartisan bills, therefore, did not become law. The legislation before us today mirrors legislation that was approved by an overwhelming bipartisan majority of the House in the last Congress, and I am confident it will enjoy large bipartisan support today.

Mr. Speaker, our Nation's water resource infrastructure is critical to our economy, transportation system, power generation, flood control and environmental protection and restoration. This is especially true in my area in the Pacific Northwest. Our region's major river, the Columbia River and its tributaries, is a great resource, one that must be well managed and protected.

Hydroelectric dams provide clean, low-cost, renewable power. These facilities also provide a system of locks that allow for the efficient transportation of tons of agricultural products to coastal ports, which reduces congestion on our highways and our rail systems.

The coastal ports that receive the river-barged goods and products are the gateways to overseas markets and also need careful attention. The success of farmers and manufacturers throughout the Pacific Northwest depend on these ports being navigable and appropriately maintained.

Mr. Speaker, there are several provisions in the Water Resources Development Act that are important to individuals and communities that I represent in central Washington, and I would like to highlight those provisions.

Like the WRDA bill passed by the House in the last Congress, I am particularly pleased that the committee has included language in the manager's amendment to permit Corps of Engineer employees working at dams in the Pacific Northwest to participate in wage surveys that are conducted to determine their rate of pay. This important provision would allow these employees the same participation allowed to similar employees at dams in the region operated by the Bonneville Power Administration and the Bureau of Reclamation. This is a matter of fair and equal treatment, and I appreciate the committee agreeing with my request on this matter.

This bill also includes language that would allow the Corps to officially give credit to the Port of Sunnyside for funding it has invested to maintain progress on its wetland restoration and wastewater treatment project. This project is a creative initiative by the Port of Sunnyside to improve river habitat in the Yakima River, and provide for greater economic growth in the local community. This provision ensures that the Port of Sunnyside gets proper credit for funds it invested as it works with the Corps to make this project a reality.

Finally, this legislation lifts Corps restrictions on the development of several Port of Pasco properties. I am very hopeful that elimination of these flowage easements will allow beneficial uses of this prime riverfront property to move forward for the betterment of Pasco and the Tri-Cities.

Mr. Speaker, we must keep our commitment to sustain and enhance our Nation's water resource infrastructure, and that requires a regular review and updating of congressional direction to the Corps of Engineers to ensure that existing projects are maintained and that new needs are met.

I am hopeful that this necessary legislation will soon become law.

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

Ms. MATSUI. Mr. Speaker, I yield 8 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlelady's courtesy in permitting me to speak on this rule and on this bill.

I further appreciate what this represents. It has been my privilege to serve for the last 10 years on the Water Resources Subcommittee for Transportation and Infrastructure. Over that period of time, I have watched as we have focused legislation to deal with the amazing needs that face water resources around the country.

Unfortunately, the legislation that we have passed through this House with strong support in recent Congresses has never been able to find its way into law. I think that with this legislation, we are able to find a way to help break the impasse.

I would like to speak to one of the elements that was in that legislation that has been made in order by the Rules Committee, an amendment that I am offering along with my colleagues PETER WELCH and TOM PETRI to help bring the Corps of Engineers into the 21st century by updating the principles and guidelines under which it operates.

Our amendment takes a step back from the politics and controversies that have surrounded the Corps' activities over recent years. In fact, there has been some finger-pointing at the Corps, but frankly, Congress itself is part of the problem and can be part of a process that can help move this forward.

These principles and guidelines are used for the formulation, evaluation, and implementation of water resources projects. The current rules under which the Corps operates have not been updated since 1983. It seems hard to believe, given how important water resources are and how much we have learned about the science, about hydrology since 1983.

Think about it for a moment. In 1983, Ronald Reagan was President. We were dealing with the movie ''Return of the Jedi.'' A year later, the 3.5-inch floppy disk was introduced, and IBM was soon to launch the first portable computer which weighed 30 pounds. Half the people who work for me in my congressional office weren't even born in 1983.

Every Member of the House is aware how much has changed since 1983 in terms of technology, science, environmental policy, our national priorities, and our understanding of water resources. Yet, the Corps of Engineers and the thousands of dedicated men and women who work for them have a planning process that has not kept up.

It was my privilege with the former head of the Corps, General Flowers, to meet with representatives of all of the planning agencies for the Corps across the country. They understand the problems; they are striving to make some adjustments. We are still developing projects, yet they are still working under an umbrella that was based on principles and guidelines when James Watt was Secretary of the Interior.

This amendment is very simple. It directs the Secretary of the Army to update the principles and guidelines in consultation with all the other Federal agencies that have a stake in the process, to work with the public to deal with what we have learned over the last quarter of a century.

This is a very important step on addressing criticisms from the National Academy of Sciences, the OMB, the Government Accountability Office, and others. It does not impact any project that currently is approved or under way, none of the projects that are listed in the bill we have before us, but it is going to help us change the process to get at the root of a long-term problem.

Passing the amendment will not delay any projects or tie the hands of the Corps in any way. In fact, I am convinced that it will break the paralysis for projects in the future by making sure they are structurally, fiscally, and environmentally sound.

There are some projects around the country that have been delayed in recent years due not just to funding, although that is a serious issue, but due to lawsuits and other controversy. The ones that I have looked at that have met bumps in the road were in this situation in the main because they weren't properly planned and groundtruthed, as they say; and they have stirred up unnecessary controversy in some instances.

This amendment will make it easier to approve and construct good projects in the future. This amendment will make it easier for the House and the Senate, which in the past have been at loggerheads over principles of Corps reform. I think this is an area of common ground that will bring people together. This amendment represents a fresh break. It won't solve all of the problems of the Corps, that will await another day; but with this amendment, it gives us a chance at a new beginning for Congress to be positively involved in these issues.

We start by equipping the Corps with the latest science and analytic tools to bring them into the 21st century rather than tying their hands with out-of-date policies.

I strongly urge that each of my colleagues join with me in supporting our amendment, which is endorsed by Clean Water Action, Taxpayers for Commonsense, Republicans for Environmental Protection, the National Audubon Society, Friends of the Earth, American Rivers, the National Wildlife Federation, Environmental Defense, the League of Conservation Voters, the American Society of Civil Engineers, the people who are charged with making these projects work.

I deeply appreciate the progress that this represents in bringing us forward. I appreciate the Rules Committee making it in order, and look forward to being able to carry this amendment to the floor, hopefully for its approval, and being able to break the impasse surrounding water resources projects.

In the aftermath of the tragedy we saw with Hurricane Katrina, with the flooding that has occurred in the Northeast just in recent days, this legislation is more important than ever.

□ 1045

Mr. HASTINGS of Washington. Mr. Speaker, I have no more requests for time. I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I ask unanimous consent that, during consideration of H.R. 1495 pursuant to House Resolution 319, amendment No. 1 printed in House Report 110–100 be modified by the modification I have placed at the desk.

The SPEAKER pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 1 printed in House Report 110–100:

Strike the portion of the amendment proposing to insert section 5024.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

Mr. HASTINGS of Washington. Mr. Speaker, reserving the right to object, I would just yield to my friend from California for an explanation on this.

Ms. MATSUI. Mr. Speaker, there is a Washington, D.C. aqueduct project that inadvertently violates PAYGO. This modification strikes the provision from the bill.

Mr. HASTINGS of Washington. So it takes that provision that violates the PAYGO from the bill?

Ms. MATSUI. It inadvertently violates, so we struck it out.

Mr. HASTINGS of Washington. Mr. Speaker, I withdraw my objection.

The SPEAKER pro tempore. Without objection, the modification is accepted.

There was no objection.

Ms. MATSUI. Mr. Speaker, this bill is long overdue. Our country needs a comprehensive water resources policy, and WRDA is the framework that can meet this need. We have 7 years of backlogged water projects that must be addressed. There is a growing demand on our already overburdened water infrastructure. The sooner we move forward on this bill, the sooner our communities across the country will be healthier and safer.

I urge a ''yes'' vote on the previous question and on the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1905, DISTRICT OF COLUMBIA HOUSE VOTING RIGHTS ACT OF 2007 AND PROVIDING FOR CONSIDERATION OF H.R. 1906, ESTIMATED TAX PAYMENT SAFE HARBOR ADJUSTMENT

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 317 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 317

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1905) to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes. All points of order against the bill and against its consideration are waived except those arising under clause 9 of rule XXI. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1906) to amend the Internal Revenue Code of 1986 to adjust the estimated tax payment safe harbor based on income for the preceding year in the case of individuals with adjusted gross income greater than $5 million. All points of order against the bill and against its consideration are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

SEC. 3. (a) If either H.R. 1905 or H.R. 1906 fails of passage or fails to reach the question of passage by an order of recommittal, then both such bills, together with H.R. 1433, shall be laid on the table.

(b) In the engrossment of H.R. 1905, the Clerk shall—

(1) add the text of H.R. 1906, as passed by the House, as new matter at the end of H.R. 1905;

(2) conform the title of H.R. 1905 to reflect the addition of the text H.R. 1906 to the engrossment;

(3) assign appropriate designations to provisions within the engrossment; and

(4) conform provisions for short titles within the engrossment.

(c) Upon the addition of the text of H.R. 1906 to the engrossment of H.R. 1905, H.R. 1906 and H.R. 1433 shall be laid on the table.

SEC. 4. During consideration of H.R. 1905 or H.R. 1906 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of either bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from New York (Mr. ARCURI) is recognized for 1 hour.

Mr. ARCURI. Mr. Speaker, for purposes of debate only I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during the consideration of the rule is for debate only.

GENERAL LEAVE

Mr. ARCURI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

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

There was no objection.

Mr. ARCURI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 317 provides for consideration of H.R. 1905, the District of Columbia House Voting

Rights Act of 2007, and H.R. 1906, a direct spending offset bill.

Mr. Speaker, this Nation was built upon the principle that it is patently unjust to require free men and women to pay taxes to a government within which they have no direct involvement; a principle so important that the Founding Fathers knew if they were unsuccessful they would become outlaws and probably forfeit their lives.

The fact that approximately 600,000 U.S. citizens live under taxation without representation within the United States today is repugnant to our very notion of democracy. How can the United States deny democracy in its Capital while it promotes democracy abroad?

These citizens pay billions of dollars in Federal taxes, have sacrificed their lives in Iraq and other wars since the American Revolution.

However, when you look at the text of the 16th amendment to the U.S. Constitution, which states, ''The Congress shall have the power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration,'' you might ask yourself: Since there is no mention of the District of Columbia in this amendment, and it only refers to ''the several States,'' then how is it that D.C. residents are required to pay Federal income taxes?

The answer is that Congress, by statute, specifically, enacted the District of Columbia Income and Franchise Tax Act of 1947, which imposed Federal income taxation on the residents of the District of Columbia.

And when the law was challenged in the courts in 1970 in the case of Breakefield v. D.C., the U.S. Court of Appeals for the District of Columbia Circuit upheld both the tax and Congress's constitutional authority to levy it. Further, the Supreme Court later denied even to hear the appeal.

This is taxation without representation at its worst, and it is completely undemocratic. Furthermore, what is clearly evident from the Court's review of Breakefield is that if Congress can levy taxes on D.C. residents without a constitutional amendment, then surely Congress can give D.C. residents a full voting representative within the House of Representatives without a constitutional amendment. This notion that there is a binding precedent for Congress to legislate on all matters related to the District of Columbia is further supported by decisions in such cases as Tidewater, and Adams v. Clinton.

Our actions today would correct this injustice by granting the citizens of our Nation's Capital a full voting representative in the House of Representatives.

Some of my colleagues have suggested that the D.C. House Voting Rights Act is unconstitutional and that we in Congress will be acting outside the power enacting this bill. This is not true. Article I, section 8 of the Constitution clearly enumerates the powers of Congress. And among the powers listed, article I, section 8 states that Congress shall have the power to exercise exclusive legislation in all cases whatsoever over the District of Columbia. Article I, section 8 also gives Congress the power ''to make all laws which shall be necessary and proper'' to execute the enumerated powers.

Further, in 1790, Congress passed the Residence Act, giving residents of the new District of Columbia the right to vote. Since the Capital was still being established, citizens were allowed to continue voting in their States, Maryland and Virginia. Congress then took that right away by statute in 1800 when the Federal Government assumed control of the District. In the political battles that followed, District residents were denied a vote in Congress. Now, certainly, if Congress can grant the right and then remove that right by statute, so too can it reinstate the right by statute if it so chooses.

In the landmark Supreme Court case McCulloch v. Maryland, Chief Justice John Marshall said: ''Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited but consistent with the letter and spirit of the Constitution, they are constitutional.''

Extending full representation in the House to residents of the District of Columbia is a legitimate end. It is within the scope of Congress' power to exercise exclusive legislation in matters concerning the District of Columbia and consistent with not only the letter of the Constitution, but also the spirit in which the Constitution was written by the Founding Fathers, that ''taxation without representation is tyranny.''

Too much time has passed. Every day that we fail to act is one more day that we deny democracy. It is time to correct this grave injustice and provide the citizens of the District of Columbia the same rights afforded to every other citizen in this great Nation. Our actions today will do just that.

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

Mr. SESSIONS. Mr. Speaker, I rise today for the second time in a month in strong opposition to this closed rule, to these two closed amendment processes, and to the blatantly unconstitutional underlying measure that the Democrat majority is bringing to the House floor today.

I would like to say that I am surprised by the lack of respect for regular order and procedural gimmickry that the Democrats have used to bring this rule to the floor today. Unfortunately, in what has become an all too familiar scenario in the Democrat Rules Committee, respect for minority party rights and regular order are, once again, being trumped by political expediency and the Democrat leadership's willingness to abuse power for their own narrow political ends.

Last month, when this unconstitutional bill was first brought to the House floor, the Democrats sunk to an unprecedented new low by pulling the legislation from the floor just before it passed the House, using a provision that was intended to give the Speaker flexibility in scheduling votes, not to give her an escape valve when things were not going her way.

□ 1100

Today, the Democrats seem committed to outdoing that shameful effort by waiving the ''Pay-For'' rules that they imposed on this House floor just less than 4 months ago, after committing themselves to honor their pledge to increase taxes on the American public every time they increase spending.

They have also split the bill into two pieces, one that tries to skirt the Constitution and one that skirts their own ''Pay-For'' rule, all in the name of preventing the minority from offering the popular notion that a majority of the House was on the brink of passing just weeks ago.

And as if the process that brings us here today weren't bad enough, there is little to celebrate in this deeply flawed underlying bill, the same words that the constitutional scholar and law professor Jonathan Turley has called ''the most premeditated unconstitutional act by Congress in decades'' either. Thankfully, President Bush has made it clear that this cynical political exercise is destined for his veto pen, if it even makes it that far.

My opposition to this matter stems from its incompatibility with a pretty basic foundation of American government: the Constitution. Section 2 of article I clearly states that ''The House of Representatives shall be composed of Members chosen every second year by the People of several States.'' And as any fourth grader in the country can tell you, Washington, D.C., is simply not a State. There is simply no one that has moved into or lives in Washington, D.C., that thought that they would be given this ability. Washington, D.C., is not a State.

Supporters of this legislation will claim that the ''District Clause,'' which gives Congress the power to legislate over our Nation's seat, also gives Congress the power to grant D.C. a Member of Congress. But this same clause makes it clear, by its very nature, that Washington, D.C., is not a State, which brings us back to the original problem of this bill's being completely unconstitutional.

But don't take my word for it. If the Democrat leadership won't listen to reason, one would hope that they would at least listen to one of our Founding Fathers, Alexander Hamilton, who offered an amendment to the Constitution that would have provided D.C. with a vote in the House. Unfortunately, I know we all don't know this, but his amendment was defeated on July 22, 1788.

But if neither my word nor the Constitution nor the actions of our Founding Fathers is good enough, I wonder if the Democrat majority would be willing to listen to an equal branch of government, as they had an opinion on this matter. In 2000, the Federal District Court in Washington, D.C., concluded that ''the Constitution does not contemplate that the District may serve as a State for the purposes of the apportionment of congressional representatives.'' It seems pretty clear to me, but I guess not to every single Member of this body.

So for a moment let us ignore my word, the Constitution, the actions of our Founding Fathers, and the decisions of the Federal judiciary. What would it mean if Congress simply gave D.C. a seat in the House, rather than going through the necessary process of passing a constitutional amendment, which was attempted in 1978 and failed? Well, it would create a precedent that Congress would give the District three votes next year or they could perhaps give them 10. The way that this legislation is currently drafted, it gives the District two votes in the Committee of the Whole, more than any other voting Member, as well as a vote in the House.

But rather than discuss the facts or the logic of this approach, I suspect that supporters of this legislation will come to the floor and talk about ''fairness.'' But I fail to see how it is fair to give Washington, D.C., super-representation, two votes for amendments, or every voter in Utah an unprecedented two votes also, one for their Congressman and one for a new at-large Member, keeping the ''one man, one vote'' principle in every other State. Perhaps a Member on the Democrat side will be kind enough to come down to the floor and explain this logic to me; but I am not going to hold my breath.

Mr. Speaker, as Members of Congress, we take an oath to uphold and protect the Constitution, not to trample on it. No matter what the supporters of this bill may claim to the contrary, the Constitution is not a cafeteria. You cannot pick and choose which parts you are going to respect and which ones you are going to ignore. That is why our Framers, in their infinite wisdom, created an orderly, lawful process for amending the Constitution. And despite the best efforts of the Democrat leadership, I am sure that the Framers' legacy to our country will prevail and will prevent this poorly drafted and ill-conceived measure from becoming law.

I urge each of my colleagues to reject this outrageous rule and the underlying assault on the Constitution.

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

Mr. ARCURI. Mr. Speaker, I thank my colleague for his comments, but I could not disagree with him more.

First of all, this bill does not attempt to create statehood for the District of Columbia. In fact, as I said just a few moments ago, the legislation that has been passed in prior occasions, the one, in fact, with respect to requiring residents of the District of Columbia to pay income tax, despite the fact that the 16th amendment says that it is for the residents of the States, indicates very clearly that the District of Columbia is not a State and, rather, that Congress has the authority and the ability to make legislation with respect to the District of Columbia. In the Tidewater case, again Congress came forward and said that diversity jurisdiction applies to the District of Columbia even though it is not a State, and clearly that was upheld by the Supreme Court.

So this is not without precedent. This is something that Congress has done in the past because under article I, section 8, they have exclusive jurisdiction over the District of Columbia.

A couple of other points that I just would like to respond to. My colleague said that the majority just won't listen to reason, and I can't help but think that maybe that is what was said about the Founding Fathers by the members of parliament, that the people in America just won't listen to reason. How dare they talk about being represented just because we tax them?

This issue is critical. We tax the people in the District of Columbia. They are citizens of the United States. They fight and they die in our wars. They should be able to have a voting Member in Congress.

He also said that the majority has sunk to an all-time low. I am very troubled by that. If giving the right to vote to Americans, giving the right to vote to people who live here in the District of Columbia, in our capital, is sinking to an all-time low, then that is where I want to be, because clearly that is what we should be doing. We spend billions of dollars in other places in the world to ensure that citizens in other places in the world have the right to vote. We certainly should be able to do that here in our own country.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. I thank the gentleman for yielding.

Mr. Speaker, this is a new Congress. This is a Congress with respect for the Constitution and the principles for which it stands. This is a Congress that respects the underlying principle that people in this country deserve the right to be represented and to have a voice in this great democracy of ours.

Mr. Speaker, I rise today in support of the rule and in support of this legislation that is long overdue and which will correct an anomaly in our democracy, an anomaly which denies representation to approximately 600,000 residents of this country.

Residents of the District of Columbia have had to wait over 170 years to vote in this country's Presidential election. They have had to wait for over 180 years for the right to exercise home rule. They have had to wait for over 200 years to have a vote in the House of Representatives. And we should not make them wait one day more.

These residents live in the shadow of our great Capitol, who pay taxes to our Federal Government, who serve in our military, who fight and die to protect the very representative rights that we have in this country, but yet we deny these citizens the right to have control over the laws that govern our country. They have no Representative who can vote in this House of Representatives.

This past Monday, Mr. Speaker, the residents of the District of Columbia engaged in an act of grass-roots lobbying in its purest form. Thousands of these unrepresented residents marched down Pennsylvania Avenue to the Capitol on the city's annual Emancipation Day, marking the day that slavery ended in the District. They marched to the Capitol to ask this legislative body to recognize and rectify the injustice that they experience every single day. They marched for the right to have a say in this legislative body. These citizens, these students, these senior citizens, workers, activists, and church members marched to have a vote.

This is a Congress that respects the Constitution. And my respect for the Constitution goes back to very early days. And one of the greatest things that I have ever received was recognition, even in law school, by the Federal Bar Association for outstanding performance in constitutional law.

The Framers of our Constitution gave Congress the right to make laws concerning the District of Columbia, and it is under the power of the District clause of the Constitution that I join today in supporting the District of Columbia Voting Rights Act.

This is long overdue. The last Congress earned the distinction of being called the ''worse than the do-nothing Congress.'' This is a Congress that is going to get the job done, and this is a Congress that is going to respect the Constitution.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 8 minutes to the gentleman from San Dimas, California, the ranking member of the Rules Committee (Mr. DREIER).

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

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

I rise in the strongest possible opposition to the rule, recognizing full well that there are a wide range of views on the constitutionality of this question.

I have listened to Mr. ARCURI, the gentleman from New York, make his argument that he believes very much in the right to representation, which I obviously completely concur with. And the people of the District of Columbia, I think, are very ably represented here right now by our distinguished friend, my Delegate who represents me very well, since I seem to spend more time here than I do in California, Ms. ELEANOR HOLMES NORTON. But the fact is,

Mr. Speaker, as we look at this question, Thomas Jefferson was the one who said ''Two thinking men can be given the exact same set of facts and draw different conclusions.''

□ 1115

And so I recognize that there are some who come down on the side of believing that it is constitutional for us to proceed with this. I read the Constitution in a little different way. When I see those two words, the ''several States'' as being the criterion for representation here, or at least one of the criteria for representation here in the House of Representatives, it says to me that there need to be changes to the U.S. Constitution if in fact we are going to proceed with the action that the majority in this House, the majority leadership in this House, wants to take on.

So I recognize that there are disparate views on this, Mr. Speaker. The thing that troubles me most is the procedure around which we are considering this measure. And what I would like to do, I would like to engage my good friend from New York, Mr. ARCURI, the manager of the rule, in a colloquy, if I might, just to consider this procedure around which we are going to be debating this question.

Actually, from what I can tell, in our analysis of this rule, we are blazing completely new ground here when it comes procedurally to this institution. I have heard a lot of criticism over the years of the tenure that I had as chairman of the Rules Committee, and one of the points that I would like to make is it wasn't really about what we did, but it was about promises that were made about fairness, promises that were made about the way every Member of this House, Democrat and Republican, was going to have an opportunity to participate.

So the question that I have is, I know that under regular order, if the House agrees to a straight motion to recommit the bill to the committee, or such a motion with instructions that the committee promptly report it back with an amendment, the bill then, when that motion to recommit prevails, does in fact go back to the committee and it must naturally assume that the committee will follow the House's instructions. And I wonder if the gentleman could tell me if that is in fact going to be the case under our consideration of this rule that we are going to be voting on, the one that we are debating right now.

Mr. ARCURI. The rule contains two motions to recommit, one for each bill.

Mr. DREIER. The rule contains two motions to recommit, one for each bill.

My question is whether or not the success of a motion to recommit would in fact send this measure back to committee, or would it in fact do something that has never, ever been done before, based on my reading of the rule: Would it in fact kill the bill itself?

Mr. ARCURI. If either bill is not passed, then both bills are defeated.

Mr. DREIER. Yes. But the point is if, for the first time ever, this rule actually takes a motion to recommit, Mr. Speaker, and it basically submits it to be laid on the table potentially, the bill to be laid on the table, therefore preventing the House from having the opportunity to work its will, never before in the history of this institution, Mr. Speaker, has this kind of sleight of hand been used. We know, Mr. Speaker, why it is that we are here considering this measure again. It is very simply due to the fact that a bipartisan majority, Republicans leading with Democrats voting along in support of the motion to recommit on this bill, led to what is clearly sleight of hand, undermining the long-standing tradition.

We, as the minority, on 47 different occasions in the years leading up to our winning the majority in 1994, were denied the opportunity have a motion to recommit. We were denied that time and time again, Mr. Speaker. Not every time, but we were often denied it.

So that is the reason that we made a decision when we won the majority in 1994 that we were going to guarantee that the minority had a right to offer a motion to recommit, at least one bite at the apple, and in most cases a substitute; so at least two bites at the apple in most cases. But we very, very firmly made that commitment to the motion to recommit.

Now, what is it that's happened? We lost the majority in last November's election.

Mr. ARCURI. Will the gentleman yield?

Mr. DREIER. I will yield in just a moment when I am done with my statement. I know the gentleman has plenty of time. I look forward to yielding to the gentleman, but I would like to explain why it is that we're here and how outrageous this rule is.

What happened last November, when we lost the majority, we got ourselves in a position where we figured, gosh, we will have only one bite at the apple, only one opportunity to allow the majority of the House to come together and address these issues. And what happened, Mr. Speaker? What happened is very clear. On seven occasions so far in the 110th Congress, the House has worked its will. A bipartisan majority of Republicans and Democrats came together and succeeded in passing motions to recommit, including on a District of Columbia bill that we are addressing here.

So what is it that happened? Because of the fact that the Democratic majority leadership, not a majority of the House, but the majority leadership decided they did not want us to do this, they have resorted to a procedure which unfortunately creates a scenario whereby if the House succeeds in passing a motion to recommit, the opportunity to have a bill laid on the table, which basically kills the bill completely, is put before us. And I think, Mr. Speaker, that that is a very, very unfortunate precedent that the new majority is looking at, and they are doing it simply to subvert the will of this House.

And with that, Mr. Speaker, I'm happy to yield to my friend.

Mr. ARCURI. Thank you, sir.

This rule ensures that neither of the two bills can achieve passage in the House without being subject to a motion to recommit. Now, you talk about fairness. My colleague talks about fairness, and he believes in fairness as we all do. But that is what this bill is about; this bill is about fairness.

Mr. DREIER. If I could reclaim my time, since I'm managing the time here, Mr. Speaker, I could reclaim it by saying I have already spoken about the fact that I recognize Mr. ARCURI's belief that this is a constitutional bill, and I share his commitment to fairness of the bill itself.

I am not here talking about the bill. I am here talking about the procedure, which is blatantly unfair, that is undermining the opportunity for this House to work its will on this issue. When I yielded to the gentleman, it was to talk about our procedure here. I think that it is very, very unfortunate that for the first time in the over 200-year history of this institution, we are going to be taking this very precious right of a motion to recommit and killing legislation.

With that, Mr. Speaker, I thank my friend for yielding.

Mr. ARCURI. Mr. Speaker, my colleague, again, talks about fairness, and fairness is why we are here today.

He talks about what we are trying to do today. What we are trying to do is give the residents of the District of Columbia their long overdue right to vote. That is why we are here today. The procedure that we are following is fair, it is just, and the important thing for us to remember is why we are here, and that is to give the right to vote to the residents of the District of Columbia.

Mr. Speaker, I yield 9 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentleman for yielding. I thank the gentleman for his strong advocacy for the rights of all Americans.

I must begin by saying when you hear people come to the floor and invoke the word ''fairness'' in a debate where they oppose the basic right to vote, they drain that word of all of its meaning.

Mr. Speaker, I would like to speak to the rule proper. I would like to offer some thanks during this rule period. And I would like to say a word about Utah, our very strong partner about whom we hear little because they are so far away.

The other side, after the last vote on this bill, clucked that they had actually stopped our people in the Nation's Capital from getting a vote. Imagine how that was received all around the world. Now they come to the floor with the nerve to object to the procedure.

Mind you, the substance is really what they are after. If in fact the District of Columbia was a largely Republican city, these Members would be on the floor arguing for voting rights for the District of Columbia just as the radical Republican abolitionists gave us the vote, which was then taken from us, and gave us home rule.

Mr. DREIER. Would the gentlewoman yield?

Ms. NORTON. I will not yield, sir. The District of Columbia has spent 206 years yielding to people who would deny them the vote. I yield you no ground, not during my time. You have had your say, and your say has been that you think that the people who live in your capital are not entitled to a vote in their House. Shame on you.

Then they want an open rule. They want an open rule so they can deny the vote. The American people will have nothing but praise for the Democratic leadership because the Democratic leaders have found a way to observe two cardinal principles, the principle most basic of all, the right to vote, yes, the principle of fiscal responsibility.

Now, the Democrats could never have thrown the foul ball that was used to delay this bill, and the reason is, of course, that the other side spent 12 years building a deficit and didn't observe the PAYGO rule, and so there would have been no germaneness issue. I don't think that was so smart.

The bill was open to an outrageous attempt to repeal our gun laws. We are a free people. We are entitled to have the same jurisdiction over our gun laws they have, and we are going to insist on it. And the Democratic leaders did not bow to that trick. Instead, they went back and found a way to keep to the principle of finally paying for what we do, as you should have done for more than 10 years.

Mr. MCHENRY. Mr. Speaker, I ask those that are debating on the floor to address their comments to the Speaker, and that is according to House rules. I ask you to enforce those rules.

The SPEAKER pro tempore. Members are advised to direct their comments to the Chair.

Ms. NORTON. I would be glad to do it. If the Member doesn't want to face me face to face, I will address the Speaker, you will get the point.

The SPEAKER pro tempore. Members are advised to direct their comments to the Chair.

The gentlewoman is recognized.

Ms. NORTON. Mr. Speaker, for more than 4 years, thousands of Americans and others around the world have sought this bill and contributed ideas, time and effort, beginning with Speaker NANCY PELOSI, who added to her long and unequivocal push for full rights for District citizens, her personal attention and intervention when it counted most to move this bill forward. And majority leader STENY HOYER, whose outspoken dedication to our rights overcame procedural malevolence to bring today's bill forward. However, the idea originally came from the Republican side. When I was in the minority, moved by his personal sense of right and wrong, Congressman TOM DAVIS smartly and doggedly started us down the bipartisan path to equal votes for the District and for Utah.

Judiciary Committee Chair JOHN CONYERS, since his election in 1964, has robustly argued that rights for D.C. residents must match their burdens. HENRY WAXMAN, first as ranking member, now as Chair, began leading a principled effort for equal rights for D.C. citizens long before I was elected to Congress.

Utah Governor John Huntsman, and the Utah delegation, Representatives BISHOP, CANNON and MATHESON, forged a unique partnership on their understanding that Utah and D.C. residents felt the same sense of loss and should obtain these precious rights together.

□ 1130

The local and national civil rights organizations formed themselves into a formidable D.C. voting rights coalition, led by D.C. Vote, which gave the effort, organizational know-how and boundless dedication, and the Leadership Conference for Civil Rights, which has carried D.C. voting rights as a major civil rights cause for decades.

The official international human rights entities abroad have gone on record to ask the United States of America to conform with international law by granting voting rights to the citizens of its capital. My own colleagues of both parties, who passed this bill in committees by overwhelming votes, 29–4, 24–5 and 21–13, especially my Republican colleagues, have joined this effort for the District of Columbia and for Utah out of principle.

The District of Columbia's four home rule mayors and city councils, particularly current Mayor Adrian Fenty and City Council Chair Vincent Gray, and, most especially, the residents of this city, living and dead, have fought for equal citizenship over the ages.

Today, we will get the vote I predict, at least in the House.

Mr. Speaker, I give great praise to a State which is the most Republican State in the Union for having unabashedly and continuously joined with us out of a deep sense of grievance of its own, that its missionaries, temporarily abroad in the service of their church, were not counted in the last census, and, thus, the State was deprived of a seat that they believed they were entitled to.

I would like to quote Governor John Huntsman, the Governor of the State, who came and said, ''I have not extensively studied the constitutionality of the D.C. House Voting Rights Act, but I am impressed and persuaded by the scholarship represented. The people of Utah have expressed outrage over the loss of one congressional seat for the last 6 years. I share their outrage. I can't imagine what it must be like for American citizens to have no representation for over 200 years.''

We will pass this bill today. We will put it in the hands of two Republican Senators from Utah, Senators Hatch and Bennett, and there I believe it will fare well, because the people of Utah want this vote, their vote, as much as we want our vote.

I ask, in testament to that, that two editorials from the Salt Lake Tribune be included for the RECORD.

[From the Salt Lake Tribune, Mar. 13, 2007]

UTAH'S 4TH SEAT: ONE QUIBBLE ASIDE, NEW BILL WOULD DO THE RIGHT THING

It's back. A bill before Congress would give the District of Columbia its first voting member of the House of Representatives and Utah its fourth seat in that body. We favor it because Utah's rapidly growing population is entitled to a fourth seat. There are things about the bill that could be better, but the overriding principles are right. The 600,000 people of the District of Columbia have a delegate in the House but she cannot vote on the floor, That's a cruel irony in a nation that fancies itself a beacon of republican democracy.

That situation is an accident of constitutional history. The founders fashioned D.C. so that no state would have the advantage of being the seat of the federal government. But it is the states, under the Constitution's language, that elect U.S. representatives and senators. For more than 200 years, that circumstance has denied the people of D.C. votes in Congress.

This bill would rectify that by treating D.C. as a congressional district for purposes of representation in the House. At the same time, it would increase the membership of the House from 435 to 437. One seat would go to D.C. The second would go to the next state in line for another seat because of population growth, i.e., Utah. The reason for this second provision is to preserve the existing partisan balance in the House. D.C. presumably will elect a Democrat. Utah presumably will elect a Republican.

Our major quibble with the bill, H.R. 1433, is that it would have Utah elect its new member-at-large, that is, statewide, rather than by congressional district, until after the 2010 census and reapportionment. We believe that is a mistake because it would allow every Utah voter to vote for two members of the House while every other voter in the U.S. could vote for only one.

Besides, the Utah Legislature last year created four equal congressional districts in anticipation of an earlier version of this bill which failed in the last Congress.

The at-large proposal would spare Utah's sitting members of the House from running in special elections to fill the four new seats. While that is a real hardship in terms of fundraising, it would be worthwhile to preserve the principle of equal representation.

The quibble: The bill would have Utah elect its new member at large, that is, statewide, rather than by congressional district, until after the 2010 census and reapportionment.

[FROM THE SALT LAKE TRIBUNE, DEC. 7, 2006]

CAPTIVE CAPITAL: NO CONSTITUTIONAL BAR TO D.C. REPRESENTATION

How can it be unconstitutional to give some 600,000 American citizens—tax-paying, military-serving citizens literally living in the shadow of the Capitol dome—the right to vote for some representation in Congress.

Only a tortured, neocolonial reading of the Constitution would conclude that we should exclude the people who live in the Federal City from the representation that all other Americans take for granted.

OK, so that's the reading that has carried the day for 200 years. That doesn't make it right.

A last-gasp effort to stick to that thinking, if it hadn't quickly died on the floor of the Utah House Monday, could have jeopardized the deal to give Utah its well-deserved fourth seat in Congress by denying the quid pro quo of the first-ever seat for the District of Columbia.

The deal is dead for now anyway, lost in the crush of last minute, lame-duck congressional business. The Utah Legislature's approval of four prospective congressional districts still matters, though, as the issue may arise next year.

Either way, people who claim to live by the U.S. Constitution should read past its third paragraph.

Sticking to the notion that people in Washington can't be represented in Congress because they don't live in one of ''the several states'' places text above meaning.

Other constitutional provisions, ranging from the vague clause that gives Congress exclusive power over a federal district to the equal protection and voting rights provisions of the 14th and 15th Amendments, also matter. Read together, they leave little excuse for the taxation without representation that D.C. residents have suffered almost since the beginning of the Republic.

In arguing for an independent federal zone for the national capital, something that was thought necessary to ensure that no state would gain an unfair advantage over the others by having the seal of federal power in its back pocket, James Madison's Federalist No. 43 simply took it for granted that the rights of that district's inhabitants would be protected. They weren't.

A 2000 Supreme Court ruling held that the situation was unfair to D.C. residents, but that the courts had no power to remedy that, it was up to Congress, with its exclusive power over the District, to grant relief.

Congress should still consider just that.

Only 200 years late.

Mr. SESSIONS. Mr. Speaker, we simply are on the floor today to say that the means do not justify the ends. It should be done properly and constitutionally; just as it was done in 1978, it should be done today. We think the way that the Democrat majority is doing this, to give super-voting powers to the District of Columbia and to the State of Utah, is unconstitutional. So I make no apologies for standing up for the way I read the Constitution and what I believe.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, let me just say at the outset that I am happy to yield to my friend from the District of Columbia at any time whatsoever, and I want to once again praise her representation and the passion that she shows in her commitment to this issue.

As I said, I spent a great deal of time residing here in the District of Columbia, and I feel she very ably represents the District of Columbia and I am proud to have her as a colleague, Mr. Speaker.

Now, let me say this. I feel that the passion that she has shown in arguing in behalf of the legislation itself is something that I recognize and revere.

I said to Mr. ARCURI, Mr. Speaker, that I believe there can be recognition that there are diverse views on this question. I have come down on the side of recognizing that those words in the Constitution, ''the several States,'' mean that if we are going to do this, we should do it through a different route than the one that we are pursuing.

Ms. NORTON. Mr. Speaker will the gentleman yield?

Mr. DREIER. I am happy to yield to my friend, the gentlewoman from the District of Columbia.

Ms. NORTON. Mr. Speaker, I respect the gentleman, who indeed has, as always, given me and the city respect, and I know he understands what it must be like to be in the Congress for 17 years and come to the floor and see people debating your budget and your laws and you can't even vote on them.

I appreciate that the gentleman came to the floor on procedural matters. If the differences between the gentleman and me are on procedure, would not the better side of valor be to allow people on both sides to understand that you favor voting rights; and if your problem is constitutionality, I am sure the gentleman will understand that there is a third branch of government who can decide this matter for us both, particularly since he concedes that opinion on the constitutional question is divided.

Mr. DREIER. Mr. Speaker, reclaiming my time, I will say that obviously it appears, and the gentlewoman has already stated what she believes the outcome will be in this House; it be will be in the hands of those two Senators of whom she just referred, and we will see what happens, whether it is within the first branch of government or within the third branch of government. Obviously, the second branch of government will have a role in determining this.

The argument that I believe needs to be made, and Mr. SESSIONS just touched on this and has been arguing it throughout his management of this, the passion that is shown for the rights of the District of Columbia are very, very important, and the gentlewoman from the District of Columbia, Mr. Speaker, recognizes those and represents them extraordinarily well.

But an equal passion for the Constitution of the United States and, Mr. Speaker, an equal passion for the job that Mr. SESSIONS and I and Mr. ARCURI and the other members of the Rules Committee have for democracy in this institution is something that is very, very important.

I would say, Mr. Speaker, to my friend from the District of Columbia, who argues so strongly on behalf of the need for representation here in the House of Representatives for the District of Columbia, that if we look at this rule, which is subverting 200 years of precedent in this institution, by saying that if a motion to recommit on either of these bills in fact prevails, the motion is laid on the table, never before in the history of this institution, Mr. Speaker, has this been done.

So I have to say that we have an equal passion for our commitment to the precedents and the responsibility of the greatest deliberative body known to man; and for that reason, Mr. Speaker, we are troubled with the procedure around which we are about to move ahead with this very important debate.

Mr. ARCURI. Mr. Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, the gentleman argues about an unprecedented procedure. What about the unprecedented procedure that the other side used to delay this bill, sending the message around the world to delay this bill when it was delayed the last time?

This procedure is legal. Therefore, if you want to use procedure to stop the bill, you should say so. The fact is you have raised a constitutional point. You are not a constitutional scholar, and no Member of this House is, even I, who was a constitutional lawyer.

Therefore, when in doubt about something as precious as the right to vote, when the people we are talking about have paid taxes and have gone to war since the birth of the Republic, surely we should err on the side of encouraging everybody to vote for the bill, send it to the Senate, and let the one institution that can decide constitutional questions, the Supreme Court, make that decision.

Mr. DREIER. Mr. Speaker, will the gentlewoman yield?

Ms. NORTON. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, let me just say the thing that is most troubling is the decision to pull this bill was not a decision made by the minority. It was made by the majority leadership when that happened before this break. The reason that decision was made was that there was a sense that a majority in this House, a majority in this House might have been supportive of that motion to recommit that we were about to vote on.

Never before, never before had we seen, as general debate, as the debate had been completed, all of a sudden the bill was pulled from the floor.

Ms. NORTON. Reclaiming my time, it is certainly true that the vote was delayed and it was legal to delay it. By delaying the vote, do you know what the leaders of this House did? They saved the reputation of this House throughout the world. No one knows what would have happened. But no vote on guns occurred.

You don't know what would have happened.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SNYDER). Members are reminded that the rules require that comments be directed to the Chair, and Members

should not address one another in the second person.

Ms. NORTON. I can understand why the Members on that side don't want to be spoken to directly.

Nobody knows what would have been the result of that vote. The least of all who know is the other side.

One thing we do know is that it was a perversion. It would have been a perversion to even allow a vote about guns, a vote about guns that would have deprived the District of its own right to decide the issue in order to decide whether it should have a vote.

The decision therefore to pull the bill was legal and the delay saved the principle that we should be voting on one basic right, the basic right that is before us today in the House Voting Rights Act.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. I thank my colleague from Texas (Mr. SESSIONS) for yielding the time.

Mr. Speaker, today we are engaged in a very serious debate. It is a constitutional debate. Having served on the Government Reform and Oversight Committee, we actually passed this bill. I opposed it in committee on constitutional grounds. I offered amendments to actually fix what I feel are constitutional problems in this legislation, and there are constitutional ways to achieve what my colleague, the Delegate from the District of Columbia, seeks to do.

There are constitutional ways to do that. Just as in the 19th century, the part of the District of Columbia that was part of Virginia was ceded back to the State of Virginia; likewise, the part of the District of Columbia that was Maryland could be ceded back for representation purposes to the State of Maryland. So there are constitutional ways to achieve what the Delegate seeks to achieve.

But the Constitution clearly provides how Congressmen and Senators are allocated, and they are allocated to the States. The District of Columbia was provided for. The District of Columbia is a Federal city and it is not a State.

Presently, D.C. has a Delegate who votes in committee. Actually, under the new Democrat rules, they also vote here on this House floor. I believe that is unconstitutional as well. But what this bill does is allow the District of Columbia to keep that Delegate vote and supplement it with another vote.

Now, what I would submit is that the new Democrat majority is trying to pad their numbers on this House floor. That is why they gave Democrats who are nonvoting Members of this body the ability to vote on the House floor. That is also why, I submit, that this Democrat majority is submitting this bill for approval on this House floor, and keeping not only the Delegate vote, but adding another Democrat vote to this House floor.

I don't oppose it for personal reasons. I oppose this legislation for constitutional reasons, and I would submit to the Delegate from the District of Columbia that we all must make a judgment on the constitutionality of legislation that we see before us on the House floor, and in that way, we must be constitutional scholars and study it.

So, beyond that, let's think about what the Democrats are doing, Mr. Speaker. They are looking for a raw power grab. They not only want to add another seat in Democrat hands to this body, but they want to allow nonvoting delegates the ability to vote on this House floor. I think that is wrong and unconstitutional, and I think the American people need to understand what is happening here. It is a raw power grab by the new Democrat majority.

□ 1145

Now, I think there are a lot of valid reasons for us to look at ways to allow the people in the District of Columbia to vote for Congress and for Senate, and I think the way to do that is to cede that part of Maryland that is now the District of Columbia back to the State of Maryland for voting purposes. And if they truly seek to do what they seek to do today, they could propose a constitutional amendment which has previously been rejected. I urge us to vote down this rule.

Mr. SESSIONS. Mr. Speaker, at this time I yield, with Mr. ARCURI's concurrence, 4 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentleman for yielding. And I am opposed to this rule for specific reasons about the process and about the unique and unheard of change that would state that if a recommital motion passes, that that is laid upon the table. That strips completely the authority of the minority to have input into the process. And I would think, Mr. Speaker, that Members of the majority party would be ashamed. I would think that that would be the appropriate course of action, and that they ought to rethink what they are doing.

But I came down to the floor to talk about the substance of the bill, because I believe passionately in representation. I believe passionately in the importance of members, of citizens, residents of the District of Columbia to have representation, voting representation in this House. I believe passionately in the Constitution. And I believe that those two beliefs are not mutually exclusive.

There is a particularly appropriate way to proceed, and that is through the issue of retrocession, which as you know, Mr. Speaker, provides that that portion of the District of Columbia that has residents in it, citizens in it, could be moved back into the State of Maryland and thereby obtain appropriate representation.

Mr. Speaker, I know that facts are troubling things, and the supreme law of our land, the Constitution, requires us to do certain things and one of them is to follow the Constitution.

Article I, section 2 of the Constitution states: ''The House of Representatives shall be composed of members chosen every second year by the people of the several States.'' It doesn't say, and the District of Columbia. It says: the people of the several States.''

Mr. Speaker, I would suggest that that, along with the next paragraph which states: ''No person shall be a representative who shall not, when elected, be an inhabitant of that State in which he shall be chosen.'' It is clear that this action will be unconstitutional if it moves forward.

Even Peter Rodino, former Democratic Chair of the Judiciary Committee in the 95th Congress, when confronted with this issue said: ''If the citizens of a district are to have a voting representation in Congress, a constitutional amendment is essential. Statutory action alone will not suffice.''

So, Mr. Speaker, it is clear that this action that is being proposed by the majority party is indeed unconstitutional, and I would agree with the delegate from the District of Columbia that there is a body in our system of government that will determine that. That is the judiciary branch. I am hopeful that it will occur rapidly.

And I would be happy to yield to the delegate from the District of Columbia to see whether or not she would support, along with this, a demand for an expedited review of this legislation and would it move forward.

Ms. NORTON. I will support that, if the gentleman will support this bill by voting for it on the floor.

Mr. PRICE of Georgia. Reclaiming my time, I thank the gentlelady for supporting it because I think that is important. I think it is important that if this in fact moves forward, I am not certain that it will move through the other body, but if it does move forward, that it gets the expedited review that is so imperative for our Constitution to be followed appropriately.

Ms. NORTON. Mr. Speaker, will the gentleman yield?

Mr. PRICE of Georgia. I yield to the gentlewoman from the District of Columbia.

Ms. NORTON. Has he agreed therefore to support the bill when in fact the vote is taken?

Mr. PRICE of Georgia. Mr. Speaker, my oath tells me that I am not to support anything that I believe to support anything to be unconstitutional. I believe this bill to be unconstitutional. I also believe that others may have a different perspective, and I appreciate that, and that the place to decide that is in the court. And I would hope that we would have an expedited review.

Mr. SESSIONS. Mr. Speaker, by agreement, I believe Mr. ARCURI and I are going to be the final two speakers. He has agreed that I will offer my close and then yield back my time, and the gentleman will have the remaining time.

Mr. ARCURI. Agreed.

Mr. SESSIONS. Mr. Speaker, the minority believes that the means just don't justify the ends. We believe that there is a process for getting this done constitutionally and appropriately. We believe the way the rule is written, we believe that the supermajority that this would give to Washington, D.C. two voting Members as well as a super-Delegate Member who would be from Utah would violate the one man-one vote clause. We believe that the way that this is written is wrong and not correct, and we should not proceed under that matter.

Related to the gentlelady's comments about us delaying tactics several weeks ago, I find that curious because we were following regular order rules, rules that had been established. And I find it interesting that regular order would be called a delaying tactic.

Mr. Speaker, I am asking Members to vote against the previous question so that I might be able to offer an amendment to the rule which would strike the obvious attempt to nullify and mute the minority's ability to recommit a bill.

The provision says that if the minority has a valid motion to recommit and the majority of the House agrees to it, the bill is tabled. The majority has taken away the House's ability to send something back to the committee for further consideration.

The distinguished majority leader has spent a great deal of time telling Members in the press that the motion to recommit offered on March 22 would have killed the bill. Well, that just wasn't true. It would have sent the bill back to the committee.

The egregious provision makes the minority leader's wishes come true now. It causes any motion to recommit the bill other than a forthwith motion to effectively kill the bill. Why would the Democrat majority want to limit the minority's opinion in such a manner? Would it be so that they might be able to say with a straight face that a vote to recommit actually kills the bill?

Mr. Speaker, I ask unanimous consent that the text of the amendment and the extraneous material be printed just prior to the vote on the previous question.

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

There was no objection.

Mr. Speaker, I yield back my time.

Mr. ARCURI. Mr. Speaker, I would like to thank my colleague from Texas and my colleagues on the Rules Committee for their spirited debate in this issue. I would also like to thank my distinguished colleague from the District of Columbia for her leadership on this issue and her passion. She has shown such incredible focus in terms of what she feels and what she believes, and it is contagious and I commend her for it.

This is an issue that is not only important to the residents to the District of Columbia, but it is important for the residents of the entire country because it is about giving the right to vote to people who deserve it. And that is what our country was founded on and that is what we are all about.

In my closing, I would just like to mention several points that were discussed in the previous debate, and one of them was brought up by my colleague from North Carolina. And I am troubled by the fact that he is attempting to talk about power grabs and talking about turning this issue into a political issue. This is not a political issue. It never has been. That is what the American people don't want out of their Congress. They want debate on issues that are important to the people.

This is something that is important to all of America. It is important to the residents of Utah, and it is important to the residents of the District of Columbia. It is not about a power grab. It is not about politics. And that is what the American people don't want to hear their Representatives in Congress talking about. They want to hear about why we support a bill. And the reason that this bill is important, the reason that this bill is critical is because it is constitutional.

My colleague from Texas said that the end doesn't justify the means, and I agree with him; the end cannot justify the means. This bill is not about that. This bill is clearly constitutional.

And I remind my colleague from North Carolina that if he looks at why Congress originally set up the District of Columbia, it was because the capital was in Philadelphia, and they were not able to do the kinds of things in Philadelphia that they wanted to because Pennsylvania was a sovereign State and they couldn't tell the State of Pennsylvania what they wanted done. So they came upon this idea to create a district, a district which they would have control over. That is why the District of Columbia was set up. That is why we are debating this bill today.

Mr. MCHENRY. Mr. Speaker, will the gentleman yield?

Mr. ARCURI. I yield to the gentleman from North Carolina.

Mr. MCHENRY. The gentleman used my name in his speech, so I would certainly like to yield for a question.

So when the Founding Fathers created the District of Columbia, why then did they not grant the District of Columbia two Senators and a Member of this House?

Mr. ARCURI. Mr. Speaker, I yield to the gentlewoman from the District of Columbia.

Ms. NORTON. When the Constitution was written, first of all, Senators weren't popularly elected; they were appointed, not elected, number one. Number two, when the Constitution was written there was a 10-year period during which the District essentially had all the same rights it had always had because the Framers guaranteed to Maryland and Virginia they would not lose those rights. So when the seat moved over and it became the jurisdiction of the Congress, only the Congress could fulfill the mandate now that the city was under its jurisdiction to grant the city the right to vote.

We are asking for the right to vote only in the House. And the Senate, somebody would have had to appoint Senators at the time. So that could not have been done.

Mr. ARCURI. Mr. Speaker, this bill is, as I said, about fairness. They are talking about everything but what is important. They are talking about every fact except the important fact, and that is that this bill is about giving the right to vote to citizens of the United States. That is what is important.

Nearly 600,000 citizens of Washington, D.C. have waited far too long for equal representation in this Chamber. They have sacrificed their lives defending this great Nation and paid their fair share of taxes. We have an opportunity to correct this grave injustice and provide to the citizens of our Nation's Capital the most important right of all, and that is the full right to vote.

I want to commend again the Delegate from Washington (Ms. NORTON) for her tireless efforts that have brought us here for this historic day. It is this type of passion and commitment that further strengthens our democracy. I urge a ''yes'' vote on the rule and on the previous question.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 317 OFFERED BY REP. SESSIONS OF TEXAS

Strike section 3.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to

yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. Speaker, I yield back the balance of my time and move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ARCURI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 219, nays 196, not voting 18, as follows:

[Roll No. 228]

YEAS—219

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—196

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Boehner
Brown, Corrine
Cantor
Cubin
Davis, Jo Ann
Engel
Fattah
Higgins
Israel
Lampson
Marshall
Millender-McDonald
Oberstar
Rohrabacher
Sali
Stark
Walsh (NY)
Wicker

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in the vote.

□ 1222

Mr. HUNTER and Mr. FERGUSON changed their vote from ''yea'' to ''nay.''

Mr. CRAMER changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. SALI. Mr. Speaker, on rollcall No. 228 I was unavoidably detained. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ARCURI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 219, nays 196, not voting 18, as follows:

[Roll No. 229]

YEAS—219

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison

Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—196

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Boehner
Cantor
Cubin
Davis, Jo Ann
Duncan
Engel
Fattah
Flake
Higgins
Israel
Lampson
Meeks (NY)
Melancon
Millender-McDonald
Rohrabacher
Stark
Walsh (NY)
Wicker

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1229

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MELANCON. Mr. Speaker, on the last vote, rollcall 229, had I been present, I would have voted "yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1593

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that as sponsor of H.R. 1593 that Representative WALTER JONES, JR., be removed as a cosponsor.

The SPEAKER pro tempore (Mr. CARDOZA). Is there objection to the request of the gentleman from Illinois?

There was no objection.

DISTRICT OF COLUMBIA HOUSE VOTING RIGHTS ACT OF 2007

Mr. CONYERS. Mr. Speaker, pursuant to House Resolution 317, I call up the bill (H.R. 1905) to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1905

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia House Voting Rights Act of 2007".

SEC. 2. TREATMENT OF DISTRICT OF COLUMBIA AS CONGRESSIONAL DISTRICT.

(a) IN GENERAL.—Notwithstanding any other provision of law, the District of Columbia shall be considered a Congressional district for purposes of representation in the House of Representatives.

(b) CONFORMING AMENDMENTS RELATING TO APPORTIONMENT OF MEMBERS OF HOUSE OF REPRESENTATIVES.—

(1) INCLUSION OF SINGLE DISTRICT OF COLUMBIA MEMBER IN REAPPORTIONMENT OF MEMBERS AMONG STATES.—Section 22 of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress", approved June 28, 1929 (2 U.S.C. 2a), is amended by adding at the end the following new subsection:

"(d) This section shall apply with respect to the District of Columbia in the same manner as this section applies to a State, except that the District of Columbia may not receive more than one Member under any reapportionment of Members.".

(2) CLARIFICATION OF DETERMINATION OF NUMBER OF PRESIDENTIAL ELECTORS ON BASIS OF 23RD AMENDMENT.—Section 3 of title 3, United States Code, is amended by striking "come into office;" and inserting the following: "come into office (subject to the twenty-third article of amendment to the Constitution of the United States in the case of the District of Columbia);".

SEC. 3. INCREASE IN MEMBERSHIP OF HOUSE OF REPRESENTATIVES.

(a) PERMANENT INCREASE IN NUMBER OF MEMBERS.—Effective with respect to the One Hundred Tenth Congress and each succeeding Congress, the House of Representatives shall be composed of 437 Members, including any Members representing the District of Columbia pursuant to section 2(a).

(b) REAPPORTIONMENT OF MEMBERS RESULTING FROM INCREASE.—

(1) IN GENERAL.—Section 22(a) of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress", approved June 28, 1929 (2 U.S.C. 2a(a)), is amended by striking "the then existing number of Representatives" and inserting "the number of Representatives established with respect to the One Hundred Tenth Congress".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to the regular decennial census conducted for 2010 and each subsequent regular decennial census.

(c) SPECIAL RULES FOR PERIOD PRIOR TO 2012 REAPPORTIONMENT.—

(1) TRANSMITTAL OF REVISED STATEMENT OF APPORTIONMENT BY PRESIDENT.—Not later than 30 days after the date of the enactment of this Act, the President shall transmit to Congress a revised version of the most recent statement of apportionment submitted under section 22(a) of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress", approved June 28, 1929 (2 U.S.C. 2a(a)), to take into account this Act and the amendments made by this Act.

(2) REPORT BY CLERK.—Not later than 15 calendar days after receiving the revised version of the statement of apportionment under paragraph (1), the Clerk of the House of Representatives, in accordance with section 22(b) of such Act (2 U.S.C. 2a(b)), shall send to the executive of each State a certificate of the number of Representatives to which such State is entitled under section 22 of such Act, and shall submit a report to the Speaker of the House of Representatives identifying the State (other than the District of Columbia) which is entitled to one additional Representative pursuant to this section.

(3) REQUIREMENTS FOR ELECTION OF ADDITIONAL MEMBER.—During the One Hundred

Tenth Congress, the One Hundred Eleventh Congress, and the One Hundred Twelfth Congress—

(A) notwithstanding the final undesignated paragraph of the Act entitled ''An Act for the relief of Doctor Ricardo Vallejo Samala and to provide for congressional redistricting'', approved December 14, 1967 (2 U.S.C. 2c), the additional Representative to which the State identified by the Clerk of the House of Representatives in the report submitted under paragraph (2) is entitled shall be elected from the State at large; and

(B) the other Representatives to which such State is entitled shall be elected on the basis of the Congressional districts in effect in the State for the One Hundred Ninth Congress.

SEC. 4. NONSEVERABILITY OF PROVISIONS.

If any provision of this Act, or any amendment made by this Act, is declared or held invalid or unenforceable, the remaining provisions of this Act and any amendment made by this Act shall be treated and deemed invalid and shall have no force or effect of law.

The SPEAKER pro tempore. Pursuant to House Resolution 317, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1905, the District of Columbia House Voting Rights Act of 2007.

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

There was no objection.

Mr. CONYERS. Mr. Speaker, I would like to begin the debate on this measure by yielding myself as much time as I may consume.

Mr. Speaker, this past Monday on April 16, Emancipation Day, District of Columbia residents and others gathered by the thousands at Freedom Plaza and marched to the Capitol, calling on Congress to ''demand the vote.''

On that day in 1862, President Abraham Lincoln signed the District of Columbia Compensated Emancipation Act, freeing approximately 3,100 men, women and children who were held in bondage. That was several months before, of course, President Lincoln's issue of the Emancipation Proclamation on New Year's Day, 1863.

I stand before my colleagues in the House today and cannot help but note that the District of Columbia was the starting point for the Emancipation President, as he was called, but it still does not have the full voting franchise that is at the heart of U.S. citizenship. This hardly seems right, and we have come today, assembled again to correct this.

Monday's marchers sent a message to Congress: District residents have had enough of ''taxation without representation.'' That is a message that all Americans and all students of American history should understand. District residents just want what Americans elsewhere enjoy: a full share in American democracy.

This simple but compelling message has reached Congress, and today we are acting on it. Today we will do our part to correct a 200-year-old injustice. We have a constitutionally sound, bipartisan, politically balanced response that will give, at last, citizens of the District of Columbia full representation in the House.

The United States is the only democracy in the world, ladies and gentlemen, where citizens living in the capital city are denied representation in their legislature. Almost 600,000 people who call the District of Columbia home, who pay taxes, go off to war, and observe the other responsibilities of citizenship still do not have a vote in the Congress.

At Monday's march, we heard from a District of Columbia veteran who was one of the first soldiers sent to Iraq in March, 2003, and as a dual citizen of the United States and Iraq, he can participate fully in the Iraqi democratic process which includes electing voting members of the Iraqi National Legislature, but as a resident of the District of Columbia, his rights as a U.S. citizen are limited.

Well, his day has come, as well as for that of all of the citizens of this great District of Columbia. I hope that we can move this debate through as efficiently and as effectively as possible, and move toward a finish of a job that we have undertaken in more than one Congress.

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

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last month the House considered a similar piece of legislation. As has become the Democrats' antidemocratic custom, no amendments were allowed. The language of the bill was changed hours before it came to the House floor, and Republicans were allowed only a motion to recommit.

Today, we are back again to consider legislation to unconstitutionally give D.C. residents a voting representative in Congress. Since the wording of the legislation has been changed without approval by the committee of jurisdiction, we will not have an opportunity to give D.C. residents the right to possess weapons to protect themselves and their families. And the reason we cannot give them that right is the same reason the bill was withdrawn last month: The Democratic leadership is afraid Congress would approve it.

It is a shame that a bill that supposedly supports democracy is being brought up in such an undemocratic manner. The majority waived its own rules and will pass a separate tax increase, all to ram through the House an unconstitutional bill they rewrote at the 11th hour with no amendments allowed.

At the Judiciary Committee hearing on this bill, Professor Jonathan Turley, someone the majority consults frequently for his views, said: ''Permit me to be blunt. I consider this act to be the most premeditated, unconstitutional act by Congress in decades.''

This legislation was constitutionally suspect last month and it is constitutionally suspect today. The Constitution explicitly says that Members of Congress can only be elected by people who live in States. Article I section 2 reads, ''The House of Representatives shall be composed of Members chosen every second year by the people of the several States.''

Judges and legal experts agree that since D.C. is not a State, it cannot elect Members of Congress. In fact, a Federal district judge here in D.C. already has spoken on this point stating clearly, ''We conclude from our analysis of the text that the Constitution does not contemplate that the District may serve as a State for purposes of the apportionment of congressional representatives.''

And the House Judiciary Committee also has spoken on this point. When the House Judiciary Committee under the leadership of Democratic Chairman Peter Rodino in the 95th Congress reported out a constitutional amendment to do what this bill purports to be able to do by statute, the report stated, ''If the citizens of the District are to have voting representation in the Congress, a constitutional amendment is essential. Statutory action alone will not suffice.'' So what is being attempted with the legislation before us today is something long recognized as requiring a constitutional amendment.

Further, this bill unfairly subjects many citizens to unequal treatment. It grants Utah an additional Representative who will run at-large or statewide rather than in the individual district provided for in the redistricting plan the Utah legislature passed last year. The at-large provision creates a situation this country has not seen since the development of the Supreme Court's line of cases affirming the principle of one man, one vote.

Under this provision, voters in Utah would be able to vote for two Representatives, their own district Representative and their at-large Representative, whereas voters in every other State would only be able to vote for their one district Representative. The result would be that Utah voters would have more voting power than the voters of every other State.

The new bill the majority drafted at the 11th hour even fails to strike the current position of the Delegate that represents Washington, D.C. Currently, that delegate can vote in committee. So this bill not only grants voters in Utah two voting Members when every other voter only gets one, but also gives District voters two votes in committee, one vote for the D.C. Delegate and one vote for the new D.C. Member of Congress. Congratulations to Utah and D.C. voters.

Some feel sincerely that the Constitution can be pulled and stretched a

little and interpreted otherwise, but at least we can agree that it is by no means certain that the bill is constitutional. What is certain is that congressional voting for D.C. residents could be obtained by a constitutional amendment.

In 1978, Congress approved such a constitutional amendment, but only 16 of the 38 States necessary ratified it. As I mentioned, at the time the Democratic chairman of the Judiciary Committee said the only legitimate way to give D.C. residents the right to vote in Federal elections was a constitutional amendment as opposed to this kind of legislation.

Why is that process being ignored now? Is it because of the fear of failure again?

Like many Members of Congress, I favor giving D.C. residents the right to vote for Members of the House and the Senate; but this bill doesn't do that. It limits D.C. residents to voting only for House Members. This bill does not allow D.C. residents to vote for Senators. Why are we considering a bill that gives D.C. residents only half their rights? Isn't that ''taxation without representation''? Or maybe it is ''taxation with half-representation.'' Maybe we should refund D.C. residents half their taxes if this bill passes.

There is a solution, and it treats the residents of D.C. better than this bill. It is constitutional. It is more likely to succeed in a constitutional amendment, and it will give D.C. residents the right to vote for both House Members and Senators.

D.C. was originally carved out of Maryland. If D.C. were given back to Maryland, except for the Capitol and some Federal buildings, D.C. residents would be residents of a State and have the same voting rights. It has been done before. That part of D.C. that was once part of Virginia was returned to Virginia in 1846, so the precedent is there. Such legislation would only require a majority vote in Congress and in the Maryland legislature. Both are controlled by the Democratic Party.

Why are we waiting? Why not the best for D.C. residents? Why are we spending time on a bill that is constitutionally suspect and would be challenged in court? Why are we not acting now to return the District to Maryland and assure D.C. residents the right to vote in all Federal elections as quickly as possible?

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

Mr. CONYERS. Mr. Speaker, it is my pleasure now to yield 1 minute to the distinguished Speaker of the House of Representatives, Ms. NANCY PELOSI.

Ms. PELOSI. I thank the gentleman for yielding me time and for his leadership in bringing this legislation to the floor.

Mr. Speaker, today is a proud day for this House and for the District of Columbia and for our Nation. Today, we will fulfill our obligation to do right by the citizens of the District of Columbia.

Mr. Speaker, I commend the steadfast leadership, the exceptional tenacity, the relentless persistence of the gentlewoman from the District of Columbia (Ms. NORTON). Because of her today, America will be greater.

I also appreciate the leadership of the gentleman from Virginia (Mr. TOM DAVIS) making this bill one that has bipartisan cosponsorship. Again, without his participation, we wouldn't be here. For his support over a long period of time, we are all in your debt, Mr. DAVIS.

□ 1245

I want to thank also Mr. CONYERS and Mr. WAXMAN for their leadership; STENY HOYER, who has made this a mission in his life. It is a proud day for all of us.

Mr. Speaker, I take some personal pleasure in today's proceedings, because when I was born, my father was a Member of Congress. He was on the Appropriations Committee and he chaired the District of Columbia committee. At that time there was no mayor, there was no home rule. He was a strong supporter for the District to attain both. He would never have imagined all those many, many years ago that it would take this long to get a full vote on the floor for the District of Columbia.

And of course we would like, Mr. Chairman, to have statehood for the District of Columbia so they could have full representation for their taxation. But today we take this giant step.

This bipartisan effort to secure full voting representation in this House should command the support of all. Indeed, 82 percent of the American people support the District of Columbia having full voting rights on the floor of the House. This vote fulfills the promise of our democracy. It reflects what we stand for at home and preach around the world.

As the Supreme Court has said: ''No right is more precious in a free country than that of having a voice in the election of those who make the laws under which we, as good citizens, must live.''

Today, we seek to affirm an enduring principle of our democracy, the right to be heard and represented fully. For more than 200 years, the citizens of the District of Columbia have been denied full voting representation. This legislation corrects a serious flaw in our democracy.

Mr. Speaker, every single day that this Congress is in session, we take a pledge to the flag and to the Republic for which it stands. And at the end we say, ''with liberty and justice for all.'' That ''for all'' must include the people of the District of Columbia.

America is at its best and honors the cause of justice and freedom when all voices are fully represented. And we know that the citizens of the District of Columbia will give their voices to a vision of justice, equality and opportunity for all. They have already had the voice. Now they will have the vote.

Now is the time to honor our democracy. We will not rest until full voting representation in the House is granted to the District of Columbia. That is our obligation and our pledge.

Mr. SMITH of Texas. Mr. Speaker, I yield the balance of my time to my friend and colleague from Virginia (Mr. GOODLATTE) who is the ranking member of the House Agriculture Committee and also a senior member of the Judiciary Committee.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for such time as he may consume.

Mr. GOODLATTE. I thank the gentleman for yielding and it is at this time my pleasure to yield 2 minutes to the gentleman from Virginia, Mr. DAVIS.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would ask if the gentleman from Michigan could yield me 2 minutes as well.

Mr. CONYERS. Mr. Speaker, I am pleased to add 2 minutes on to Mr. DAVIS' allotted time.

The SPEAKER pro tempore. The gentleman is recognized for 4 minutes.

(Mr. TOM DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. TOM DAVIS of Virginia. Taxation Without Representation, the phrase that sparked this Nation's revolution of independence, still fuels the aspirations of District residents, especially this week when they paid taxes to a Federal Government in which they are not fully represented.

So this House once again considers a bill to correct this historical anomaly that leaves those living closest to the seat of our democracy without the same rights as their fellow citizens living everywhere else in our vast Nation. We persist because the cause is right and patience a vice against long-festering injustice.

Today, there is no need to repeat everything said 3 weeks ago. The history, the case law, the constitutional analysis have all been recited. We have heard from the opponents of this legislation who rely on a single argument championed by one very liberal constitutional lawyer.

We counter with the studied opinions of two former Federal judges, including Judge Kenneth Starr, and 25 legal scholars from the best law schools in the country, including Viet Dinh, who the Bush administration relied on to write the PATRIOT Act. Anyone who would have been moved by those arguments has already been persuaded.

Instead, I want to focus on the moral imperative to act, even in the face of difficulty or doubt. A great man of letters once said: ''Nothing will ever be attempted if all possible objections must first be overcome.'' There will always be an excuse not to try. Refute one opposing argument, another sprouts like a weed. In this case, the scales of justice cannot be moved with weightless legal theories. The balance is tipped decidedly by the solid facts

and heavy effects of disenfranchisement endured every day by those who live in the Nation's Capital.

The people of the District of Columbia have served in every war this country has fought. Think about that for a second. These Americans bravely risked their lives, not to defend the freedoms they had, but to protect the promise of freedoms they hoped to have restored. They dutifully pay many millions of dollars in Federal taxes year in and year out, with absolutely no say in how that money may be spent.

But these are the obvious sacrifices of living in the Federal City. The small daily contributions of this city's citizens should not be overlooked. District residents truly serve this Nation every day performing thousands of Federal jobs. But when this House votes on the shape, the size and the cost of that government, they are invisible, unseen and unheard in debates that affect their lives more directly than most.

As a Republican, I am not willing to bear the shame of failing to try to resolve this matter after 200 years. According to our party's own Web site, ''The Republican Party was organized as an answer to the divided politics, political turmoil, argument and internal divisions, particularly over slavery, which plagued many political parties in 1854.'' Our first Presidential candidate, John C. Fremont, ran under a slogan: ''Free soil, free labor, free speech, free men, Fremont.''

We exist as a party to increase representation and liberty in this country and in this world. This legislation is in the highest traditions of this party that fought for free speech, fought to abolish slavery, and fought to give women the right to vote.

So I ask my Republican colleagues to see through the fog of armchair constitutional analysis and do the right thing. There is still time to cast a Republican vote, a vote to preserve our party's heritage and to vote to expand liberty.

Opponents of this legislation will apologize that the Constitution won't allow them to do the good they wish they could do. I am sorry, but I can't accept that. At the end of the day, this is not an argument about what Congress can do. It is about what Congress is willing to do.

Those of us who are supporting this bill are not nervous about its constitutionality. We are convinced that this Congress already has the authority we need to expand freedom and liberty in this Nation. Might we be wrong? Possibly. The Supreme Court has never decided a case like this. But even if we are proven wrong, there is nobility in attempting to do the right thing. There is honor in acting, not just talking, to end injustice.

To those still shackled by doubt, I offer the words of Reverend King: ''Take the first step in faith. You don't have to see the whole staircase. Just take the first step.'' Take that step with me and pass this bill.

Mr. CONYERS. Mr. Speaker, I would like to turn now to the chairman of the Subcommittee on the Constitution, JERRY NADLER of New York, and recognize him for 3 minutes.

Mr. NADLER. Mr. Speaker, it is a stain on our national honor that the citizens of our Capital City are disenfranchised without any votes in Congress. We presume to lecture other nations on the importance of democracy; but today we are being put to our own test, and we must not fail.

Now, speakers on the other side say that this bill is unconstitutional. They say, and they point out correctly, that the Constitution says that the House of Representatives shall be composed of Members chosen every second year by the people of the several States. Washington, they say, isn't a State. QED. That's the end of the subject. But no, it isn't. It is not the end of the subject. The fact is, article III, section 2 says the judicial power, Federal jurisdiction shall extend to controversies between citizens of different States. Controversies between citizens of different States, that is the basis for jurisdiction for Federal lawsuits, some Federal lawsuits, many Federal lawsuits.

Well, what about a controversy when someone from the District of Columbia sues someone from Virginia or New York or Pennsylvania? Well, in 1805, the Supreme Court ruled that diversity jurisdiction did not exist between a citizen of the District of Columbia and a citizen of Virginia, in the case of Hepburn v. Ellzey, because the District of Columbia was not a State.

But the Court also said that Congress, under its power to legislate for the District of Columbia, could decide that, for purposes of diversity jurisdiction, the city of Washington, D.C. should be considered a State. Congress took its time in doing so, but did make that decision.

And there was a Supreme Court decision in 1949, a mere 145 years later. These things don't go that rapidly. 1949, in National Mutual Insurance Company of the District of Columbia v. Tidewater, the United States Supreme Court said, aha, Congress, having acted, the District of Columbia is a State for purposes of diversity jurisdiction under article III of the Constitution.

Congress has as much power to decide that the residents of the District of Columbia have the right to vote for Congress, which requires States, as Congress has the right to decide, upheld by the Supreme Court, that residents of the District of Columbia, have the right to sue citizens of other States. If the Congress has that power for purposes of giving the District of Columbia residents the right to sue and be sued by citizens of other States in Federal courts for diversity jurisdiction, it has the same power, the exact same constitutional power to decide that, for purposes of representation in Congress, citizens of the District of Columbia may have that representation in Congress.

So it is, I think, clear, but certainly very arguable, that Congress has ample power constitutionally. And if someone wants to challenge them, let them go to court. But it is not a valid argument to oppose this bill which is necessary for elementary democracy in this country.

Mr. GOODLATTE. Mr. Speaker, I yield myself 4 minutes.

I rise in opposition to H.R. 1905, the District of Columbia House Voting Rights Act. There is no doubt that citizens of the District of Columbia have no full voting representation in the House of Representatives. However, there are ways that these individuals can receive representation without trampling on the Constitution. Unfortunately, this bill is not one of them.

The Constitution does not mince words when it says that Members of Congress may only be elected from the States. Article I, section 2 states that the House of Representatives shall be composed of Members chosen every second year by the people of the several States.

The Constitution also does not mince words when it distinguishes the District of Columbia from a State. In describing the powers of the Congress, article I, section 8 describes the seat of Federal Government as a district, not exceeding 10 miles square, as made by cessation of particular States and the acceptance of Congress, become the seat of government of the United States.

Furthermore, the text of the 23rd amendment to the Constitution further illustrates that the District was never meant to have the same rights as States. Specifically, it grants D.C. the power to appoint a number of electors of President and Vice President, equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State.

We amended the United States Constitution for that purpose. If the advocates of this seek to do the same for representation in the House, they need to amend the United States Constitution.

The plain language of the Constitution is clear, that D.C. is not a State and that it is not granted the same rights as States.

However, the constitutional problems with this bill do not end here. The bill would also establish an at-large Representative for Utah, which would allow the citizens of Utah to vote twice, once for their Representative from their district, and once for another Representative at large. This would clearly violate the constitutional principle of one-man, one-vote by granting Utah citizens disproportionately large voting power.

Adding insult to injury, this new bill we have before us today does not include the language from the previous bill, H.R. 1433, to eliminate the position of D.C. Delegate. Under this new

bill, it appears that the District of Columbia would not only unconstitutionally be granted the same voting rights that State residents enjoy, but it would give D.C. greater representation than any State currently enjoys. The D.C. Delegate would continue to be eligible to vote in committee, and in the Committee of the Whole; and in addition, the new D.C. Representative would also be eligible to vote in committee and on the floor.

□ 1300

While every other district would get one vote in committee and on the floor, the District of Columbia would get two votes in committee and two votes on the floor under this new language.

Finally, the procedure for bringing this bill to the floor is, again, appalling. Debate has been blocked on a bill that affects the relative voting power of citizens in each of our congressional districts. The majority has once again denied us even the opportunity to discuss amendments, including an amendment by Ranking Member SMITH to simply provide for an expedited judicial review of the bill after it is enacted in order to determine its constitutionality.

Furthermore, it is very telling and disappointing that the majority has decided that it would rather violate its own PAYGO rules than allow an open and fair discussion on the underlying bill.

For all of these reasons, I urge my colleagues to oppose this very poorly crafted legislation.

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

Mr. CONYERS. Mr. Speaker, before I yield to the distinguished gentleman from Alabama, I yield myself 30 seconds.

Ladies and gentlemen, we have here a very interesting constitutional question. My good friend and distinguished member of the Judiciary Committee I think has raised four, maybe five points that disturb him greatly, but the main one is that it is unconstitutional. The point of the matter is that there are those who think it is constitutional and those who think it is unconstitutional. Can't we let the courts decide this besides 435 great lawyers working on this?

Mr. Speaker, I now yield 3 minutes to the distinguished gentleman from Alabama, Mr. ARTUR DAVIS.

Mr. DAVIS of Alabama. Mr. Speaker, I thank the distinguished Chair of the committee for honoring me by giving me a chance to speak during this momentous debate.

And I want to begin with a simple observation. If you scour the globe and you look at the places that are listed as democracies, the places where the consent of the governed is what drives the politics, there is not a single one where the people who live in the capital do not have a representative to their parliamentary body. No, not one. That is telling, and it ought to frame everything that we say here today because the system of government in this country and the way we have gone about business until now has been unique in the world. This is the only place in the world where the people who live in the capital have no voice.

Now, let me speak to some of the constitutional arguments that have been raised. I find it very telling, Mr. Speaker, that many of my very able colleagues on the other side of the aisle have spent a lot of time in their recommit motion and other places, making a point about the recent D.C. Circuit ruling about the right to bear arms. They have brought that unrelated issue into this debate.

But it is interesting for this reason, and I take out this dog-eared copy of the Constitution. If there is one document that ought to be well worn, I suppose it is the Constitution.

If you look at the second amendment, Mr. Speaker and Mr. Chairman, that our opponents in this debate rely on, it says ''A well regulated militia being necessary to the security of a free State, the right of the People to keep and bear arms shall not be infringed,'' a clear-cut reference to the security of a free State.

Our friends on the other side of the aisle say that is relevant to Washington, D.C. They say there is a right to bear arms that the people shall enjoy. If it is so in the context of someone carrying around a 9 millimeter or a semiautomatic, it must be so in the context of people walking into a ballot and voting for a delegate who is a representative who has a voice here.

What kind of a system of government says that the right to have a 9 millimeter outweighs the right to vote? You can't have it both ways in this argument. You can't say you throw out the State in the second amendment, but somehow you make the State giant and bold and capitalized and italicized in the context of this representation.

Another point that Mr. NADLER touched upon: We hear from the opposition that D.C. is a special thing, a Federal district, that it is neither the United States nor the States so, therefore, it belongs in its own special category. If that is the case, to my friends on the other side, take out your copy of the Constitution, plow your way through it, and look at amendment after amendment. If that interpretation is so, that D.C. is not a State or the U.S. Government, it means the equal protection clause doesn't apply to Washington, D.C. It means that the antipoll tax provision doesn't apply to Washington, D.C. It means that every other provision of the Constitution that contains the word ''State'' or ''U.S.'' does not apply.

No one makes that argument that the people of Washington, D.C. are utterly shorn of rights because they are neither a State nor the United States. If you don't make it in another context, you cannot make it in this one.

Mr. GOODLATTE. Mr. Speaker, I yield myself 30 seconds to respond to the gentleman from Alabama.

The second amendment to the Constitution refers to the ''State.'' When the Constitution refers to the ''States,'' meaning today 50 States, then 13 States, it is referring to them in the plural. The ''State'' in the second amendment refers to the country collectively.

And to the distinguished chairman of the Judiciary Committee, for whom I have great respect but also great disagreement on this issue, I hope that given the fact that we do acknowledge a difference of opinion on what the Constitution says means that he will join with us in seeking for expedited judicial review if, as I hope is not the case, this should be passed and sent to the courts for their review.

Mr. Speaker, at this time I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Speaker, before I begin to set forth my opposition to this piece of legislation, let me refer back to the comments made by the previous speaker, which looked back over 150 years to try to find a case to provide some substantiation for their argument, and they did so by finding a case with regard to judicial intervention.

In that case they cited that the Supreme Court held that this Congress could allow or broaden the judicial authority, if you will, of the Federal courts. I think their example, in essence, proves too much. You cannot simply take one sentence or two sentences out of the U.S. Constitution and draw a conclusion from that. What you have to do is read the entirety of the Constitution.

If you had done that, you would realize that the courts have always held, and the Founders' intent always was, that this body, this House, and this Congress has broad latitude when it comes to judicial issues and reining in the Federal courts or expanding their authority of jurisdiction. And that is all that that Supreme Court case was doing. It was not addressing the issue of infringing upon the rights of other citizens by what is occurring here today by granting more authority to other States as far as voting is concerned.

More to the point on this legislation. As I said before, I rise in strong opposition to this legislation because it is, A, unconstitutional, and, B, unfair. It violates the Constitution and the very fundamental intent of the Founding Fathers of this country and the Framers of the Constitution. It would give the District, which is by no definition a State, a vote in this House and simultaneously the citizens of another State two Representatives, which is unfair to the State of New Jersey and all States in this country.

Furthermore, by allowing, unfairly, the District of Columbia to have their

own Representative and also a Delegate, they will have unfair representation.

Our Founding Fathers understood and deliberately set aside a non-State section of land for our Federal Government and granted voting rights only, only, to State residents. They did this for a simple reason: They wanted to ensure that each State had equal representation, and they realized that putting the Federal Government in a State would have given that State unfair representation, an unfair advantage. H.R. 1905 does not line up with the Founders' intent.

If the supporters of H.R. 1905 wanted the people of D.C. to be represented in Congress, they simply could have solved that problem by retroceding, by giving back part of the District of Columbia to Maryland.

There is precedent for this, as stated. In 1846, Congress took that perfectly legal step of returning present-day Arlington to the State of Virginia. Couldn't we pass similar legislation like that right now and solve this problem?

Unfortunately, the majority, who claimed just a few months ago that they would have an open process for amendment legislation, has left us with only two choices, an unfair and unconstitutional choice before this House.

Mr. CONYERS. Mr. Speaker, we are pleased to have on our Judiciary Committee the gentleman from Georgia, the distinguished lawyer and judge, HANK JOHNSON, to whom I yield 2 minutes.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise in support of the District of Columbia Voting Rights Act of 2007, which corrects a 200-year-old oversight by restoring to the citizens of the District of Columbia the right to elect a Member of the House of Representatives who has the same voting rights as all other Members of the House of Representatives.

Residents of the District of Columbia serve in the military. They are dying and being wounded on the streets of Iraq. They pay billions of dollars in Federal taxes each year and assume all of the responsibilities of United States citizenship. Yet they are denied the basic right of full representation in the United States House of Representatives.

Now, a compromise has been reached by both sides of the aisle, but there are some who would deny the people of Washington, D.C., a right that they themselves enjoy.

The District of Columbia was created to prevent any State from unduly influencing the operations of the Federal Government due to the Federal Government's being located within the confines of a particular State. However, there is simply no evidence that the Framers of the Constitution thought it was necessary to keep residents of this District from being represented in the United States House of Representatives by a voting Member.

Now, there are those who would argue that Congress lacks the power to extend this right of full voter representation to the citizens of the District of Columbia. However, article I, section 8, clause 17 of the Constitution provides Congress with the legislative authority to give the District of Columbia true representation in Congress. I quote: The Congress shall have power ''to exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding 10 miles square) . . .''

So let us stand with the thousands who marched down Pennsylvania Avenue Monday for one thing, full representation by Members of the House of Representatives for the District of Columbia.

Mr. GOODLATTE. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GOHMERT), a member of the Judiciary Committee.

Mr. GOHMERT. Mr. Speaker, the proponents of this bill in 1978 believed that the way to allow the District of Columbia representation was to actually pass and ratify a constitutional amendment. That is what the proponents knew back then. That is what most of us, hopefully, still know today.

Article I, section 2 of the Constitution addresses who will comprise the U.S. House of Representatives. As it says here, specifically, ''The House of Representatives shall be composed of Members chosen every second year by the People of the several States . . . ''

Now, anyone who believes it is fair, like the Founders of the country did, to have taxation with representation should also know that we took an oath to support and defend this document. Words mean things. They had the debate at that time. Should we give the District of Columbia, this independent entity, a Representative? They said ''no.'' Alexander Hamilton lost the debate when they said ''no.''

So if you want to fix it, as the people in 1978 did, as you do know, those in the House here, Mr. Speaker, you do it by making a constitutional amendment.

I have previously pointed out that one of the arguments made by our country's founders as to why they did not allow the District of Columbia to have a U.S. Representative was that the Founders noted that Members of Congress and the Senate have an interest in the city's functioning properly. Demonizing, misquoting, belittling the messenger does not change the truth, the facts, or what the Constitution requires.

□ 1315

As I said during the previous debate, it is a legitimate position to assert that all people should be able to elect their Representative. That is why on Monday of this week I filed a bill that is the only constitutional manner of getting the District of Columbia a Representative without a constitutional amendment. My new bill cedes land from the District of Columbia on which Federal buildings do not currently exist to the State of Maryland, which follows the pattern that was set in 1846 when land was ceded back to Virginia. That allows the District of Columbia not only a vote for a Representative, but also a vote for two Senators. That is not even contemplated in this bill.

In any event, the Constitution is clear. Let's follow it or amend it. The bill we are voting on today does not follow the Constitution, it does not amend the Constitution, and, therefore, it must be defeated here by those who wish to follow the admonition to support and defend the Constitution. Otherwise, it will be struck down by any court that seeks to follow the words of the Constitution.

Mr. CONYERS. Mr. Speaker, I would like to yield 1 minute to the Delegate from the District of Columbia, ELEANOR HOLMES NORTON.

Ms. NORTON. It has been remarkable, in a debate where Republicans invoke democracy, to hear Republican after Republican come to the House floor and say that they want the District of Columbia ceded to Maryland, without indicating that the Maryland delegation has given permission to accept the District of Columbia. If you believe in democracy, I suggest you ask the State of Maryland before you cede back anything to that State.

Mr. CONYERS. Mr. Speaker, it is my pleasure now to yield 3 minutes to the gentlelady from Houston, Texas, SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Let me thank the distinguished Speaker, the distinguished chairman of the full committee, and certainly my colleagues who are here, because I believe that there should be a sense of honesty and integrity that is attributed to all of my colleagues, despite their positions on this issue.

I rise today, Mr. Chairman of the full committee, acknowledging that my full statement will be put into the RECORD. But I really want to engage in a dialogue and a discussion because I am grateful that this committee, looking at Congresswoman ELEANOR HOLMES NORTON's legislation and Congressman DAVIS' legislation was thoughtful as it relates to the Constitution. And that is what the American people ask us to do: they want us to be thoughtful as it relates to the Constitution; they want us to be fair.

Many people have heard of this as the D.C. Voting bill, but they may not be aware of the provision that deals with Utah, people there who have not had an opportunity to cast their vote, one person-one vote. That is what this is all about. It is a simple question of allowing those who pay taxes, whose blood rains on the front lines around the world for our freedom, to have the constitutional privilege of voting.

Now, you will hear those who oppose suggest that there is a provision in the Constitution that indicates the word ''States,'' and that voting is, if you will, attributable to the word ''States.''

We have already heard the historical perspective, you have already been told to ask the people of Maryland, but there is another constitutional provision. And so you have interpretations that will allow scholars to have a scholarly debate.

The other constitutional provision indicates that this Congress does have the authority to provide, if you will, a balance of power, a sense of fairness to the nonvoting people of the District of Columbia.

I would hope that we, who are constitutionally grounded, a democracy that has lasted now 400 years-plus, would err on the side of giving rights to people who are deserving of those rights, their birthright being that they are American citizens. That is why I come to the floor of the House to challenge and to chime these words: We all are created equal, with certain inalienable rights of life, liberty and the pursuit of happiness. That is a declaration of independence, and the Constitution says we formed this body to create a more perfect Union. Can we be in a perfect Union if there are citizens of the United States who are not able to cast their vote? I ask my colleagues to consider that, and I ask us to support enthusiastically H.R. 1905, to err on the side of the birthright of American citizens and the right to vote.

Mr. Speaker, I rise in strong support of H.R. 1905, the "District of Columbia House Voting Rights Act of 2007," and thank the Chairman of the Judiciary Committee for his leadership in shepherding this important piece of legislation to the floor. Today we remove a stain that has blighted our Nation for more than 200 years. Today, we vote to end 2 centuries of shame and correct an injustice to the citizens of the District of Columbia.

H.R. 1905 permanently expands the U.S. House of Representatives from 435 to 437 seats, providing a new, at-large seat to Utah and a vote to the District of Columbia. Based on the 2000 Census, Utah is the state next in line to enlarge its Congressional delegation. The bill does not give the District statehood, nor does it give the District representation in the Senate. Rather, in H.R. 1905 Congress is simply treating the District as a Congressional district for the purposes of granting full House representation, as it can pursuant to the grant of plenary power over the District of Columbia conferred by the Constitution in Article I, section 8, clause 17.

At the outset, let me address the claim that H.R. 1905 is a weak foundation upon which to base the District's voting rights in the House because it is a statutory rather than a constitutionally based remedy. The argument should be rejected for the simple reason that it makes the perfect the enemy of the good. It is like asking a person to remain homeless while she saves to buy a house even though she has enough money to rent an apartment.

Mr. Speaker, let us not lose sight of one indisputable and shameful fact: nearly 500,000 people living in the District of Columbia lack direct voting representation in the House of Representatives and Senate. Residents of the District of Columbia serve in the military, pay billions of dollars in Federal taxes each year, and assume other responsibilities of U.S. citizenship. For over 200 years, the District has been denied voting representation in Congress—the entity that has ultimate authority over all aspects of the city's legislative, executive, and judicial functions.

Mr. Speaker, if a person can be called upon to pay Federal taxes and serve in the armed forces of the United States, then he or she should at least have the opportunity to vote for a representative who could at least cast a symbolic vote in this chamber on critical matters facing our Nation. Issues like war and peace, equality and justice.

Mr. Speaker, taxation without representation is tyranny. It is unconscionable that more than a half million American citizens are being unconscionably denied a vote and a voice in the most important legislative body in the world.

As a supporter of freedom, democracy, and equality, I believe that it is long overdue for the citizens of the District of Columbia to have a representative in Congress who can vote on the vital legislation considered in this body.

Mr. Speaker, it is wrong that we must be reminded daily by license plates in the District of Columbia that "Taxation without representation is tyranny." The people in Boston felt so strongly about this in 1775 that they rebelled in Boston Harbor, launching the "Boston Tea Party."

The principle that political authority derives from the consent of the government is no less applicable when it comes to the District of Columbia. Let us be clear. There is no dispute that hundreds of thousands of American citizens reside in the District of Columbia. We all agree that universal suffrage is the hallmark of a democratic regime, of which the United States is the world's leading exemplar.

None of us believes it is fair that citizens of the District of Columbia pay Federal taxes, risk life and limb fighting wars abroad to protect American democracy and extend the blessings of liberty to people living in foreign lands. In short, there is no moral reason to deny the citizens of the District of Columbia the right to full representation in Congress. The only question is whether Congress has the will and the constitutional authority to do so. As I will discuss, Congress has always had the constitutional authority. For the last 12 years, we have not had the will; but now we do.

I. CONGRESS CAN GRANT VOTING RIGHTS TO THE DISTRICT UNDER THE DISTRICT CLAUSE

As Professor Dinh argued in his powerful testimony before the Judiciary Committee, Congress has ample constitutional authority to enact H.R. 1905 under the Constitution's "District Clause." Art. I, § 8, cl. 17. The District Clause empowers Congress to "exercise exclusive Legislation in all Cases whatsoever, over such District" and thus grants Congress plenary and exclusive authority to legislate all matters concerning the District. The text, history and structure of the Constitution, as well as judicial decisions and pronouncements in analogous or related contexts, confirms that this broad legislative authority extends to the granting of Congressional voting rights for District residents.

The District Clause, which has been described by no less a constitutional authority as Judge Kenneth Starr as "majestic in its scope," gives Congress plenary and exclusive power to legislate for the District. Courts have held that the District Clause is "sweeping and inclusive in character" and gives Congress "extraordinary and plenary power" over the District. It empowers Congress to legislate within the District for "every proper purpose of government." Congress therefore possesses "full and unlimited jurisdiction to provide for the general welfare of citizens within the District of Columbia by any and every act of legislation which it may deem conducive to that end," subject, of course, to the negative prohibitions of the Constitution.

Although the District is not a state for purposes of Congress's Article I, section 2, clause 1, which states that members of the House are chosen "by the people of the several States," this fact is not dispositive of Congress's authority under the District Clause to give residents of the District the same rights as citizens of a state. Since 1805, the Supreme Court has recognized that Congress has the authority to treat the District like a state, and Congress has repeatedly exercised this authority. No court has ever sustained a challenge to Congress's exercise of its power under the District Clause.

Two related Supreme Court cases illustrate this point. In *Hepburn* v. *Ellzey,* 6 U.S. 445 (1805), the Court held that the diversity jurisdiction provision of Article III, Section 2 of the U.S. Constitution excluded citizens of the District of Columbia. The Court observed, however, that it was "extraordinary" that residents of the District should be denied the same access to federal courts provided to aliens and state residents, and invited Congress to craft a solution, noting that the matter was "a subject for legislative, not judicial consideration."

Congress accepted that invitation 145 years later and enacted legislation that explicitly granted District residents access to federal courts on diversity grounds. That legislation was upheld by the Supreme Court in 1949 in *National Mutual Insurance Company* v. *Tidewater Transfer Company,* 337 U.S. 582 (1949). A plurality of the Court led by Justice Jackson held that Congress could for this purpose treat District residents as though they were state residents pursuant to its authority under the District Clause. The two concurring justices would have gone even further; they argued that Hepburn should be overruled and that the District should be considered a state for purposes of Article III.

Tidewater strongly supports Congress's authority to provide the District a House Representative via simple legislation. As the plurality explained, because Congress unquestionably had the greater power to provide District residents diversity-based jurisdiction in special Article I courts, it surely could accomplish the more limited result of granting District residents diversity-based access to existing Article III courts. Similarly, Congress's authority to grant the District full rights of statehood (or grant its residents voting rights through retrocession) by simple legislation suggests that it may, by simple legislatipn, take the more modest step of providing citizens of the District with a voice in the House of Representativ. Indeed, since Congress has granted voting representation to residents of Federal enclaves in *Evans* v. *Cornman*, 398 U.S. 419 (1970), and to Americans living abroad through the Overseas Voting Act, there is no reason to suppose that Congress has less ability to provide voting representation to the residents of the Nation's Capital.

II. CONGRESS MAY DIRECT THE NEXT-ENTITLED STATE TO ELECT ITS ADDITIONAL REPRESENTATIVE AT LARGE

H.R. 1905 also grants an additional congressional seat to the State of Utah as the next-entitled state and directs that State to elect its additional Representative at large, rather than creating an additional single-member district. Congress plainly has the authority to do so. This statutory scheme does not violate the ''one person, one vote'' principle.

As the Supreme Court held in *Wesberry* v. *Sanders*, 376 U.S. 1 (1964), ''the command of Article I, Section 2 [of the Constitution], that Representatives be chosen 'by the People of the Several States' means that as nearly as is practicable one man's vote in a congressional election is to be worth as much as another's.'' In that case the Court struck down a Georgia apportionment statute because it created a congressional district that had two-to-three times as many residents as Georgia's 9 other congressional districts. The Court stated:

> The apportionment statute thus contracts the value of some votes and expands that of others. If the Federal Constitution intends that when qualified voters elect members of Congress each vote be given as much weight as any other vote, then this statute cannot stand.

''One person, one vote'' concerns arise when congressional districts within a State contain different numbers of residents, diluting the voting power of residents in the district with more residents. In contrast, here the proposed temporary ''at large'' district in Utah does not dilute the voting power of any Utah voter.

When Utah holds its at large election for the new fourth seat, Utah voters may cast a vote in their existing district and in the State-wide election for the fourth seat. While it is true that the statewide ''at large'' district will necessarily contain more residents than the other districts, the establishment of that ''at large'' district would create no constitutional dilution concerns. Each person's vote in the ''at large'' district would have equal influence, and the opportunity to cast that vote would not alter in any way the value of that person's vote in her own smaller district.

Nor does a potential ''one person, one vote'' challenge arise on the ground that Utah residents vote in two elections while residents of other States with single-member districts would vote only once. First, the Supreme Court has never held that the ''one person, one vote'' principle applies to the apportionment process. Indeed, the Court has held that Congress is entitled to substantial deference in its apportionment decisions. Second, the proposed at large election does not give residents of the State more or less voting power than the residents of States with single-member districts. The example cited by Richard Bress, one of the witnesses who testified before the Judiciary Committee in support of the bill, illustrates why this is so.

Suppose that State A and State B have roughly the same population and are each entitled to four Representatives. State A holds an at-large election for all four of its representatives, while State B divides its Representatives and voters into four districts. State A's statewide district would have a population four times the size of each district in State B. As compared to the single-district voter in State B, the ''at large'' voter in State A has a one-fourth interest in each of 4 representatives. The single-district voter in State B has a whole interest in one representative. But in both scenarios, each voter has, in the aggregate, one whole voting interest.

Similarly, as compared to a state with four single-member districts, the voters in Utah's existing three districts would have proportionately less Influence In the election of the representative from their own district, but would gain a fractional interest in the State's at-large representative. In short, Utah residents would have no more (and no less) voting power than residents of any other State.

III. CONCLUSION

For these reasons, I believe H.R. 1905 is constitutionally unassailable. Granting voting rights to the citizens of the District of Columbia is a matter of simple justice. I know it morally right. It is also long overdue. Let us end this injustice and be true to the better angels of our nature. I urge all members to vote to join me in voting for H.R. 1905.

Mr. GOODLATTE. Mr. Speaker, may I inquire as to how much time is remaining on each side.

The SPEAKER pro tempore. Both sides have 2½ minutes remaining.

Mr. GOODLATTE. At this time, I yield 1 minute to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I need to respond to my friend from the District of Columbia with regard to have I talked to the State of Maryland. All I can do is what we can do here, what we can do constitutionally. And I am shocked at the inference that Maryland thinks so little of the people of the District of Columbia that they wouldn't want them, but that is their call. This is something we can do constitutionally.

And to my other good friend from Texas, who mentioned there is another provision, it is article I, section 8. And there is nothing in here that gives us the power to change the Constitution to revoke this word ''States.'' And if you give it that broad, sweeping definition that my friends across the aisle are trying to do, then what will end up happening is, you want to help the fighting people that have given their lives for us and others who continue fighting? This says we can give them their own representative. We can give the Pentagon a representative. We can give every fort and post and base in America their own representative. Let's don't go that broad.

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize a senior member of the Judiciary Committee, MAXINE WATERS of California, for 2 minutes.

Ms. WATERS. Mr. Speaker and Members, I rise in support of H.R. 1905, the District of Columbia House Voting Rights Act of 2007, and I am proud and pleased to do so.

I was elected in 1991; and one of my colleagues, who was elected at the same time, Ms. ELEANOR HOLMES NORTON, she has been in this battle ever since she has been here trying to educate this House and the Members of this Congress about the disenfranchisement of the people of the District of Columbia, and she has done a magnificent job of doing that.

That brings us to the point that we are today. We have worked out an agreement. We have bipartisan support. We have a piece of legislation that makes good sense. It will give representation to the people who live and work in this District, people who pay taxes.

When I rode in this morning, I rode in a taxicab with an elderly woman who has been driving a cab for 28 years. I struck up a conversation with her, and she told me that she had two sons in Iraq. I could not tell her about what we were doing on the floor today. I did not want to engage her in that conversation because I was too ashamed to even talk about the fact that she did not have representation, she did not have a voting representative because this body had not decided to use its power to give the vote to the people of the District of Columbia. But I am proud to stand here today because I think something wonderful is about to happen.

No matter the distortions about the Constitution, no matter the misunderstanding that I am hearing from the opposite side of the aisle, we are about to embark on something that is historical, that is constitutional, and is the right thing to do. And I am so pleased and proud to be a part of it as I stand here, looking in the eyes of my friend, ELEANOR HOLMES NORTON, where I will be casting my vote with her today to give voting rights to the people of this District.

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. CONYERS. Mr. Speaker, did the gentleman from Indiana desire 2 minutes from our side?

Mr. PENCE. No. I thank the gentleman. I am pleased to take time from the minority side. I thank the chairman. But I also thank very deeply the gentleman from Virginia the courtesy of yielding me time.

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

Mr. PENCE. Mr. Speaker, I do rise in support of H.R. 1905, the District of Columbia Voting Rights Act of 2007.

The fact that more than half a million Americans living in the District of Columbia are denied a single voting representative in Congress is clearly a historic wrong.

The single overarching principle of the American founding was that laws should be based upon the consent of the governed. The first generation of Americans threw tea in Boston Harbor because they were denied a voting representative in the national legislature in England. Given their commitment to representative democracy, it is inconceivable to me that our Founders would have been willing to accept the denial of representation to so great a throng of Americans in perpetuity.

But the demands of justice are not enough for Congress to act. Under our

system of government, Congress may only take action which is authorized by the written Constitution. I do believe in my heart that H.R. 1905 is a constitutional remedy to a historic wrong, and I am not alone in this thought.

Judge Kenneth Starr, the former Independent Counsel and U.S. Solicitor General observed: ''There is nothing in our Constitution's history or its fundamental principles suggesting that the Framers intended to deny the precious right to vote to those who live in the capital of the great democracy that they founded.'' None other than Justice Antonin Scalia observed in 1984 that the seat of government clause of the Constitution gives Congress extraordinary and plenary power over our Nation's Capital. Judge Starr observes: ''The logic of that case and that reasoning applies here.''

Congress has used this power in the past. It was in a 1949 case that the Supreme Court upheld legislation that extended access to the Federal courts even though article III expressly limited jurisdiction to the courts to suits brought by citizens of several States. None of which argues for the District of Columbia ever to be granted the right to elect Members to the Senate. In a real sense, the House is derivative of the people, the Senate is derivative of the State.

It is my privilege to stand today, albeit in opposition to some of my most cherished colleagues, and stand in support of the D.C. Voting Rights bill.

Mr. CONYERS. I yield 30 seconds to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I thank the gentleman for yielding.

Mr. Speaker, I just want to say that I wholeheartedly support H.R. 1905, the District of Columbia House Voting Rights Act.

I echo the words of Mr. PENCE, who just spoke. I think he said it quite precisely and concisely, the citizens of the District of Columbia deserve a full right to vote. This bill does not go as far as I would like for it to go; but at the same time, it is a step in the right direction.

I applaud my colleague, ELEANOR HOLMES NORTON, for tirelessly giving everything she has to make this happen. So this is a great day for her and a great day for our country and our Congress.

Mr. Speaker, I rise today in support of H.R. 1905, the District of Columbia House Voting Rights Act of 2007, because the time is long past due for District of Columbia residents to gain the right to vote.

It is very fitting that we are considering giving D.C. residents the right to vote this week. April 15th marked the 60th anniversary of Jackie Robinson's debut with the Brooklyn Dodgers as the first African-American player in the Majors, and on Monday, D.C. residents celebrated Emancipation Day. In keeping with this line of great accomplishments, today we have the honor, the privilege, and the duty to correct one of this Nation's oldest violations of civil rights.

District residents have been denied full representation in Congress for over 200 years. This disenfranchisement impacts more than 500,000 people who live in the District, pay federal taxes, and fight for their country in war. Further, it disproportionately impacts the African American community, which makes up fifty-seven percent of the population in the District. No other state in the union has a larger percentage of Black residents.

However, this is an issue that surpasses race. It is about basic equality. I find it ironic that we are spending billions of dollars to export democracy, when our fellow American citizens are denied the very cornerstone of democracy, the right to vote. The residents of the District of Columbia demand and deserve the right to fully participate in our democracy.

Congresswoman ELEANOR HOLMES NORTON has shown great resolve in her tireless efforts to secure full voting rights for her constituents. And Oversight and Government Reform Committee Ranking Member TOM DAVIS has been a great ally in this cause, both now and when the Republicans were in the Majority.

The bill includes a number of important provisions.

It will increase the size of the House by two seats, from 435 to 437 seats. One of the seats will go to the District of Columbia and the other seat will go to Utah, the next state in line to get a congressional seat.

The bill prevents partisan gerrymandering by creating the new seat for Utah as an at-large seat and by ensuring that Utah does not redistrict its other congressional seats until apportionment is conducted following the 2010 Census.

Importantly, the bill contains a non-severability clause, providing that if a court holds a section of this bill invalid or unenforceable, all other sections will be invalid or unenforceable.

Members of the Oversight and Government Reform Committee recognize the compelling need for granting full representation to the citizens of the District of Columbia. I hope that all of our colleagues in the House will join us, and vote in favor of H.R. 1905, the District of Columbia House Voting Rights Act of 2007.

To be sure, while I support this bill, I do not think it goes far enough. However, this compromise legislation is a step in the right direction—a step towards granting residents of the District of Columbia the ability to fully express their democratic right to vote. This is a historic moment, and I would urge all of my colleagues to be on the right side of history by voting in favor of this bill.

Again, I would like to express my appreciation to Congresswoman NORTON, Ranking Member DAVIS, and Chairman WAXMAN, and the House Leadership for their dedication in bringing this vitally important legislation to the floor and for providing us with the opportunity to correct years of disenfranchisement.

Mr. CONYERS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Virginia (Mr. MORAN).

(Mr. MORAN of Virginia asked and was given permission to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong support of this bill, the D.C. Voting Rights Act.

For too long, the residents of our Nation's Capital have been without out a full voice in Congress.

The District of Columbia is home to over 570,000 residents. It has a larger population than Wyoming, which is represented by an at-large member in the House and two Senators.

The men and women of the District of Columbia pay their taxes, both to the Federal Government and the District. They salute the American flag at Nationals, Wizards, Caps and Redskins games. And they serve or have served in the Armed Forces. D.C. is home to over 44,000 veterans. In Iraq and Afghanistan, four brave men have made the ultimate sacrifice for their country.

Yet despite being an integral part of the fabric of our Nation, D.C. continues to be denied a vote in Congress.

Today we are considering compromise, bipartisan legislation coauthored by my friends and colleagues Delegate ELEANOR HOLMES NORTON and Representative TOM DAVIS. From his position on the Government Oversight Committee Congressman DAVIS has spent considerable time and attention on issues affecting the District. And there is no stronger advocate for her constituents than the gentlewoman from D.C.

I compliment the bill's sponsors for crafting a thoughtful approach and a clever compromise that grants Utah an at-large representative to balance any potential partisan division. It keeps this proposal bipartisan and improves its prospects for favorable Senate action. I hope the White House will rethink its current concerns and join our bipartisan coalition to affirm the District's right to a vote.

Some who oppose this legislation have stated that it raises constitutional concerns. But, as was stated in a recent op-ed by the Republican D.C. Councilwoman Carol Schwartz, no less conservative scholars than former solicitor general Kenneth Starr, former chief judge of the U.S. Court of Appeals for the D.C. Circuit Patricia Wald and Georgetown Law Professor and author of the USA Patriot Act Viet Dihn have stated that giving the District a vote is in fact, constitutional.

Mr. Speaker, the citizens of Washington, DC are as much red-blooded Americans as anybody living in the 50 States.

They deserve to have their voices heard in the halls of Congress, they deserve a representative who can vote on their behalf as this body debates matters directly affecting their country and therefore, they deserve to have this legislation passed today.

Mr. GOODLATTE. Mr. Speaker, at this time I yield 3 minutes to the gentleman from Georgia (Mr. PRICE).

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

□ 1330

Mr. PRICE of Georgia. Mr. Speaker, I thank my colleague from Virginia for his leadership on this and for yielding.

I want to stipulate at the beginning of this statement that I support enfranchisement, strongly support enfranchisement for the citizens of the District of Columbia. However, the oath that I take on the first day of our session stipulates that I uphold and defend the Constitution of the United States, and I believe firmly that the Constitution will not allow this. There is a process that we will go through for that, and I appreciate it.

This has been a good debate. It has been an interesting debate. I want to point out a section of the Constitution that isn't cited as often as the ones that we have heard, and that is article I, section 2, the second paragraph, which states, ''No person shall be a Representative who shall not, when elected, be an inhabitant of that State in which he shall be chosen.''

If there was ever a more clear statement in the Constitution, I don't know what that is.

But I also want to talk about this sense of one person-one vote. I am very troubled by what we hear from our friends on the other side of the aisle that this upholds one person-one vote, because I would suggest to you, reading the bill and understanding what it does in both the Utah situation and in the District of Columbia, that it provides for more than one person and one vote.

In the Utah instance, for example, it provides that the State of Utah gets one extra Representative, which means that the individuals in Utah vote for two people, which means they have more authority than citizens in my district and other districts who aren't in Utah. And in the District of Columbia, this bill would provide for a Representative in the House of Representatives, but also a Delegate. Also a Delegate. So citizens in the District of Columbia would have representation from two different individuals in the House and in the Committee of the Whole.

So I would suggest, Mr. Speaker, as Mr. Rodino, the Democrat Chair of the Judiciary Committee stated in the 95th Congress, ''If the citizens of the District are to have voting representation in the Congress, a constitutional amendment is necessary, is essential. Statutory action alone will not suffice.''

So I would ask my friends on the other side of the aisle, what changed? What changed? Was Mr. Rodino wrong? I think not. I think not. I think there is a statutory way to do it, and that is through retrocession. I think there is a constitutional way to do it, by amending the Constitution.

I would suggest to my friends on both sides that H.R. 1905 does neither of those and violates sincerely the principle of one-person, one-vote.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. PRICE of Georgia. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I appreciate the gentleman's observation, but as you know, I schedule legislation for the floor in my capacity as the majority leader.

May I ask my friend, if this came to the floor as a constitutional amendment, would my friend be supportive of that constitutional amendment?

Mr. PRICE of Georgia. Mr. Speaker, reclaiming my time, I appreciate my colleague's question, but I think that is not the appropriate way to go.

However, I strongly support retrocession to the State of Maryland, because I believe strongly in the enfranchisement of the citizens of the District of Columbia.

Mr. CONYERS. Mr. Speaker, I yield to the gentleman from Maryland (Mr. WYNN) for the purpose of making a unanimous consent request.

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

Mr. WYNN. I would like to thank the distinguished chairman.

Mr. Speaker, I rise in support of D.C. voting rights on behalf of the Fourth Congressional District of Maryland, suburban neighbors of the citizens of the District of Columbia, out in Prince George's and Montgomery Counties. We fully and wholeheartedly support full D.C. voting rights.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the distinguished majority leader, the gentleman from Maryland (Mr. HOYER).

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

Mr. HOYER. Mr. Speaker, this legislation is a critical step in support of democracy. This legislation is important legislation. The District of Columbia House Voting Rights Act is designed to do one thing, to address and rectify the unjustified disenfranchisement of more than 500,000 citizens of our country, whose only distinction between any of us who sit on this floor, other than the distinguished representative of the District of Columbia, ELEANOR HOLMES NORTON, is that they live in a few square miles designated by their country, gifted by the State of Maryland, as our Nation's capital.

Since 1801, when Washington, D.C., became this Nation's capital, the citizens of the District of Columbia have not had representation in the Congress. Let me speak briefly of that, because although I have not heard all of the debate, I am sure the Constitution has been referenced that Representatives shall represent citizens of the several States.

Let there be no mistake, every resident of the District of Columbia is a successor to citizens of the several States in 1800. I don't mean that every one of them is a direct descendant, obviously, but politically they were part of the several States, unlike all four others of the representatives who cannot vote. They are distinguished and discrete in that regard. That, I suggest to you, is wrong.

It is wrong as a matter of principle because District citizens pay Federal taxes, sit on juries, serve in our Armed Forces and give their lives for their country, as do other Americans who enjoy full representation in this body. It is wrong politically because District citizens since 1801 have effectively been a ward of Congress. Very frankly, I don't think the citizens of Maryland intended that or the citizens of any other State of the Union when they acquired the District of Columbia.

And it is wrong morally, because the United States of America, which has the freest, truest form of representative government perhaps in human history, deprives only one portion of its citizens, a small portion, 500,000 out of 300 million, deprives a small portion of its citizens of its very own capital a voice in the national legislature.

Let me add, the United States of America is the only representative democracy that does not afford the citizens of its capital voting representation. Thus, this is not only a national disgrace, but an international embarrassment, and the American people and Members here on both sides of the aisle recognize this injustice and want to remedy it. That is what this legislation is about.

In fact, 82 percent of respondents in a recent national poll indicated that residents of the District of Columbia should have representatives that can vote in the Congress. And I should note that legislation virtually identical to this bill was reported out of the Republican-controlled Government Reform Committee in the last Congress when the committee was chaired by Mr. DAVIS of Virginia, who is a cosponsor of this legislation. Mr. Jack Kemp, a former colleague of ours, a leader in this Congress, a vice presidential nominee of the Republican Party, has strongly urged the passage of this piece of legislation.

The truth is, the absence of representation in Congress for District citizens underscores the failure of the Congress to use the authority vested in it by the Constitution of the United States to correct this injustice. The authority I refer to, of course, is article I, section 8 of the Constitution, the so-called seat of government clause, under which, and I quote, ''The Congress shall have power to exercise exclusive legislation in all cases whatsoever over the District of Columbia.''

Now, I asked my friend, the gentleman from Georgia (Mr. PRICE) who talked about needing to do this through a constitutional amendment, I said, would you support a constitutional amendment? He said ''no''; his view was, only if the District of Columbia were given back to Maryland and the District of Columbia residents were told, you are no longer residents of the District of Columbia, you are residents of Maryland.

I suggest if you ask the residents of Virginia or Delaware or Pennsylvania, which are contiguous States to our beloved State of Maryland, they would say, thank you, but no thanks. We like being Pennsylvanians or Delawarians or Virginians.

The District of Columbia residents are proud of their jurisdiction. They are proud of being citizens of the District of Columbia. What they want to have is full democratic representation.

Plain and simple, this sweeping language gives Congress extraordinary and plenary power over our Nation's capital city, including the authority to adopt legislation to enfranchise the District's 550,000 residents with a full vote in the House of Representatives.

I am not alone in my view of this article. Twenty-five legal scholars from law schools, and I am sure this has already been discussed by our distinguished chairman and the extraordinarily able Representative and outstanding lawyer and law professor who represents the District of Columbia, my good friend ELEANOR HOLMES NORTON, have already pointed this out.

Even Kenneth Starr, a distinguished lawyer, I have disagreed with him pretty strongly on some things, but the former conservative jurist and current dean of Pepperdine Law School, has concluded that Congress has the authority under article I, section 8, to do this.

Now, do I delude myself that this is not going to be brought before a district court or a circuit court or the Supreme Court? No, I do not. That is appropriate. That is available to residents. They can do that, and the court will ultimately have to rule. However, this is an opportunity for us on this floor to make a stand for democracy, to extend to these 550,000 people the civility and respect we would expect for ourselves.

That Congress has for two centuries failed to use its authority to correct an injustice is no reason to persist in that failure today. It is always timely to do the right thing.

This institution exists, after all, to eliminate injustice and to make our Nation ''a more perfect Union.'' How much more perfect can we make the Union than to include all of our people as full citizens within that Union?

We, the Members of this House, must never, never be seduced into thinking there is no such thing as a settled injustice within our authority but beyond our duty to correct. For an injustice planted two centuries ago is just as harmful to what America aspires to be today as one planted last year or last week.

Mr. Chairman, as Frederick Douglass, who spent his final years just a few blocks from where I stand today, said, ''Man's greatness consists in his ability to do and the proper application of his powers to things needed to be done.''

We need to make the citizens of this Nation's capital full citizens of the United States of America.

Mr. GOODLATTE. Mr. Speaker, I yield myself 1½ minutes, and I would like to pose a couple of questions to the distinguished majority leader.

I have listened to his historical discourse. As the gentleman knows, Alexander Hamilton, one of our Founding Fathers, offered an amendment during the writing of our Constitution that would have provided voting rights to the citizens of the District of Columbia. It was defeated and not included in our Constitution. At that time, both portions of Maryland and portions of Virginia were included in a 100-square-mile area, and in 1846, the portion that had come from Virginia was ceded back to Virginia.

I wonder if the gentleman, having posed the question about the constitutional amendment, would respond to the question, if this is ruled unconstitutional, as many of us think it is, would the gentleman bring to the floor legislation that would do something similar for the portions of the District of Columbia, excepting key government buildings, so that the citizens would have the opportunity to vote with the citizens of his State, Maryland, for whom he can speak with some regard?

Mr. HOYER. I will certainly seek to enfranchise the citizens on a continuing basis until that is accomplished.

Mr. GOODLATTE. I would ask the gentleman further, if when the court, and I hope the court does, determines that this is unconstitutional, if in getting to that process, recognizing there are going to be lots of uncertainties if this bill were passed and signed into law, both for citizens of Utah, for the District of Columbia and for the operation of the Congress as a whole, if he would join with us in supporting an expedited judicial review to receive a prompt determination of the constitutionality of this legislation?

Mr. HOYER. I believe this will be tested, as I said before. Many on your side of the aisle have indicated that. If that is the case, I would hope it would be expedited.

I believe this is constitutional, and I certainly think, based upon that conviction, I would hope the court would sustain that view.

□ 1345

Mr. CONYERS. Mr. Speaker, I yield 15 seconds to my colleague from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, this is a serious matter. It is my understanding, I am now told, I have not seen your motion to recommit; I have no intention of supporting your motion to recommit.

This bill has a long way to go. I hope it passes this House, I hope it passes the Senate, I hope it passes the conference, and I hope the President signs it.

My response to you was a fair response. But the question was to get me on the record on your motion, apparently, and I will tell my friend from Virginia, who disagrees with my other friend from Virginia, Mr. DAVIS, on this issue, that I have every intention of opposing the motion to recommit.

Mr. GOODLATTE. Mr. Speaker, I yield myself 15 seconds to respond.

I would say, with due respect to the majority leader, the motion to recommit was offered as an amendment. No amendments were made in order, so it is our only recourse to offer it in those circumstances. I take the gentleman's statement as his word that he is going to oppose it for valid reasons, but I frankly see no valid reasons why we should not have expedited review of this legislation.

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

Mr. CONYERS. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for a unanimous consent request.

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of H.R. 1905.

I rise today in support of H.R. 1905, the District of Columbia House Voting Rights Act of 2007. I congratulate my colleagues for their courage and veracity to consider this measure and support its passage after 231 years of injustice. Since the birth of our Nation the residents of the District of Columbia have been deprived of their fundamental Federal rights, despite paying their Federal taxes.

I would like to thank Congresswoman ELANOR HOLMES NORTON from the District of Columbia for her leadership and tenacity. Since elected to Congress in 1996, Congresswoman NORTON has consistently fought for voting representation in the United States Congress.

Our democracy and our values as Americans are contingent upon the idea that every person should have the right to vote and have that vote counted. The citizens of the District of Columbia have not been able to fully realize this right. While they are able to vote in presidential election yet their voice in the body of the House of Representatives has too often been silenced. This is in direct opposition of the values of equality and opportunity that we hold so dearly as American citizens.

Mr. Speaker, I urge my colleagues to give the District of Columbia residents a vote in Congress. I hope we could finally grant the residents of the District of Columbia the voice that they deserve.

Mr. CONYERS. Mr. Speaker, I yield to the gentlelady from Florida (Ms. CORRINE BROWN) for a unanimous consent request.

(Ms. CORRINE BROWN of Florida asked and was given permission to revise and extend her remarks.)

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise to indicate that I will be voting ''yes'' on H.R. 1905 and that I have supported it for 15 years, and I am very happy to be supporting the doing away with the disenfranchisement of the people of the District of Columbia.

I want to thank the Gentlelady from the District of Columbia, Ms. NORTON, Chairman CONYERS, and the Gentleman from Virginia Mr. DAVIS for working very hard to bring the vote to the residents of the District of Columbia.

I rise today in support of this legislation.

This country's history is replete with certain groups being denied the right to vote.

Being from Florida, I understand about disenfranchisement. It is something I fight against and oppose every day. Disenfranchisement did not end with the passage of the Voting Rights Act, and it will not end when the residents of the District of Columbia finally get the right to vote. It is a continual fight, needing eternal vigilance to protect.

This bill will go a long way in righting the wrongs that have been perpetuated on the American people for too long.

This bill ends the 206-year-old injustice of "taxation without representation" for over a half a million District residents. Residents of the District of Columbia serve in the military, pay billions of dollars in Federal taxes each year, serve on juries, and assume other responsibilities of U.S. citizenship. And yet, for over 200 years, they have been denied full voting representation in the Congress. The United States is the only democracy in the world that deprives the residents of its capital city full voting representation in the national legislature. Essentially, residents of every State have a vote regarding the laws that govern the District, while those living in the District itself do not.

Support the right to vote. Support voting rights for the residents of the District of Columbia. Support H.R. 1905.

Mr. CONYERS. Mr. Speaker, I yield now to a member of the Judiciary Committee, Mr. STEVE COHEN of Tennessee, for 30 seconds.

Mr. COHEN. Mr. Speaker, we had distinguished speakers on both sides of this issue argue the constitutionality in the Judiciary Committee, both conservative and liberal members on each side, and they both gave arguments it was constitutional.

In baseball, the tie goes to the runner, and it goes to the runner because the runner is trying to make an advancement, trying to score, trying to make progress. And I would submit, Mr. Speaker, that this is progress. This is an advancement to allow the enfranchisement of these people who have been denied the vote and their ancestors for many years. The tie should go to the runner, we should pass this bill, and I am proud to vote for it today.

Mr. GOODLATTE. Mr. Speaker, at this time I am pleased to yield 2 minutes to the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Speaker, I appreciate the opportunity and the time to make some brief comments on this legislation.

The debate has been, as said previously, lively and very good. And it is good that we are actually having a bill presented to this Congress where the issue is whether it is constitutional or not. Too often this House seems to run through legislation. A lot is mentioned, a lot is said on this House floor, but the issue of whether it stands muster with our Constitution is not said.

For the last 30 years, I have been in the legal profession, 8 years as a trial lawyer and 22 years as a trial judge in the State of Texas. And the issue always in court, especially in criminal cases, is: Is it constitutional what occurs in that courtroom? That is always the question of the day. And I think that is the question of today as well.

I respect the remarks of the majority leader on his comments about how important it is for the folks in Washington, D.C. to have the right to vote for a Member of Congress. I couldn't agree with him more. It is the moral decision as well as an appropriate decision for us to make, at some time.

But under this current piece of legislation, it is not constitutional, unless we want to take the word ''state'' in the U.S. Constitution and change it to something else. Now, that does happen with the Supreme Court from time to time; they give a new definition to the word. I don't know if they will give a new definition to the word ''state'' and apply it to the State of D.C. or not. We shall see, probably, if this legislation passes.

But I think the better avenue would be to file a constitutional amendment. No question about it. A constitutional amendment cannot be ruled unconstitutional even by our Supreme Court. And I think that is the better way to proceed. I think this piece of legislation for the reasons stated by many people is unconstitutional and it should not pass.

Let's do it the right way, the proper way, and of course the moral way: file a constitutional amendment.

The SPEAKER pro tempore. The gentleman from Virginia has 30 seconds remaining; the gentleman from Michigan has 6¾ minutes remaining.

Mr. CONYERS. Mr. Speaker, I now yield 1 minute to DANNY DAVIS, the distinguished Member of Congress from Illinois.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of the District of Columbia's Voting Rights Act. As chairman of the Subcommittee on the Federal Workforce Postal and the District of Columbia, I have listened closely to the debate, and I am firmly and thoroughly convinced that every procedural concern has been met, every rationalization has been met with logic, and every constitutional question has withstood its challenges.

The only question before us now is: If not now, then when? If not us, then who?

The real deal is that the people of the District of Columbia have waited far too long. Justice delayed is justice denied. We must correct this injustice and do it today. I urge passage of this legislation.

Mr. CONYERS. Mr. Speaker, it is now time for us to hear the Delegate from the District of Columbia. I am honored to yield to ELEANOR HOLMES NORTON 5 minutes.

Ms. NORTON. Mr. Speaker, I thank the distinguished chairman for yielding and for his ceaseless fight for the District's rights. During the rule, I thanked the many others who are responsible for this historic day.

Today's vote will allow the House to erase many deep historic wrongs from the Nation's conscience. As the House votes, District's residents are serving in Iraq and Afghanistan in a shooting war, as they have in every war, including the war that established our Republic.

Andy Shallal, a District resident, said it best: ''People like me of Iraqi ancestry and even my son, who was born in the United States, are entitled to vote in Iraq elections due in large part to the service of the citizens of the District of Columbia and other Americans who have fought and died in Iraq.''

And today's vote will erase the slander that the Founders of our country who staged the revolution for representation would then deny it to the residents of their own capital.

Professor Viet Dinh, President Bush's former point man on constitutional matters, has wiped away the major argument that because the District is not a State its American citizens cannot vote in the people's House, by detailing the many ways in which ''since 1805 the Supreme Court has recognized that Congress has the authority to treat the District as a State, and Congress has repeatedly exercised that authority.'' My favorite is the sixteenth amendment, which requires only that citizens of States pay Federal income taxes. Why then have District residents continuously been taxed without representation?

And today's vote will relieve the House of the shameful racial burden that has been at the core of the denial of the rights of D.C. citizens. Congress required the same racial segregation here as in the Southern States, in schools and in public accommodations, until the 1954 Brown decision. As one Southern Senator put it: ''The Negroes flocked in, and there was only one way out, and that was to deny suffrage entirely to every human being in the district.''

Former Republican Senator Edward Brooke, a native Washingtonian and the Nation's first popularly elected black Senator, wrote: ''The experience of living in a segregated city and of serving in our segregated Army perhaps explains why my party's work on the Voting Rights Act reauthorization last year and on the pending D.C. House Voting Rights Act has been so important to me personally. The irony, of course, is that I had to leave my hometown to get representation in Congress and to become a Member.''

Today, I ask the House to abolish that irony and the tragedy for the many who have come to the Nation's Capital seeking freedom for 206 years, among them my great grandfather, Richard Holmes, a slave who ran away from a Virginia plantation in the 1850s and settled our family here. I appeal to your conscience and ask for your vote so that finally there also will be a vote for your fellow Americans here who have paid for this precious right many times over in blood and in treasure.

I thank the gentleman for yielding.

Mr. GOODLATTE. Mr. Speaker, I yield myself the balance of the time and simply say that I think this has been an excellent debate. I think there is good faith on both sides. But I do believe very, very strongly, as do I think many, many other people, that this is the wrong way to go about correcting the lack of a vote for residents of the District of Columbia, which the other side has clearly pointed out should be corrected. But there are correct ways to do it. An amendment to the United

States Constitution, what Virginia did with recession of the land to Maryland and allowing the citizens to vote in Maryland are both good solutions.

We should defeat this ill-conceived and unconstitutional legislation because the plain meaning of the Constitution, the words of the Constitution, cannot be altered by this House. And if we start doing that, we are indeed betraying our oaths. Defeat this legislation and do it right.

Mr. CONYERS. Mr. Speaker, I yield myself the balance of the time remaining on our side.

I begin by commending my colleagues in the Congress on the debate that has occurred today. It has been civil, it has been honest, and the disagreements, both constitutionally and otherwise, have been very clearly spread upon the record.

And why is that so? Well, because we had the same debate 27 days ago. That is why. We have all been through this for every argument, for every constitutional expert opinion that is regularly volunteered.

And, look, I have articulated my belief that a measure that we are debating is unconstitutional as frequently as anybody on the other side. I don't know what our collective batting averages of being accurate are, but that is for the courts to decide, and I think that we all agree to that.

The District of Columbia residents want no more than what the Founding Fathers wanted. And, by the way, for those who wonder why we didn't make them a State right off the bat, at that time there may have been 150 people living in this swampy area that is now known as D.C. We didn't have anybody to make citizens.

So join me, join us in this historic moment and pass the bill. It is high time.

Ms. KILPATRICK. Mr. Speaker, our country, our Declaration of Independence, and our Constitution are all based on a promise. The promise in the Declaration of Independence is that taxation without representation was, and is, wrong. The promise in our Constitution is that all citizens of this country have "certain inalienable rights" and it is the job of Congress to secure those inalienable rights. H.R. 1905, the District of Columbia House Voting Rights Act, would secure those rights for the hard working, tax paying citizens who, merely because they live in the Nation's Capital, do not have a voting representative in the U.S. Congress.

We enjoy many rights as Americans. The right to vote and the right to equal representation is perhaps the most sovereign right that we as Americans have. In my own personal history as an activist, I was an active and aggressive participant to secure these rights for all Americans. Indeed, some of our colleagues in Congress today were jailed and beaten to protect these civil freedoms. Unfortunately, too many died for this cause. The sacrifices of these individuals and organizations, along with the basic, essential sense of freedom and justice, is a clarion call and underscores our obligation to the more than 600,000 citizens of Washington, DC who pay some of the highest taxes in the Nation, but do not have a vote on those taxes; who have served and died in every war our country has fought, but do not have a vote to authorize a war; and who, in 2007, still do not have a voting representative in the U.S. Congress.

H.R. 1905, the District of Columbia House Voting Rights Act, will not only add full and unfettered voting power for the Representative from the District of Columbia, it also adds a new Congressional District in Utah. This bill, the manifestation of hard, tough, bipartisan negotiations, finally provides fairness and justice that has been denied for more than two centuries to the citizens of Washington, DC. For more than two centuries and a half, while our country has made democracy our global mantra, citizens in the Nation's Capital have not had a voice. For more than two centuries and a half, citizens in the Nation's Capital have been muted and marginalized. The District of Columbia Voting Rights Act is a step in the right direction, empowers the citizens of Washington, DC, and finally allows for the citizens of Washington, DC to fully embrace and enjoy the fruit of their labor, taxes, and diligence to our country.

I am pleased that the wisdom of 240 of my colleagues prevailed in this vote, and I look forward, like the vast majority of my colleagues, to quick action in the Senate and to President Bush signing this bill into law as soon as possible. I applaud the work of Congresswoman ELEANOR HOLMES NORTON, Congressman TOM DAVIS, and the collective bipartisan effort to preserve the principle of fair, equal representation.

Mrs. CHRISTENSEN. Mr. Speaker, I once again rise in strong support of H.R. 1905, legislation which will enable the residents of the District of Columbia to secure full voting rights in the House of Representatives. I applaud my friend and colleague, the gentle lady from the District for her strong and persistent advocacy and leadership on this issue which is so important to her constituents.

Mr. Speaker, we Democrats have long been committed to providing full voting rights to the residents of the District, and I am proud to stand here as a Democrat speaking out for this right as well. But, I would also like to acknowledge that on this issue there has been strong support across the aisle.

Our colleague, former Government Reform Committee Chairman TOM DAVIS, worked with Congresswoman NORTON to develop bipartisan agreement on legislation to give one voting representative to the mainly Democratic District of Columbia, and another to the largely Republican State of Utah. This effort led to the introduction of the District of Columbia Fair and Equal House Voting Rights Act, last year and the reintroduction of this bill in this Congress.

Mr. Speaker, as a Delegate in the House also without a vote, I must acknowledge the fact that my constituents, and indeed the constituents of our colleagues from Guam, American Samoa and Puerto Rico, also would want their representative to have a full vote in the House as well. We recognize and acknowledge, as do the constitutional scholars who testified in support of the DC Voting Rights Act, that the Framers of the Constitution never intended to deny voting representation to citizens of the Nation's Capital. Similar, we also know that just as it is wrong to disenfranchise the residents of the District it is equally wrong to disenfranchise my constituents and the residents of the other territories.

However, our time for this has not yet come. But the time for the citizens of the District of Columbia has come and is very long overdue. The residents of the District have labored under this undemocratic status and have been silenced for more than 200 years. That is 200 years of justice delayed and justice denied.

Presidents as far back as Andrew Jackson have advocated for full representation in Congress for the District, and much later, President Richard Nixon in a special message to the Congress on the District of Columbia in 1969 said, "It should offend the democratic sense of the Nation that the 850,000 residents of its capital, comprising a population larger than 11 of its States, have no voice in Congress." As such, the District expends billions of dollars annually to support not only its own residents but the hundreds of thousands of daily commuters who work in District of Columbia but live in the bordering states. The District of Columbia's resources and infrastructure are burdened on a daily basis with no financial assistance from the bordering states that benefit from these services. For all intent and purposes, the District of Columbia is treated as a state.

Mr. Speaker, I look forward to the day when all citizens under the American flag will enjoy the democratic right of full representation in their national assembly as well as vote for our President and Commander-in-Chief. Until that day, I look forward to soon witnessing the day when residents of the District of Columbia, residents of the capital of our Nation, finally receive fair and equal voting rights in the House, the day that they will finally have justice.

I urge my colleagues to support the District of Columbia Equal House Voting Rights Act of 2007 and end taxation without representation for our fellow citizens in the District of Columbia.

Mr. WAXMAN. Mr. Speaker, today we are considering a bill that will help bring democracy to the District of Columbia. H.R. 1905, the District of Columbia House Voting Rights Act of 2007, will grant the District of Columbia a full vote in the House of Representatives.

District of Columbia residents have been denied full representation in Congress for over 200 years. District residents pay billions of dollars in federal taxes yet get no vote in Congress. District residents have fought in every war our Nation has faced yet get no vote in the House of Representatives. This bill will help right this longstanding injustice.

There have been two champions of this legislation who deserve recognition. Congresswoman NORTON has worked tirelessly on behalf of her constituents to forge a compromise that has bipartisan support. Representative TOM DAVIS, the Ranking Minority Member of the Oversight and Government Reform Committee, has led the charge for voting rights for the District.

The District of Columbia House Voting Rights Act includes a number of important provisions. It will increase the size of the House by two seats. One seat will go to the District of Columbia and the other to Utah, the next state in line to get a congressional seat. The bill also prevents partisan gerrymandering by creating the new seat for Utah as an at-large seat and by ensuring that Utah does not redistrict its other congressional seats until after the apportionment following the 2010 census.

H.R. 1905 also contains a nonseverability clause providing that if a court holds one section of this bill invalid or unenforceable, all other sections will be invalid or unenforceable. This is an important safeguard because it means that no part of this bill can have legal effect unless the entire bill does. Under this legislation, Utah cannot be granted a seat in the House without the District also being granted a seat or vice versa.

H.R. 1905 is a step in the right direction toward providing the residents of the District fair representation in Congress. I urge all of my colleagues to join me in supporting this legislation.

Mr. UDALL of Colorado. Mr. Speaker, I am a cosponsor of this legislation and I urge its approval.

The bill will provide residents of the District of Columbia (DC) with full representation in the U.S. House of Representatives by permanently expanding the House from 435 to 437 seats, with one of the new seats allocated to DC and the other to the State next entitled to increase its congressional representation. Based on the 2000 Census, Utah is the State next entitled to increase its congressional representation, so Colorado's western neighbors will gain that seat.

As we all know, Mr. Speaker, the Constitution authorizes Congress to ''exercise exclusive jurisdiction in all cases whatsoever'' over the seat of government—that is, the area ceded to the Federal Government and now known as the District of Columbia. But I think residents of DC should be able to govern themselves—like residents of Colorado—to the maximum extent consistent with allowing the Federal Government to operate. And the fact is that right now more than half a million people living in DC lack an essential element of self-government—full representation in the House of Representatives. So, while residents of Colorado and every other State have a vote regarding the laws that govern DC, the American citizens living there do not.

Interestingly, this has not always been the case. The decision to locate the ''seat of government'' on the Potomac was made by the First Congress through enactment of the Residence Act. And for a decade—from 1790 to 1800—District residents were able to vote in Congressional elections in Maryland and Virginia, even though they were not citizens of those states, because of Congressional action recognizing and ratifying the ceding states' laws as the applicable law for the now-federal territory until further legislation.

However, in 1800 Congress passed a different law for DC, and since then DC residents have been denied voting representation in Congress—the very entity that has ultimate authority over all aspects of the city's legislative, executive, and judicial functions. And as early as 1801, the citizens of Alexandria petitioned Congress to create a functioning DC municipal government and restore its residents' representation in the House of Representatives. Over the years Congress did act to create a DC municipal government, but its residents remain without voting representation in Congress. This bill would remedy that.

Some of the bill's opponents argue that it is not constitutional because representation in Congress is reserved for Americans who live in one of the 50 States. I am not a lawyer, and do not claim to be a constitutional expert. But after careful review of the matter, including the opinions of people who unquestionably are experts, I am not convinced the opponents are right on that point.

As I said, the Constitution gives Congress very broad power to legislate regarding the District of Columbia. And, as noted in the Judiciary Committee's report on this bill, many Constitutional experts say that this power includes the power to restore to DC residents the right to vote for a Member of the House of Representatives that existed from 1790 until 1800.

In short, their view is that a right given by Act of Congress in 1790, then removed by another Act of Congress in 1800, can be restored by a third Act of Congress in 2007. I find that persuasive, and so I will vote for this bill even though it is likely that this interpretation of Congressional authority will be tested in the courts.

Mr. MORAN of Virginia. Mr. Speaker, I rise today in support of the District of Columbia House Voting Rights Act.

For too long, the residents of our Nation's Capital have been without a full voice in Congress.

The District of Columbia is home to over 570,000 residents. It has a larger population than Wyoming, which is represented by an at-large member in the House and two Senators.

The men and women of the District of Columbia pay their taxes, both to the Federal Government and the District. They salute the American flag at Nationals, Wizards, Caps and Redskins games. And they serve or have served in the Armed Forces. DC is home to over 44,000 veterans. In Iraq and Afghanistan, four brave men have made the ultimate sacrifice for their country.

Yet despite being an integral part of the fabric of our Nation, DC continues to be denied a vote in Congress.

Today we are considering compromise, partisan legislation coauthored by my friends and colleagues Delegate ELEANOR HOLMES NORTON and Rep. TOM DAVIS. From his position on the Government Oversight Committee Congressman DAVIS has spent considerable time and attention on issues affecting the District. And there is no stronger advocate for her constituents than the gentlewoman from DC.

I compliment the bill's sponsors for crafting a thoughtful approach and a clever compromise that grants Utah an at large representative to balance any potential partisan division. It keeps this proposal bipartisan and improves its prospects for favorable Senate action. I hope the White House will rethink its current concerns and join our bipartisan coalition to affirm the District's right to vote.

Some who oppose this legislation have stated that it raises constitutional concerns. But, as was stated in a recent oped by the Republican DC Councilwoman Carol Schwartz, no less conservative scholars than former solicitor general Kenneth Starr, former chief judge of the U.S. Court of Appeals for the DC Circuit Patricia Wald and Georgetown Law Professor and author of the USA PATRIOT Act Viet Dinh have stated that giving the District a vote is in fact, constitutional.

Mr. Speaker, the citizens of Washington, DC are as much red-blooded Americans as anybody living in the 50 states.

They deserve to have their voices heard in the halls of Congress, they deserve a representative who can vote on their behalf as this body debates matters directly affecting their country and therefore, they deserve to have this legislation passed today.

Mr. SHAYS. Mr. Speaker, as a longtime supporter of the District of Columbia House Voting Rights Act, I am pleased we are moving quickly to consider this legislation, to finally give Washington, DC voting rights in the House of Representatives.

This bill would establish the District of Columbia as a congressional district and thus grant the citizens of the District representation in Congress.

The legislation also would grant an additional congressional seat to Utah based on the results of the 2000 Census.

Unlike some previous versions of this legislation, H.R. 1905 would make these two seats permanent.

The Oversight and Government Reform Committee has led the charge on granting the city of Washington, DC the right to have a full vote in the House of Representatives.

The citizens of the District pay federal taxes, so it is only right they have a say in federal affairs.

Mr. Speaker, I urge the support of this important and historic legislation.

Mr. VAN HOLLEN. Mr. Speaker, I rise today to support this important bill—the DC Voting Rights Act.

It is long past time to pass this legislation. It is not a question of politics or political advantage, it is a question of civil rights—it is a question of whether we believe that those people who live in the city that houses our Democratic institutions, who often work in the Federal government, deserve equal representation in our legislative body.

There is simply no excuse to deny the hundreds of thousands of residents of our Capital City the right to equal representation in the United States Congress. They are citizens in every way. They pay the same federal taxes as anyone else, can serve in the armed forces, and are subject to the same laws of the land. What a terrible message we send when the people in the capital of the world's greatest democracy do not have a vote in the people's House.

I have the privilege or representing the district right next to Washington, DC, and it is simply wrong that when you cross the border from my district into Washington, DC, you go from a district where you have voting representation to one where you do not.

Mr. Speaker, we have before us a bipartisan compromise that extends full voting rights to our neighbors here in the District. I urge my colleagues to support this bill and finally end taxation without representation.

Mr. KIND. Mr. Speaker, I rise today to provide my strong support for H.R. 1905, The District of Columbia House Voting Rights Act of 2007. Ensuring that all citizens have the opportunity to participate in our democracy is a responsibility I take very seriously and H.R. 1905 is one legislative measure that seeks to achieve this objective.

We take pride as a Nation for the numerous freedoms extended to our citizens; however, the United States is the only democracy in the world that deprives the residents of its capital full voting representation in the legislature. For the past 200 years, District of Columbia residents have fulfilled their responsibility as citizens in countless ways such as serving in the military, paying federal taxes and serving on juries. Their rights should now be extended to

include having a voice in the United States Congress.

There is no place in our democracy for the 206-year-old injustice of "taxation without representation" for the over half a million District residents. With 82 percent of our Nation's citizens in support of expanding this fundamental right to vote to all citizens, the time is now to correct this injustice and restore democracy in our Nation's capital.

Mr. Speaker, I urge my colleagues to capitalize on this opportunity to extend to District residents an entitlement cherished so deeply by citizens of the United States—the right to vote.

□ 1400

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 317, the bill is considered as read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SMITH of Texas. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Smith of Texas moves to recommit the bill H.R. 1905 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Add at the end the following new section:

SEC. 5. EXPEDITED JUDICIAL REVIEW.

(a) SPECIAL RULES FOR ACTIONS BROUGHT ON CONSTITUTIONAL GROUNDS.—If any action is brought for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act, the following rules shall apply:

(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

(2) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

(3) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

(4) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

(b) INTERVENTION BY MEMBERS OF CONGRESS.—In any action in which the constitutionality of any provision of this Act or any amendment made by this Act is raised (including but not limited to an action described in subsection (a)), any member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or Senate shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision or amendment. To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any such action may make such orders as it considers necessary, including orders to require intervenors taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act.

Mr. SMITH of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas is recognized for 5 minutes in support of his motion.

Mr. SMITH of Texas. Mr. Speaker, let me be clear. Any Member who votes for this bill is voting to grant D.C. residents more voting power in the House of Representatives than any of their own constituents now enjoy. That is because this latest version of the bill fails to eliminate the position of D.C. Delegate.

The D.C. Delegate can, of course, vote in committee, which means that if this bill passes, D.C. residents will have two votes in committee and one on the House floor. That would give D.C. residents more voting power in the House than any other voter in the country. That is obviously unfair, and I think we all know it.

Mr. Speaker, this motion to recommit simply requires expedited judicial review of the constitutionality of the bill's provision. I believe this legislation is unconstitutional and will produce significant legal and electoral turmoil if enacted. So it is critical that the motion to recommit be adopted to ensure that if the bill violates the Constitution, that unconstitutional action will not be prolonged.

This motion to recommit constitutes the very same expedited judicial review provision Congress agreed was appropriate, on a bipartisan basis, in the McCain-Feingold campaign finance law. That provision was successfully employed to facilitate the Supreme Court's expeditious review of that legislation.

Opponents might claim that an expedited review of the legislation would already be provided by 28 U.S.C. sections 2284 and 1253, but that is very far from clear. 28 U.S.C. section 2284 only applies to "actions filed challenging the constitutionality of an apportionment of a congressional district over the apportionment of any statewide legislative body." The creation of a new House Member to represent a non-State constitutes neither an apportionment nor something relating to a statewide legislative body. The 14th amendment itself makes clear that apportionment is a concept that only applies to States.

Also, nothing in 28 U.S.C. section 1253 requires the Supreme Court to ever hear the case, and absent a statutory requirement, the Supreme Court retains the discretion regarding whether and when to a hear a case.

In contrast, the motion to recommit requires that the case be brought in the District of Columbia before a three-judge Federal district court with direct appeal to the Supreme Court. The motion to recommit provides that "It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal."

Professor Jonathan Turley, someone the majority consults frequently for his views, said in his testimony offered at the Judiciary Committee's hearing on the first of three versions of this bill that were introduced, "Permit me to be blunt, I consider this act to be the most premeditated unconstitutional act by Congress in decades."

As Professor Turley also pointed out, the inevitable legal challenge to this bill could produce legislative chaos. With a relatively close party division in the House, the casting of a determinative vote subsequently held invalid by a court could throw the validity of pieces of future legislation into question.

There is no reason to stall a judicial resolution of these important issues, especially when doing so risks legislative chaos regarding the validity of future legislation passed by the House.

Mr. Speaker, if supporters of H.R. 1905 believe the bill is constitutional, and I know they do, they should want to get that constitutionality established by the Supreme Court as soon as possible. Likewise, we should all want to shorten the time that the Representatives created under this bill would serve, if they are, in fact, declared unconstitutional.

The bill is either constitutional or it is not. Let's adopt this motion to ensure that question is resolved expeditiously and to prevent as much uncertainty as possible.

I encourage my colleagues to support this motion to recommit.

Mr. CONYERS. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, first of all, I want to commend my friend from Texas (Mr. SMITH). His arguments are cogent and our relationship on the committee is excellent.

But I must comment as to the argument that our bill allows the District of Columbia to have both a Representative and a Delegate. We fully intend to

repeal the Delegate part of it by separate statute as soon as we get the bill that will allow the District to have a Representative.

We have had lots of debate, and he has quoted Professor Turley, who has made the most extreme statement, his personal beliefs. And we invited him as a panelist, but he has been profoundly in the minority on a number of other issues as well. So I do not regard his opinion as having any more or less importance or significance than any of the other constitutional experts that we heard.

Now, here is the problem. We would, if this motion to recommit were passed, provide for two things: expedited review of this matter and standing to all Members of Congress to challenge the constitutionality of the bill before us. Four hundred thirty-five Members would be granted standing. Why? Are there not enough constitutional lawyers and supporters and opponents on both sides to take care of this matter, rather than to have the Supreme Court filled with Members of Congress wanting to vent probably very repetitious views?

This is a motion based on an amendment which has been debated and defeated in the Judiciary Committee when we considered an earlier version of this bill only weeks ago.

Now, I recognize and appreciate that the motion is being offered in good faith to amend the bill. However, as I have stated before, it is my concern that this recommit motion will do far more harm than it could ever cause good.

I am concerned that the motion puts Congress down on record as believing that the bill is constitutionally weak. It is not, and therefore, I cannot support a motion to recommit that would make this concession. Nothing could be further from the truth.

We have had hearings on top of hearings from everyone who claimed to be a constitutional expert on this subject anywhere in the Judiciary Committee. We have heard from everybody on both sides of the aisle over the last several Congresses, and based on the record, there is ample precedent for the Congress, using the District clause as authority for this legislation as they have for taxes, for diversity, for labor and numerous other matters. Clearly, this bill falls within the general line of authority.

Now, concerning expedited judicial review in this motion, the courts are perfectly capable of handling the issue. There are judicial standards for dealing with expedited review, namely, when there is a showing of irreparable harm. Nobody has mentioned that as a reason for having expedited review. Irreparable harm coming and giving the Delegate of this District the right to vote? We have statutes on the books that cover this very issue already.

We did not provide expedited review of such controversial laws as the PATRIOT Act, parts of which have actually been held, subsequently, unconstitutional. Yet, the issue was readily dealt with by the courts.

The courts will readily deal with this issue as well. And I am strongly opposed to the idea of Congress passing laws that confer unique standing on themselves or special rights to intervene in pending lawsuits.

You can always become amicus curiae, and so for those reasons and others, I urge that this motion to recommit be turned down.

The SPEAKER pro tempore. The gentleman's time has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SMITH of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage of the bill.

The vote was taken by electronic device, and there were—yeas 193, nays 227, not voting 13, as follows:

[Roll No. 230]

YEAS—193

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—227

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—13

Boehner
Cantor
Cubin
Davis, Jo Ann
Fattah
Higgins
Israel

Lampson
Millender-McDonald
Rohrabacher
Schmidt
Walsh (NY)
Wicker

□ 1434

Messrs. BRADY of Pennsylvania, SPRATT, ALLEN, HALL of New York, HILL, BACA, SCOTT of Virginia, KAGEN, BLUMENAUER, CLYBURN, VAN HOLLEN, KLEIN of Florida, Ms. GIFFORDS, Ms. LORETTA SANCHEZ of California, Ms. McCOLLUM of Minnesota, and Ms. ESHOO changed their vote from ''yea'' to ''nay.''

Messrs. DAVIS of Kentucky, HASTERT, CAMP of Michigan, HERGER, SHAYS, YOUNG of Alaska, Mrs. MYRICK and Mrs. BLACKBURN changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. SCHMIDT. Mr. Speaker, on H.R. 1905, motion to recommit, I was unavoidably detained due to official business. I would have voted "yea."

The SPEAKER pro tempore (Mr. ROSS). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PRICE of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 241, noes 177, answered ''present'' 1, not voting 14, as follows:

[Roll No. 231]

AYES—241

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Burton (IN)
Butterfield
Cannon
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Ferguson
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pence
Perlmutter
Platts
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOES—177

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Bonner
Bono
Boozman
Boren
Boustany
Boyda (KS)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Campbell (CA)
Capito
Carney
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Bishop (UT)

NOT VOTING—14

Berman
Boehner
Cantor
Cubin
Davis, Jo Ann
Fattah
Higgins
Israel
Lampson
Millender-McDonald
Peterson (MN)
Rohrabacher
Walsh (NY)
Wicker

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1442

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FATTAH. Mr. Speaker, had I been present for the vote on H.R. 1905. I would have voted "aye."

PARLIAMENTARY INQUIRIES

Mr. PRICE of Georgia. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. PRICE of Georgia. Mr. Speaker, isn't it true that the result of waiving a rule of the House for a specific bill means that rule does not apply for that bill?

The SPEAKER pro tempore. Would the gentleman repeat his parliamentary inquiry.

Mr. PRICE of Georgia. Mr. Speaker, isn't it true that waiving a particular rule of the House for a specific bill means that rule does not apply for that bill?

The SPEAKER pro tempore. A rule may be waived in favor of a particular bill.

Mr. PRICE of Georgia. Further inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. PRICE of Georgia. Isn't it true, Mr. Speaker, that H. Res. 317, the rule for H.R. 1905, the bill we just considered, waived clause 10 of rule XXI?

The SPEAKER pro tempore. With regard to H.R. 1905, H. Res. 317 did waive clause 10 of rule XXI.

Mr. PRICE of Georgia. Further inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. PRICE of Georgia. Isn't it further true, Mr. Speaker, that clause 10 of rule XXI requires the PAYGO provision to be in effect?

□ 1445

The SPEAKER pro tempore. Clause 10 of rule XXI is informally referred to as pay-as-you-go.

Mr. PRICE of Georgia. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. PRICE of Georgia. Isn't it true then, Mr. Speaker, that the PAYGO rule adopted by this House was waived for the bill that we just considered, H.R. 1905?

The SPEAKER pro tempore. Clause 10 of rule XXI was waived with regard to that bill.

Mr. PRICE of Georgia. Further inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. PRICE of Georgia. So the rule of this House that relates to PAYGO was waived for H.R. 1905.

The SPEAKER pro tempore. Clause 10 of rule XXI was waived with regard to H.R. 1905.

Mr. HOYER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HOYER. Mr. Speaker, am I not correct that by adoption of the rule, we ensured that 1905 will not pass through the door to the Senate without PAYGO being attached to it?

The SPEAKER pro tempore. The Chair will read section 3(a) of the rule. ''If either H.R. 1905 or H.R. 1906 fails of passage or fails to reach the question of passage by an order of recommital, then both such bills, together with H.R. 1433, shall be laid on the table.''

Mr. HOYER. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Maryland may state his parliamentary inquiry.

Mr. HOYER. Am I correct that the interpretation of that language means that if the D.C. enfranchisement bill does not have PAYGO added to it, it will not pass this House?

The SPEAKER pro tempore. If either bill fails of passage, then both bills are laid on the table.

Mr. HOYER. I thank the Speaker for the clarification.

ESTIMATED TAX PAYMENT SAFE HARBOR ADJUSTMENT

Mr. LEWIS of Georgia. Mr. Speaker, pursuant to House Resolution 317, I call up the bill, (H.R. 1906) to amend the Internal Revenue Code of 1986 to adjust the estimated tax payment safe harbor based on income for the preceding year in the case of individuals with adjusted gross income greater than $5 million, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1906

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

SECTION 1. ADJUSTMENT OF ESTIMATED TAX PAYMENT SAFE HARBOR FOR INDIVIDUAL TAXPAYERS WITH ADJUSTED GROSS INCOME GREATER THAN $5 MILLION.

(a) IN GENERAL.—Subparagraph (C) of section 6654(d)(1) of the Internal Revenue Code of 1986 (relating to limitation on use of preceding year's tax) is amended by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively, and by inserting after clause (i) the following new clause:

''(ii) INDIVIDUAL ADJUSTED GROSS INCOME GREATER THAN $5,000,000.—If the adjusted gross income shown on the return of the individual for such preceding taxable year exceeds $5,000,000, clause (i) shall be applied by substituting '110.1' for '110' in the last row of the table therein.''.

(b) SEPARATE RETURNS.—Clause (iii) of section 6654(d)(1)(C) of such Code, as redesignated by subsection (a), is amended by inserting ''and clause (ii) shall be applied by substituting '$2,500,000' for '$5,000,000'' before the period at the end.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to House Resolution 317, the gentleman from Georgia (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. ENGLISH) each will control 30 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. LEWIS of Georgia. Mr. Speaker, I yield myself as much time as I may consume.

I rise in support of H.R. 1906. No one, but no one will pay more taxes under the bill. It merely ensures that multimillionaires don't add to our tax gap.

The bill changes in a very minor way estimated tax payments made by wealthy individuals with incomes of more than $5 million a year. It makes a technical timing change to tax payments made by these individuals. They do not pay more taxes. H.R. 1906 is critical to the pay-as-you-go pledge of this Congress.

I am pleased to have supported H.R. 1905, the District of Columbia House Voting Rights Act of 2007. For 207 years, Washington, D.C. residents have paid Federal taxes, and for 207 years they have had not a voting representative in the United States Congress.

The right to vote is precious. It is sacred. It is the cornerstone of our democracy.

Americans sacrificed everything for this right. They were harassed, beaten, jailed and even killed for the right to vote.

Not so long ago, many of my friends, many of my colleagues lost their lives. There are many more faceless, nameless heroes who suffered and sacrificed for this basic right.

How can we preach this principle around the world and not practice it here in our Nation's Capital? It is the foundation of our democracy.

So I urge all of my colleagues to support H.R. 1906.

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

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House is considering legislation that, in my view, represents the first brick in a Chinese wall of tax increases.

Generating revenue by assuming that Americans with more than $5 million in income will increase their annual withholding by one-tenth of 1 percent simply makes a mockery of PAYGO.

The majority is exploiting a statistical quirk in the way that the Joint Tax Committee does its revenue estimates, and will have accountants, not normally known for their high spirits and good humor, roaring with laughter all over the country.

Perhaps, in the aggregate, there are enough people in America making more than $5 million who will pay an extra $2,000 in estimated taxes to raise revenues as much as anticipated, but this seems more likely to be an instance where the Joint Tax Committee's scoring rules and common sense have dramatically parted ways.

If the Judiciary Committee thinks the companion bill to create a new Member from Utah and add voting rights to a Member from the District of Columbia is such a good idea, surely they could have found some program within their jurisdiction to trim by an offsetting amount. And they didn't find a user fee in their jurisdiction to increase by just a few dollars.

In fact, despite the fact the Democratic majority created a budget that includes more than $2 trillion in spending, they could not even trim $3 million from that total to pay for this rather modest initiative. To put this in perspective, the majority could have offset this bill by reducing entitlement spending by just two ten-thousandths of a percent.

By not going down that route, this bill confirms what we have all suspected: the Tax Code is going to be the ATM machine that pays for all of the new majority's fondest initiatives. The bill today may be cheap in total dollar terms, but we will not be so lucky the next time around.

In fact, Mr. Speaker, in my view, H.R. 1906 represents what will be the first of a series of bizarre revenue raisers, Rube Goldberg devices, and tax gimmicks to be trotted out to pay, first for small things, and then pay for the demands of the majority's budget, which includes the largest tax increase in American history, nearly $4 billion over 5 years.

It also demonstrates that the majority's PAYGO promise that new entitlement spending could be offset with entitlement spending cuts is hollow and cynical. If they can't even find $3 million of entitlement savings for this bill, can we expect them to pay for their new programs with anything other than a significant tax increase ultimately on the middle class?

This makes even traditional budget gimmicks, like putting routine spending into an emergency spending bill, or bypassing the budget resolution by using ''advanced appropriations'' look pristine by comparison.

The process for this bill's consideration is flawed, deeply and fundamentally. It did not go through the Committee on Ways and Means. This is another example of the new majority ignoring their own promises for regular order.

The procedure, Mr. Speaker, for considering the broader issue of expanding the House of Representatives itself is deeply flawed. The example being set today that you can split a bill into separate elements so as to limit what amendments and motions will be germane is the triumph of form over substance.

The proposal before us only adds more complexity to the Tax Code. And think about this: if you thought filling out your taxes wasn't tough enough, our friends on the other side of the aisle are raising the level of difficulty to complicate the code and increase the risk that an inadvertent error will have the IRS demanding interest on your underpayment.

At least it is better than the last version of this proposal, which generated an even more ludicrous $3 million by raising the safe harbor amount for people with incomes over $150,000 by just three one-thousandths of a percent.

Mr. Speaker, this is a flawed bill. It is a silly exercise. And I think it is appropriate that we vote it down.

Mr. RYAN of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. ENGLISH of Pennsylvania. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. I thank the gentleman for yielding.

I simply want to rise to say that the bill that just passed, which I actually supported because I think it was the right thing to do constitutionally, and just good government, it violated PAYGO for 2 hours. So what we have here is a too-cute-by-half PAYGO fix. And it is my hope that when the majority brings new bills to the floor that the bills themselves will be fixed with respect to PAYGO.

This rule tactic that is being deployed, I think, denied the minority rights to have the kinds of motions to recommit that the minority traditionally has been given.

But more importantly, this really is a violation of PAYGO. It is fixed now because it was broken just a minute ago. It is a half-hearted attempt for the majority to submit to their own rules. The PAYGO principle of pay-as-you-go ought to apply every minute, every second, every hour. If you believe in it, don't make it just apply for 2 hours and then bring it back an hour later just because you want to deny the minority an ability to have an effective motion to recommit.

I would be happy to yield to the leader.

Mr. HOYER. I appreciate my friend's comment. Aren't you the party that said that taxes were going to be cut up until 2010 and then because of the rules they will go back into effect?

Mr. ENGLISH of Pennsylvania. Mr. Speaker, may I reclaim my time? And instead allow the leader on his own time to pose those sorts of questions.

Mr. RYAN of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. ENGLISH of Pennsylvania. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. I think the gentleman mentioned something about sunsetting taxes. If my memory serves me, having served on the Ways and Means at the time that bill was written, all tax bills which originate in the Ways and Means Committee in the House were permanent. It was the Democrat Party in the Senate that made it temporary, that put in, because of a cloture vote, put the temporary nature of the tax cuts in. The tax cuts sunset in 2012 because of the Byrd rule and because we did not have sufficient numbers of the Democrat Party at the time vote for cloture so that we could make these tax cuts permanent.

Mr. HOYER. Will my friend yield?

Mr. ENGLISH of Pennsylvania. I am afraid, Mr. Speaker, it is my time and I will allow the gentleman from Wisconsin to yield to the leader on the leader's time.

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

GENERAL LEAVE

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent to give Members 5 legislative days to revise and extend their remarks on the bill, H.R. 1906.

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

There was no objection.

Mr. LEWIS of Georgia. Mr. Speaker, I yield 3½ minutes to the gentleman from Indiana, Congressman HILL.

Mr. HILL. Mr. Speaker, I would like to enter into a colloquy with the distinguished majority leader.

Mr. Leader, the minority side has been talking about PAYGO rules and that somehow we have violated them. They sound very convincing. And as you know, the fiscally conservative Blue Dog Coalition are also strong supporters of the PAYGO rule, as are all members of our Democratic Caucus. This pay-as-you-go rule was an important step in restoring fiscal discipline in Congress. The Members of the Blue Dog Coalition believe it is important that the House comply with this rule.

Can you explain how this bill complies with PAYGO and specifically, for the benefit of the Members on both sides, I ask, will the PAYGO rule that we established in January be fulfilled when the House completes action on the District of Columbia Voting Rights Act?

Mr. HOYER. If the gentleman will yield.

Mr. HILL. I will yield.

Mr. HOYER. I thank the gentleman for his question. It is an important question. And the answer to that question is, absolutely. And I am glad that we have this opportunity to clear up any confusion. I want to assure the gentleman, and all Members of the House, that the District of Columbia Voting Rights Act will not violate PAYGO, period. The House just voted to approve the D.C. Voting Rights Act of 2007. We have now proceeded to consideration of H.R. 1906, which amends provisions of the Internal Revenue Code regarding estimated taxes to pay for all costs attendant within the D.C. House Voting Rights Act.

□ 1500

While those costs are de minimis, essentially about $1.6 million out of $27 trillion if there is no escalation in government revenues, notwithstanding that, we wanted to adhere to the PAYGO rule, as the gentleman from Indiana has stated and for which he has fought so hard and been a leader on. The rule provides that the text of H.R. 1906 will be incorporated into the D.C. Voting Rights Act when H.R. 1906 is passed; in other words, every Member who voted for the rule voted to honor PAYGO.

The Congressional Budget Office and the Budget Committee have certified that when the text of H.R. 1906 is incorporated into the bill and the bill is engrossed, the bill will comply with the PAYGO rule. The rule further provides that if either bill fails to pass, both bills will be tabled. In other words, if the bill providing the offset to ensure compliance with PAYGO is not added to the bill, the D.C. bill would be rejected.

This process guarantees that two important things will happen, first, that an unmitigated injustice, the denial of voting for the citizens of the District of Columbia, is considered on its merits and remedied; and secondly, that we abide by our commitment to PAYGO.

Again I state, the gentleman from Indiana has been an extraordinarily consistent and strong leader on behalf of that premise.

The House, in conclusion, will not send a bill that does not comply with the PAYGO rule as a result of the rule. And I commend those who voted for the rule to be consistent with our PAYGO pledge.

I thank the gentleman for his question.

Mr. HILL. Thank you, Mr. Leader. Let me try to put it in perspective, then. If I am in southern Indiana and I am driving from New Albany to Seymour, the direct route is on I–65, but if I go to Bloomington to Seymour, it is a longer route, but I still get to Seymour.

Mr. HOYER. You still get to the promised land.

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Georgia may state his parliamentary inquiry.

Mr. PRICE of Georgia. Mr. Speaker, we have just heard the majority leader

say that if either 1905 or 1906 fails, then they shall both be tabled.

Mr. Speaker, can you tell me, this House having passed H.R. 1905, how is it possible to have a bill that has already passed the House, is no longer on the floor, no longer the business of the House, tabled with subsequent action on another bill?

The SPEAKER pro tempore. House Resolution 317 so provides.

Mr. PRICE of Georgia. Mr. Speaker, I have a further inquiry.

The SPEAKER pro tempore. The gentleman from Georgia may state his parliamentary inquiry.

Mr. PRICE of Georgia. Mr. Speaker, can you tell me where in the House rules it provides anything that allows for the tabling of a House bill, once passed, when there has been intervening business in the meantime?

The SPEAKER pro tempore. The provision is contained in House Resolution 317.

POINT OF ORDER

Mr. PRICE of Georgia. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his point of order.

Mr. PRICE of Georgia. Mr. Speaker, I appeal to the Chair and state that the rule under which we are operating right now is in violation of House rules because there is no provision in the House rules that states that you may table a bill after it has already been dispensed with by the House.

The SPEAKER pro tempore. Is the gentleman asking for a point of order or a parliamentary inquiry?

Mr. PRICE of Georgia. I am asking for a point of order.

The SPEAKER pro tempore. If the gentleman is raising a point of order, would he please restate his point of order.

Mr. PRICE of Georgia. Mr. Speaker, my point of order is that we are now operating in violation of the rules of the House because the rule that we have adopted has no rule of the House that allows for tabling of a bill once it has passed the House and intervening business has occurred.

The SPEAKER pro tempore. House Resolution 317 has already been adopted by the House and not liable to any point of order.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it would be my privilege now to yield 4 minutes to the distinguished gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding.

The reason we have this bill and the reason we are having this debate is because the D.C. voting bill, which just passed this House, costs $2.5 million. So in order to have it be neutral, there needs to be $2.5 million found.

Now, what this bill proposes to do is what I would argue is basically a tax gimmick because no one's final tax, no one's ultimate tax pay, will be changed as a result of this bill. What it, in fact, does is change how quickly some people must pay their tax. So they will have to pay it a little earlier. They won't pay any different amount over a year. They will simply pay it a little earlier. But that is what this bill does.

But what was the alternative? Well, normally you would think that if you were interested in fiscal responsibility, if you were interested in keeping budgets balanced over time, that if you are going to spend $2.5 million extra, you would save $2.5 million somewhere else. That is what people at home do. That is what everyday, average American citizens do. If they are going to spend a little more money on something, they spend a little less money on something else.

Let's talk about what you would need to have done. If the Democratic majority had wished to reduce spending, and reduce the growth in spending is all you would actually have to do, but if they had wished to reduce the growth in spending in order to offset this $2.5 million, we are talking about 0.0002 percent. That is the reduction in growth, not even a cut, but the reduction in growth of spending. That is all you would have to do to offset the $2.5 million in this bill. And then we wouldn't even be talking about taxes and tax gimmicks and all that. Point zero zero zero 2 percent.

I ask you, if you can't find 0.0002 percent to reduce growth, not even to reduce entitlement spending, but to reduce growth of entitlement spending, where and when will you ever deal with the entitlement tidal wave that we have coming? By 2037 the entitlements will eat up 100 percent of the Federal budget as we currently know it.

So you have a couple of choices. You can either reduce the growth in entitlement spending over time so we don't have that, or you can double taxes. Well, if you can't find today 0.0002 percent to reduce the growth in spending, I would have to presume, and I think people would have to presume, Mr. Speaker, that the doubling of taxes eventually is where you want to go.

Now, we already saw a budget where you have had the largest tax increase in American history included in the budget, and now we can see why. You can't even find this amount of reduction in spending.

I oppose the D.C. voting bill because I think it is not right and not constitutional. But I oppose this bill as well because if we are ever going to control this budget and we are not going to control it on the backs of the average working American person, then tinkering with the Tax Code to find $2.5 million is not the way to do it. The way to do it is to go find 0.0002 percent of the growth and reduce that amount.

Mr. LEWIS of Georgia. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Speaker, I won't need 3 minutes. I just want to applaud the conversion of my Republican colleagues.

Six years ago the Nation was breaking even on an annual basis. They came to town with a new President and in the span of 3 years added $3 trillion to the national debt, never once explaining any remorse, never once saying, we're going to turn this around.

So I am really pleased to see the conversion, and I want to applaud you for it. I just wish it had happened 6 years ago.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is a great privilege for me to yield 5 minutes to a gentleman who brings marvelous expertise to any tax debate, who is entitled to wear a green eye shade if he chooses, the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Speaker, I appreciate the gentleman's yielding the time.

It is interesting, and our good colleague has left, but I would wonder why we constantly talk about history from 6 years ago that eliminates the conversation about 9/11, the recession that we went into, and an awful lot of things that had an impact on the financial circumstances or guesses at the financial circumstances over these intervening 10 or 12 years that seem to get lost whenever it is convenient.

What I would like to speak to, though, is the mechanics of what is happening right here. This is a PAYGO fix and is intended to ''pay for'' the additional expenses for adding an additional Representative to this body. I disagree with that. It is unconstitutional from a straight reading, but that is not our issue. How do we pay for that?

The folks back home understand the term ''PAYGO'' as if they want to pay for something, they have choices. They can borrow the money, which we have collectively done an awful lot of, or they can earn more money or they can cut spending in an area to pay for whatever the new expenditure is.

This bill takes the first route. This is simply a cash flow issue. This does not actually raise the money that the Federal Government gets to keep to pay for these additional expenses. This bill simply looks at a very unsympathetic group of taxpayers out there, folks who are blessed to make over $5 million in AGI each year, and says, we are going to borrow the money from you to pay for this.

And so our friends on the other side of the aisle have a very twisted, in my view, definition of PAYGO which involves simply borrowing money, whether it is to pay for your American Express bill off of this month's Visa or to sign up for a new Visa to pay the old Visa card. This bill doesn't pay for these added Federal expenses. It simply finances it through a borrowing from taxpayers who make more than $5 million in adjusted gross income.

So we many times come to this floor with less than straightforward conversations about what we are doing. This is one of those times. This is not a PAYGO fix. This is simply a cash

flow, borrowing the money from a certain number of taxpayers, because the bill does not raise anyone's tax. It does increase the amount of advanced payment that taxpayers have to make each year, depending on what their tax scheme is. But their ultimate tax bill is decided by the code that is in existence right now and will not be changed.

So as the other side, Mr. Speaker, brags on this bill as being their answer to the additional spending under the D.C. voting bill, it is not right. This simply borrows the money from some other group and does not pay for it.

So I would oppose this bill. It does not honor the traditional definition of PAYGO that we are all familiar with, and I would urge my colleagues to vote against it.

□ 1515

Mr. LEWIS of Georgia. Mr. Speaker, I now yield 5 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentleman from Georgia for yielding.

I thank the gentleman from Georgia for leading this debate. Truly, you are the man to lead this debate on this great civil rights bill that the House is about to give after 206 years. I thank you for coming forward to do so.

I want to praise and offer my gratitude to Democratic leaders for reconciling the important principle of fiscal responsibility, PAYGO as we call it, with the basic principle of voting rights, forsaking neither. H.R. 1906 is particularly appropriate, especially when you consider that D.C. residents have always paid taxes, notwithstanding that the 16th amendment says that only States shall pay taxes.

Mayor Adrian Fenty and Council Chair Vincent Gray yesterday led a march in the wind and the rain on Emancipation Day because 145 years ago Lincoln freed the slaves in the District of Columbia 9 months ahead of the slaves elsewhere. My grandfather, Richard Holmes, was one of those slaves. His son, Richard, entered the D.C. Fire Department in 1902. And his son, Coleman, my father, like his forefathers and like me, have never had a vote in this city.

I am particularly grateful, and I wanted this time especially to thank the 22 Republicans who voted for the bill today, preserving the great tradition of the party of Lincoln for equal rights.

The Constitution was written by men who risked everything for the principle of representation. We should be especially mindful today, perhaps, to dedicate this bill to other men who have risked everything in times of war. 80-year-old retired Wesley Brown, the first black graduate of the Naval Academy and a resident of the District of Columbia, who went to the same high school that I attended, served in three wars, and retired from the Navy as lieutenant commander, but never has had the right to vote. His remarkable life story is chronicled in the book ''Breaking the Color Barrier: The U.S. Naval Academy's First Black Midshipman and the Struggle for Racial Equality.''

Bringing the matter forward, some young men in the District of Columbia are returning from Iraq, and I leave you with a few of their words. I quote Marcus Gray, who spent a year in Iraq in the 299th Engineering Company, who said, ''My father served in the 104th Airborne in Vietnam, and I am proud to follow him by serving my country in the same manner. I could be called again this year, but being called to active duty is what every soldier in the Reserves should expect to happen.

''We also expect equal treatment, and the Army tries hard to see that all soldiers are treated equally. However, I want equal treatment at home as well. I want the same voting representation as other soldiers, and as the Iraqi people have now because of our service.''

Emory Kosh, who works in my office in the House: ''I was proud to serve my country as a volunteer soldier. However, I am not prepared to sit as an employee of the House of Representatives while every Member answers the bell except my Congresswoman.''

Mr. Speaker, I ask the House to give D.C. residents on the battlefield and in the city itself the vote they have earned over and over again. Most of those who have paid the dearest price will never see the benefit. Those in the Vietnam War, the District had more casualties than 10 States; in the Korean War, more casualties than eight States; in World War II, more casualties than four States; and in World War I, more casualties than three States.

In their name, and in good conscience, I ask that the House today finally give the residents of the District of Columbia the vote they have fought for now for 206 years.

Mr. ENGLISH of Pennsylvania. First, Mr. Speaker, I would like to just briefly yield myself 15 seconds to thank the last speaker for her eloquence and her marvelous remarks and to say that I am very proud to stand with her today as one of the 22 who voted for the preceding bill. I am very proud of the fact that at a time when we are debating the needs of democracy all over the world that we have taken the time in the House to move forward to correct an anomaly in our own representation and create an opportunity for the gentlelady who has for many years so well represented the District of Columbia to have an opportunity fully and legally to vote on the floor, representing her people.

With that, Mr. Speaker, I would like to now yield 5 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. I thank the gentleman for yielding.

I, too, want to add my congratulations and my commendation to the Delegate from the District of Columbia. As I mentioned early during the day, I think this has been a good debate and an interesting and a productive debate, and I commend her for the work that she has done on behalf of her constituents.

I also want to state for the record once again that I strongly support the enfranchisement of the citizens of the District of Columbia. However, I believe that it ought to be done in a legal and a constitutional way. I think there is a way to do that, and we have talked about that. I do not believe that the bill that has just passed the House, 1905, in fact is a constitutional bill, and I think that that will play out over a period of time.

Mr. Speaker, I want to comment about where we are right now in terms of the activity and the rules of the House of Representatives. We are further delving into Orwellian democracy. I say that because the majority party has been champions of saying one thing and then doing completely the opposite. We have been told that this would be the most open, honest and fair Congress. In fact, we weren't told it, the leadership of the other party has promised the American people that this would be the most open and honest Congress.

Mr. Speaker, I would suggest to you that this has, in many ways, been the most oppressive Congress because of the majority party's actions, most oppressive Congress ever. You say, well, how can I arrive at that conclusion? Well, the way that the rules have been used and the ways that the rules have been changed draw one, I think objectively, to that conclusion because the rules that have been changed especially on this bill, on this issue, have disenfranchised completely anybody in the minority. And you say, well, how is that? Well, the rule that was adopted and the rule under which we are acting and the rule upon which I asked the Speaker multiple parliamentary inquiries states that if either H.R. 1905 or H.R. 1906 fails, then the other bill is tabled, failed based upon recommital vote.

Now, what that means is this House has passed H.R. 1905. And normally what would occur is that that bill would be on its way to the Senate. But what we are doing now is waiting to see whether 1906 passes, and if it fails, then 1905 is tabled.

Mr. Speaker, I would suggest to you that it is impossible to construct a rule that passes the smell test or passes the principles of democracy in this House that allows this House to table a bill after it has already passed. It is unconscionable.

Many of us have served in State legislatures. We understand the process of parliamentary procedure. We understand how minorities are able to affect policy. But when a majority wants to, by the very rule, squelch the input of the minority completely, it certainly can, based upon the ruling from the chair. But it is circular logic at best. When I asked the Speaker how on Earth could that occur, the Speaker replied, Because of the rule. When I

asked, how can the rule be consistent with the rules of the House, the response from the speaker was, Because of the rule.

Mr. Speaker, this is a remarkably oppressive action on the part of this majority. I urge my colleagues on the majority side to rethink the processes that they are using to make it such that the minority party in this Chamber is no longer able to affect policy, which means that 48 to 49 percent of the citizens of this Nation are no longer allowed to have Representatives that are able to affect policy because of the rules adopted by this majority party.

It makes me very sad to draw that conclusion based upon the rule that this House has adopted today. I urge my colleagues to reconsider.

Mr. LEWIS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

I don't understand it, Mr. Speaker, how my colleague, my friend, my brother from Georgia can come here and state in an open way that this is the most oppressive Congress. We have only been in the majority for 4 months, 4 short months, not quite 4 months. You really don't believe that.

Mr. PRICE of Georgia. Will the gentleman yield?

Mr. LEWIS of Georgia. Yes, I will yield to my friend.

Mr. PRICE of Georgia. Isn't it true that the rule which we are adopting is unprecedented and has never been adopted in this House?

Mr. LEWIS of Georgia. Let me say to my friend from Georgia, I think it was a good and a necessary rule.

Mr. PRICE of Georgia. Will the gentleman yield?

Mr. LEWIS of Georgia. I will no longer yield.

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

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia.

Mr. PRICE of Georgia. I thank my good friend for yielding.

I don't want to belabor this, but I think it is important for the American people to understand and appreciate, and I think it is important for my good friend from Georgia to appreciate, that this rule that has been adopted is unprecedented. There has never in the history of the House of Representatives been a rule that has allowed for the tabling of a bill after it has passed the House. Ever, ever.

I urge my colleagues to look at the rules that they are adopting in order to squelch minority input.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I do have one other speaker who has appeared, and one who has made an immense contribution to the debate on the previous bill. So it is my privilege now to yield 7 minutes to the gentleman from Virginia (Mr. TOM DAVIS).

(Mr. TOM DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. TOM DAVIS of Virginia. I thank my colleague for yielding.

I am going to support the bill at hand because it is the only way we can implement what we just did.

I want to thank my friends on the other side. I know this is a complex rule. It is unfortunate we had to go through the machinations we did to get where we are, but this was a historic vote today as we propel legislation along the great ark of our Nation's history as the world's most vibrant experiment in representative democracy.

Two hundred six years ago this month, Thomas Jefferson became the first President to take his oath in what was called the Federal City here in Washington. But through the confluence of circumstances and accident, the great compromise that birthed our Constitution and put the Nation's Capital here also produced a grotesque injustice we have so far been unable to right. Today is a time for another great compromise.

The capital of the free world doesn't provide full voting representation for residents. In fact, that has been true for too long, but today we have started the process of correcting an unhappy legacy left by the first Congresses.

I have discovered over the last 4 years that there are substantial myths surrounding the founding of Washington, DC, so I want to take a few minutes today to lay out the facts of how the city became what it is.

The idea for a Federal district arose out of an incident that took place in 1783 while the Continental Congress was in session in Philadelphia. When a crowd of Revolutionary War soldiers who had not been paid gathered to protest outside the building, the Continental Congress requested help from the Pennsylvania militia. The State refused, and the Congress was forced to adjourn and reconvene in New Jersey.

After that incident, the Framers concluded there was a need for a Federal district under solely Federal control for the protection of the Congress and for the territorial integrity of the capital. So the Framers gave Congress broad authority to create such a Federal district and broad authority to govern such a place. That is the limit of what the Framers say about a Federal district in the Constitution, that there should be one, and that it should be under congressional authority.

□ 1530

After ratification of the Constitution, one of the first issues to face the new Congress was where to place the Federal District. Some wanted it in New York. Others wanted it in Philadelphia. And others wanted it near George Washington's home on the Potomac.

These sectional factions fought a fierce political battle to decide the matter because they believed they were founding a great city, a new Rome. They expected this new city to have all the benefits of the great capitals of Europe. They never once talked about denying that city's inhabitants the right to vote.

Finally, Jefferson brokered a deal that allowed the city to be placed on the banks of the Potomac in exchange for Congress paying the Revolutionary War debt. New York got the debt paid, Philadelphia got the capital for 10 years. Then, as now, those political decisions were shaped by the issues of the day.

In 1790, Congress passed the Residence Act in which the right to vote was given to those residing in the new District. But while the capital was being established, those living here were permitted to continue to vote where they had before, in their States, on the Maryland side in Maryland, on the Virginia side of the District in Virginia.

The seat of government officially moved in 1800. In his final address to the Sixth Congress, less than a week after it took up residence in the new Federal District, President John Adams reminded Members, ''It is with you, gentlemen, to consider whether local powers over the District of Columbia vested by the Constitution in Congress shall be immediately exercised.'' That one statement explains the nature of the debate to follow.

Once again, the issues of the day shaped the actions of Congress. The political parties couldn't come to an agreement. Imagine that. The Federalists wanted to ensure a strong central control over the city. Anti-Federalist Republicans wanted to limit authority and distrusted all things urban.

With Jefferson and his Republicans preparing to take control of the Presidency and Congress, a pervasive atmosphere of crisis compelled the Federalists into action. If a bill was not passed before Jefferson took over, it would never pass.

Eventually, the Congress passed a stripped-down version of a bill authored by Virginia Congressman ''Light Horse Harry'' Lee. It simply stated that the laws of Virginia and Maryland then in effect, having been superseded in the District, would still apply.

We may never know why this version was passed because no records survived, but there is absolutely no evidence the Founding Fathers, who had just put their lives on the line to forge a representative government, then decided the only way to secure that government was to deny representation to some of their fellow citizens.

One historian aptly described the process as a ''rushed and improvised accommodation to political reality, necessitated by the desperate logic of lame-duck political maneuvering.'' But the inelegant compromise ultimately adopted left a decidedly undemocratic accident in its wake. District residents had no votes in Congress.

This wasn't, and is not, merely a quirk of history that affects very few people. The problem affects the very

reputation of our entire Nation. Foreign visitors I have met comment with puzzlement on the lack of voting representation in the Nation's Capital. I heard it from the mayor of Hong Kong when we were discussing his relationship with China.

Over the next few weeks and as this moves to the other body, we have to agree on this principle. So we have taken important action today.

Our very practical Founding Fathers left us a tool in the Constitution to deal with future problems. The District Clause in the Constitution, article I, section 8, clause 17, is there for a reason. Congress reaches its zenith of power in dealing with issues relating to the District.

Over the years, Congress has exercised its power to treat the District as a State when necessary, to ensure that the citizens of the city have substantially the same rights as all other Americans. Surely Members should resolve any difference of opinion they may have in favor of our authority to use that plenary power to provide residents with full voting representation.

Scholars spanning its political and legal spectrum have concluded, as I do, that Congress has authority through this legislation to provide voting representation in Congress for local residents. What was done by statute in 1790, and then undone by statute in 1800, can be redone by statute today.

This is often called the ''People's House,'' and rightly so. Article I, section 2, sets forth that ''The House of Representatives shall be composed of Members chosen every second year by the People of the several States.''

That same language, ''People of the several States,'' among the several States, is why the District of Columbia pays Federal taxes, even though it applies to people of the several States.

The sixth amendment's right to trial by jury, even though it says that it will be an impartial jury of the State and district wherein the crime shall be committed, has been applied to the District.

Prohibiting district laws which interfere with interstate commerce among the several States, Congress has applied that to the District of Columbia and the courts have upheld it.

Treat the District as a State for purposes of full faith and credit. That talks about States and the Constitution. But under the District clause, we have included the District of Columbia.

Grant people who live in the District the ability to sue people. Diversity of jurisdiction again applies to States, between citizens of different States under the Constitution, but under the District clause we have applied that by statute.

This body has taken an historic step today. I want to thank my colleagues who worked toward this, including my good friend from Pennsylvania, Mr. ENGLISH, who supported this. But to continue this, we need to support the issue at hand, the bill that is currently on the floor under the PAYGO legislation.

It is kind of a jurisdictional morass, but I urge my colleagues to support it.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I must tell you it is a privilege to be on the floor today to play a role in having passed the last bill which our last speaker spoke about with great eloquence. It is a real privilege to be here with the gentleman from Georgia (Mr. LEWIS) who certainly has had a long career of fighting for people's voting rights and civil rights. It is great to look across the floor and see former Secretary Jack Kemp, a 20-year veteran of this institution, present here today.

Mr. Speaker, as a matter of principle, I voted for the last bill, and as a strong supporter of tax simplification and fiscal responsibility, it is my privilege to vote against the bill that is before us at this moment, which is a procedural grotesque, a gimmick, a trick, a ploy, a ruse, and one that I think represents the poorest of possible tax policies.

I ask my colleagues to vote this bill down and send a clear message that we don't support this kind of chicanery on the floor of the House of Representatives.

Mr. Speaker, I yield back the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, this is an historic day. This is a wonderful day for the people of the District of Columbia.

I first came to Washington, Mr. Speaker, in May of 1961 to go on something called the Freedom Rides. It was impossible for blacks and whites to board a Greyhound bus or Trailways bus here in the District of Columbia, and travel together through Virginia, North Carolina, South Carolina, Georgia, Alabama, into Mississippi and to New Orleans.

I came back here in 1963 at the age of 23 with Eleanor Holmes Norton, the gentlewoman from the District of Columbia, to participate in the March on Washington. To be here and see Jack Kemp, an old friend, former colleague, on this day is a great day.

So, Mr. Speaker, I strongly support H.R. 1906. And I want to make it plain and crystal clear that no one, but no one, will pay more taxes under this bill. It changes in a very minor way estimated tax payments made by wealthy individuals. This bill does not increase their taxes. It would affect only 4,000 multimillionaires. It is only a tiny change.

Yes, I am going to say it again: I am pleased to have supported H.R. 1905. Today is the day for Washington, D.C. residents to realize the dream that so many take for granted. The 200-year wait is over. The 200-year wait is over.

Mr. Speaker, I urge all of my colleagues on both sides of the aisle to vote ''yes'' for H.R. 1906.

Mr. Speaker, I submit the following for the RECORD:

RULES FROM THE 109TH THAT ADDED TEXT OF HOUSE-PASSED BILLS TO UNDERLYING BILL

H. Res. 151 rule for H.R. 1268, 3/14/05, 7:30 p.m., Making Emergency Supplemental Appropriations for FY2005—a.k.a.

Iraq/Afghanistan/Tsunami Relief.

Open: waives all points of order against consideration; waives points of order against bill for clause 2, Rule XXI except two sections; provides for the text of H.R. 418 as passed the House to be added to the end of H.R. 1268.

H. Res. 783 rule for H.R. 4975, 4/26/06, 11:20 p.m., Lobbying Accountability & Transparency Act of 2006—ethics reform.

Restrictive: waives all points of order against consideration; 1 hour general debate controlled by Majority & Minority Leaders; makes in order Rules Committee 4/21/06 print in Part A of Rules' report and self-executes its adoption; allows only those amendments printed in Part B of the Rules' report as specified; waives all points of order against amendments; after final passage adds text of H.R. 513 as passed the House (527 Reform bill) to H.R. 4975; provides for consideration of Senate bill (S. 2349) and substitutes House passed text and calls for conference; waives all points of order against consideration of Senate bill and against motion to strike and insert.

H. Res. 1100 & 1099 rules for H.R. 6406 and H.R. 6111, 12/7/06, 10:30 p.m., To modify temporarily certain rates of duty and make other technical amendments to the trade laws, to extend certain trade preference programs, and for other purposes.

Closed: Consideration in the House; waives all points of order against consideration; provides that in the engrossment of H.R. 6111, the text of H.R. 6406 will be added at the end.

(H. Res. 1099) Provides for a motion to concur in the Senate amendment with an amendment consisting of the text of H.R. 6408 for a bill to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending—vehicle for tax extenders and more . . . .

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 317, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 216, nays 203, not voting 14, as follows:

[Roll No. 232]

YEAS—216

Abercrombie	Baldwin	Bishop (NY)
Ackerman	Barrow	Blumenauer
Allen	Bean	Boswell
Altmire	Becerra	Boucher
Andrews	Berkley	Boyd (FL)
Arcuri	Berman	Boyda (KS)
Baca	Berry	Brady (PA)
Baird	Bishop (GA)	Braley (IA)

Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—203

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Boehner
Cantor
Cubin
Davis, Jo Ann
Fattah
Higgins
Israel
Jones (NC)
Lampson
Millender-McDonald
Rohrabacher
Walsh (NY)
Whitfield
Wicker

□ 1608

Mr. BERRY changed his vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. WEINER). Pursuant to section 3 of H. Res. 317, H.R. 1433 is laid on the table and H.R. 1906 is laid on the table.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 1495 and include extraneous material in the RECORD on that legislation which will be considered by the House presently.

The SPEAKER pro tempore (Mr. WEINER). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

COMMUNICATION FROM STAFF MEMBER OF THE HON. VIRGIL H. GOODE, JR., MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Esther Page, Caseworker, Office of the Honorable VIRGIL H. GOODE, Jr., Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 5, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the General District Court for Charlottesville, Virginia, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ESTHER PAGE,
Caseworker.

WATER RESOURCES DEVELOPMENT ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 319 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1495.

□ 1611

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, with Mr. ROSS in the chair.

The Clerk read the title of the bill.

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

The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Florida (Mr. MICA) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

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

I rise in strong support of H.R. 1495, the Water Resources Development Act of 2007, a bill long in the making, 6 years in the making, a bill that has ultimately passed the House, not passed the Senate, passed the House, passed the Senate, not gone to conference.

We tried in the closing hours of the 109th Congress to wrap this measure up, then-Chairman DON YOUNG and I, working with our counterparts in the other body, attempting to reach an agreement, but it just proved insurmountable, too insurmountable an obstacle to get there.

In this 110th Congress, we resumed on the base of the legislation that has built up over 6 years, over three Congresses, and working with the distinguished gentleman from Florida (Mr. MICA), the ranking member on the Committee on Transportation and Infrastructure, we spent a great deal of time together thinking through how to proceed with this legislation.

We agreed on basic principles that we would start with the bill that passed the House. There was no conference ever consummated in the 109th Congress. So we decided that the benchmark bill for this Congress would be only those measures that were in the bill of the 109th Congress, and we started from there. And then we have worked our way through myriad issues, Members who wanted new projects or amendments or additions to existing projects; and in all cases, we made very, very difficult, but I think honest and consistent, decisions about the legislation we bring before you today.

I want to assure Members that are concerned, that have issues that have arisen since the 109th Congress, that those issues that need to be addressed by projects of the Corps of Engineers will be addressed in subsequent legislation. As soon as we are able to move this bill through the House, through conference with the Senate, which I am confident can be done before the middle of June, maybe earlier if the other body will be able to free itself to work with us in conference, we can get this done very quickly, and then begin on the next round of water resources projects which I guarantee is not going to take 7 years.

□ 1615

We are going to deal with somebody, maybe in the next 7 or 8 months after the conclusion of this legislation. Again, I express my appreciation to the gentleman from Florida for consistently working to move this critically important legislation.

The Committee on Transportation and Infrastructure is the proud inheritor of a long tradition of work, of investment in America's transportation needs, water resources, where the very first concerns of the new Nation in 1789 and the first act of the first Congress, 1789, was to authorize the establishment of a lighthouse, at the entry to Hampton Roads in Virginia.

Starting from that point, this committee continued the direction of the Constitution to build and maintain post roads. Well, not all roads were built just for the postal service; but, again, it was the spirit of the Constitution, the spirit of the new Nation that we needed mobility. The Nation was founded along the waterways, the salt water coasts, the inland waterways. It has been our task to assure mobility, movement of people and goods through waterways, and then the highways, later the railways, and then the airways.

Here we come with this massive bill, because the President, because Congress hasn't done its work; and the last time a President signed a Water Resources Development Act was in 2000. Well, we hope that the next one will be this year, which we fully expect.

There are many issues that have arisen in the intervening years, some that were weighing heavily upon us when we began this process in 2000 of crafting the current WRDA bill on the Great Lakes. Invasive species are threatening our native aquatic species, biota and flora, as well as a new issue called a deadly fish virus, a hemorrhagic virus that destroys the fisheries and is carried in ballast waters from one region of the Great Lakes to another.

We have language in this bill that will initiate an emergency program by the Corps of Engineers to protect the vital food supply and the quality of the waters.

Lake Superior, because of a drought in the Great Lakes watershed, has seen the water level drop 8 inches in the past 3 years and will drop another 2 inches this year with the beginning of the major shipping season. It will be at nearly its lowest level in history. That has meant that vessels carrying iron ore from the upper lakes to the lower lakes steel mills have gone out 7,500 tons light.

It means two or three extra voyages per vessel per season, raising the cost of iron ore, raising the cost of steel, affecting our competitiveness. We have legislation, we have language in this legislation that will direct the Corps to undertake an accelerated dredging program making up for the 15 years they haven't done the dredging because we have had high waters on the Great Lakes.

We authorize locks, improved extended locks on the Mississippi River system, seven extended locks to take the 600-foot locks to make them 1,200-foot locks. A barge tow leaving Clinton, Iowa, round-trip to New Orleans, back to Clinton, Iowa, takes 820 hours. New Orleans is the world's most important grain export facility.

We can cut 60 hours off that round-trip by extending the locks at 1,200 feet so the tows that are 1,200 feet don't have to be broken in half, sent through 600 feet at a time, lashed together, go through the next lock and do it all over again. We are in a world competitive market on which grain moves on as little as an eighth of a cent a bushel. Every time you have to spend those extra hours going through the locks, you are raising the cost of our commodities, which makes us less competitive with, say, Brazil, which is mounting a massive soybean export facility at Recife, which is 2,500 miles further out in the Atlantic Ocean than New Orleans is.

We have legislation here, language in this legislation to deal with the restoration of the Everglades, a matter of great interest to the gentleman from Florida, for which he has been an eloquent advocate. They are in a state of disrepair. The buffer to protect them from storms is weak because of our inaction, and we are going to deal with that issue, as well as the wetlands along the Gulf of Mexico from Texas, Louisiana, Mississippi, Alabama, all the way on to Florida.

We are insistent on addressing the needs of the Everglades, the needs of the Louisiana coastal region and in Louisiana, New Orleans area, the Mississippi River gulf outlet, which allowed salt water intrusion to come up from the gulf, kill the wetlands. It allowed the overtopping of St. Bernard Parish. We have got to restore that wetland, and this legislation will do that at the request and insistence of the Louisiana delegation.

There are many other important features in this legislation. In all, 56 chiefs' reports, we had a request of over 1,500 projects. There are over 700 projects in this legislation. More than 300 Members of the House have a direct interest in the legislation. We welcome their interest in this participation. We bring to this body a very critical and supportable piece of legislation.

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

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

Mr. Chairman, first of all, I would like to urge all Members of the House on both sides of the aisle to support H.R. 1495, which is known as the Water Resources Development Act of 2007.

As we have heard from the chairman, this bill authorizes and directs the Corps of Engineers to carry out various studies, projects and programs relating to navigation, flood damage reduction, shoreline protection, dam safety, shoreline protection and recreation and environmental restoration and protection.

Our subcommittee, led by Mr. BAKER of Louisiana, held two days of hearings on projects, programs and policies during the development of this legislation. After a careful review, the committee was able to approve the authorization of more than 50 projects with the chiefs' reports relating to flood damage reduction, navigation, hurricane and storm damage reduction, and environmental restoration.

We also have in this legislation, navigation and ecosystem restoration projects for the upper Mississippi River. Illinois waterway system, and Everglades restoration project, which I would like to talk about in just a moment, and conserving and restoring the Louisiana coastal area.

We have in the bill a provision for streamlining and expediting the Corps of Engineers' project delivery and permits system. We have provisions for improvement of the Corps of Engineers' planning and project development process, including independent peer review of larger and more controversial studies. We also have authorization of a number of smaller project modifications, investigations, related to our civil works programs of the Corps of Engineers. I think all in all we have a good piece of legislation that we have worked on in a bipartisan fashion, and you see the product before us today.

Now, I know the administration has issued a position opposing this legislation. However, I want to talk to a couple of points that they have raised. They do have a responsibility to be good trustees of the public monies and

the difficult situation we find ourselves in financially.

But in this legislation between 3 and $4 billion would be typically spent during a WRDA cycle or authorization process on this type of legislation. We have not had a bill since the year 2000. So actually if you do simple math on that, you can see that the total cost of this bill in Federal dollars, $13.1 billion, is reasonable. The total cost with the State participation is $17.8 billion. But we do, indeed, have a backlog of projects over what would amount to at least three cycles. So this WRDA bill, this authorization legislation, in fact, combines the equivalent of all of those years of backlog of projects. The price tag, in fact, is consistent with that assumption.

While this bill is considered costly by some, the 2005 WRDA legislation contained almost 900 projects. That is another complaint of the administration, too many projects. This bill contains 682 project provisions. Not that Mr. OBERSTAR, myself, Ms. JOHNSON, Mr. BAKER haven't had Members throughout the Congress come to us and beg and plead to have additional projects that are critical to their district included in this legislation. I think we, too, have been good custodians and responsible in crafting this legislation.

Let me say that the administration also raised some questions about cost benefits. We have gone through this. Mr. OBERSTAR, myself, Mr. BAKER, Ms. JOHNSON, we have looked at cost benefits. We have done our very best to ensure that the taxpayers' dollars again are well spent and there is a good return for the investment that is being made here by the Federal taxpayer.

So those are the reasons that I disagree with my administration on this. I actively support this. I think we have done this in a very good fashion.

Finally, I want to talk to some of the measures that are in the bill. You have heard the chairman talk about some of the measures that are in this bill. This bill is important to me, not only as a Member of Congress, and I don't represent the Everglades, but I do represent the State of Florida. It is interesting how it takes time to undo some of the damage that mankind has done to our natural resources and national treasures.

I have a copy of the Palm Beach Post, which I kept in a file, from Sunday, April 11, 1993, irony, same month a number of years ago, talking about the Everglades, reversing man's mistakes. I started working on that along with the Clinton administration, Secretary Babbitt. Hear is an article from July 4, 1994, about a $465 million government industry agreement to start cleaning up the Everglades, which had been damaged by man's abuse.

Here is another article I pulled from the news journal Daytona Beach News-Journal that says: ''Representative John Mica and the other Members of central Florida's House delegation are in a fortunate position to finish the work the Senate started.'' This is the year 2000. Here we are in 2007.

Now, in 2000 we authorized a study. What is important about this bill is we authorize for the first time projects that actually do construction and work in restoring our precious national treasure, and Florida's national environmental treasure, the Everglades.

□ 1630

So that is one reason why I am excited about this piece of legislation. It does take a long time and a lot of money.

Finally, I do want to also cite that I just inherited the responsibility of the Transportation leader on the Republican side, and I never realized how important these projects are to individual Members. For example, not on our side of the aisle, but Ms. MATSUI, a Democrat Member, she has a project in here that would provide a 100-year level of flood protection for the city of Sacramento. Almost a million Americans live in the capital of California, more than twice the population of the pre-Katrina New Orleans that today has only an 80-year level of flood protection. No other community in America of this size has this little flood protection. This is a project important to Ms. MATSUI.

There are not Republican projects, there are not Democrat projects; there are projects for the people that are important to their survival. And we have seen the mistakes and the errors of our ways in Katrina. Mr. BAKER can speak to what he has gone through in Louisiana. We need not repeat those errors.

So here we have in this legislation an opportunity to help her and 299 other districts. I wish it was 435. So it has been put together in a bipartisan way.

And finally, on my effort, I tried to do it in a transparent way. All of the Republican projects have been on file, open to the public, and any of the earmarks, open to public and press scrutiny. So I have tried to do it in a manner that restores public faith, because I would rather have elected Members of Congress make those decisions, fight for them, and have it done and conducted in a transparent fashion rather than have some bureaucrat down there decide where the taxpayer money, which they just paid in in huge amounts over the past week to Washington, get expended. That is our responsibility, it is elected officials' responsibility, not appointed bureaucrats who don't have the responsibility we have under the Constitution.

So, again, I recognize my colleagues on the other side of the aisle, Mr. OBERSTAR, Ms. JOHNSON and Mr. BAKER. I also want to thank Mr. COSTELLO, who is no longer the Chair or the ranking member, and Mr. DUNCAN, who was the Chair because this is an inherited work. Again, several bills are combined that are long overdue. So I urge their passage.

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

Mr. OBERSTAR. Mr. Chairman, I yield myself 1 minute to express my great appreciation again to the gentleman from Florida for his thoughtful discussion. I join him in his statement on the administration's statement of policy. I think they have it wrong, and the gentleman stated it just right.

Over the past 6 years, if we had passed the water resources bill in a timely fashion, it would have been in the range of $2 billion a year. That is normal. So what we are dealing with is a huge, pent-up backlog.

Again, as the gentleman said, this is an investment in America, and Members of Congress representing their constituents, their businesses, their water resources, know what they need. They have come forward with thoughtful recommendations, and this bill reflects those recommendations.

We have served as a filter to weed out those in our best judgment that did not measure up on cost-benefit analysis. So we have set a standard for the future and we have, in accordance with the rules of the House, made all of the Member projects available, and will continue to do that.

I would like to acknowledge the splendid work of the Chair of the Subcommittee on Water Resources, Ms. EDDIE BERNICE JOHNSON. She has devoted years of her service in the Congress to consideration of water resources vital to her State of Texas. She has taken ownership of these issues and led the subcommittee hearings. Even this afternoon, she has hearings going on in our committee room while she is here to help manage the bill.

Mr. Chairman, I yield 5 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Thank you, Mr. Chairman.

I am pleased to rise to support H.R. 1495, the Water Resources Development Act of 2007.

This bill authorizes water resources projects and the U.S. Army Corps of Engineers policy and programmatic changes that our Congress has failed to consider for far too long.

Water resources legislation is most effective when it is considered biennially. I support this 2-year cycle, as it provides stability to the program and assurance to the non-Federal sponsors who support Corps projects.

When we let them go, they get to be more costly. And, unfortunately, no water resources bill has been enacted since 2000, the entire term of our current administration. This is a result, in part, of a failure of the current administration to engage in this important legislation, as well as a failure of the Congress to reach agreement.

Last year, we came very close to resolving our differences with the other body in conference. However, we ultimately ran out of time. I hope this legislation that we consider today can take us to that point and further, releasing this backlog of authorizations to fix our existing infrastructure and

to authorize new flood control, navigation and environmental restoration projects.

We are trying very hard to move a little ahead of the next flooding. We must do that. And they are not going to kick out Democrats or Republicans for flooding, it is going to be whoever is in the way. It is purposeful that we have brought this bill to the floor as early as we have in this session.

The authorizations in the language are time sensitive, and there should be no surprise that this bill contains a substantial number of provisions. Many of these authorizations have been waiting for action more than 6 years.

Within the 110th Congress, the committee intends to move two water resources bill. This first one contains a logjam of more than 6 years of issues. The second bill will consider new projects and policy changes that we were not able to add to this legislation, that we will consider today. This approach may not be traditional, but it is necessary.

Since Congress last passed a Water Resources Development Act, we have seen Hurricanes Katrina and Rita tear up the gulf coast and my home State of Texas, flooding cities, damaging economies and businesses, and threatening public health.

The Florida Everglades continue to need attention and restoration to save the unique treasures it brings to the State and our country.

This bill also contains smaller projects that may be less publicized but just as vital to communities that rely on various water resources for their livelihood.

As in the past, these projects were not considered on a partisan basis, but on individual merit. Their approval should not be considered solely on whether they are Democratic projects or Republican projects; these are human projects. They should be considered on their contributions to public safety and economics.

H.R. 1495 authorizes programmatic changes to the Corps of Engineers that previously have passed the House, but have stalled in the failed conference negotiations. During the 109th Congress we came close to resolving these differences with the Senate. I urge my colleagues to once again support these provisions. Everybody who has been here more than 6 years ought to know what everything is in this bill because they have seen it over and over and over again. We must engage the other body and together produce the best package for Corps reform.

I would like to acknowledge Chairman OBERSTAR for his leadership and eloquence in the Committee on Transportation and Infrastructure, as well as the interest and expertise that he shares on water resources issues.

I also would like to thank our ranking member, Mr. MICA, and the ranking member of the subcommittee, Mr. BAKER, for their knowledge and effort and partnership with me, and for their support.

I strongly support this legislation. I hope and urge my colleagues to vote in favor of its final passage. The time is now.

Mr. BAKER. Mr. Chairman, at this time I recognize a valued member of the committee, Mr. BROWN, for 2 minutes.

(Mr. BROWN of South Carolina asked and was given permission to revise and extend his remarks.)

Mr. BROWN of South Carolina. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of this critical legislation. I want to thank so many on this committee for their hard work and long dedication to this legislation, especially our chairman, Mr. OBERSTAR, and our ranking member, Mr. MICA; and the subcommittee chairwoman, Ms. EDDIE BERNICE JOHNSON, and Mr. BAKER, the ranking member. I also thank Mr. DUNCAN, the former chairman, and Mr. COSTELLO, who is the ranking member.

We have been working on this bill now for my term in Congress, and this is my fourth term, and I am happy today we are here to present it again.

One of the most important elements in this bill are reforms made to the processes and procedures of the Army Corps. The infrastructure needs of our Nation have never been at a higher level. We need to do all we can to ensure that the limited dollars available are spent wisely, and the reforms in this bill will give the Corps the tools to make that happen.

In addition, the bill makes significant changes to the project delivery process used by the Army Corps. The process the Corps has to go through now to deliver a project are long and hard, to say the least. This bill makes commonsense change to streamline that process to help our communities.

Improving infrastructure is not a partisan issue, it is a commitment we as a Nation must ensure is met. If we do not, then we as a Nation will be facing significantly greater environmental and economic challenges than we do currently.

In closing, I want to say again that I strongly support this legislation and I am confident we will enact a bill this year. I also want to thank my friends and colleagues on the committee as we all have joined to invest so much effort into this particular legislation.

I am proud to stand with you in support of its passage.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER), an alumnus of the committee.

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy, and I am proud of the time that I was able to work with you for 10 years on this subcommittee.

I rise in support of the bill. As was referenced by the Chair of the committee and the subcommittee, this is an important and complex bill with 682 projects. They are important economically. They are important environmentally. We found out less than 2 years ago how critical they are to the Nation. Hurricane Katrina revealed it can literally be a matter of life or death.

This legislation has been hung up since the year 2000, in part because of disagreements about the reform agenda with the Corps of Engineers. I am pleased that we have signaled an effort to try and move forward, to be able to break that impasse with this legislation, the provisions in it and others that will follow.

I am also pleased to have an opportunity to offer an amendment to update the principles and guidelines that would help the Corps move even closer to developing environmentally, fiscally, and structurally sound projects.

Let me be clear. The amendment will not impact any project currently under way or anything covered in this legislation. It would simply tell the Corps of Engineers to update their own principles and guidelines, the playbook for developing water resources projects that are over 25 years old. The National Academy of Sciences has said they are woefully out of date. And the Corps and the Congress' inability to update these principles and guidelines is one of the reasons why the Corps has drawn criticism from the Government Accountability Office, the National Academy of Sciences, and the OMB, along with internal Pentagon reviews.

It is one of the reasons why we have had trouble passing WRDA in the last 6 years and reconciling it with the Senate which has similar provisions. It does not affect anything in the bill currently; and I think it will be an opportunity for us not just passing the bill, but it would be a reason for the President to sign it, given the problems they have had.

I appreciate the hard work that has been done. I appreciate the opportunity to speak in support of the bill, and look forward to having support for the amendment for updating the principles and guidelines later in the afternoon.

Mr. BAKER. Mr. Chairman, I yield 1½ minutes to the gentlewoman from West Virginia (Mrs. CAPITO), a valued member of the committee.

Mrs. CAPITO. Mr. Chairman, I rise in strong support for the reauthorization of the Water Resources Development Act. I would like to thank Chairman OBERSTAR, Ranking Member MICA, Subcommittee Chairman JOHNSON and Ranking Member BAKER for their hard work in getting this legislation to the floor.

It has been too long since the water resources bill has become law, and it is important that we continue to move this and make this reauthorization a reality. Projects authorized in this bill are critical to our national waterways transportation system that businesses and industry in every State and congressional district rely on to move their products.

In my State of West Virginia, a well-maintained system of navigable waterways is crucial to moving coal from our mines to plants across the country to power this Nation's economy. The bill addresses local needs. I am pleased that this legislation recognizes the important water and wastewater challenges in West Virginia by continuing the authorization for the Central West Virginia Environmental Infrastructure Program.

□ 1645

This program has provided access to clean water and wastewater treatment to many rural West Virginians who otherwise would be without these critical utilities. I am pleased that this Corps of Engineers program will be able to continue assisting local public service districts to address these important community needs.

I want to thank the committee for their hard work. I look forward to the final passage and the President's signature on this bill.

Mr. OBERSTAR. Could the Chair advise the time remaining on both sides.

The CHAIRMAN. The gentleman from Minnesota has 13 minutes remaining. The gentleman from Louisiana has 17 minutes remaining.

Mr. OBERSTAR. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. Mr. Chairman, I want to thank the gentleman from Minnesota (Mr. OBERSTAR) for yielding, and I would like to recognize him, as well as the ranking member, for the exceptional leadership on this critical issue.

Mr. Chairman, I rise today in support of H.R. 1495, the Water Resources Development Act of 2007. I urge the swift passage of the measure. Passage of this bill is long overdue.

My communities are desperately waiting for infrastructure projects which are of major importance to their districts.

My district includes hundreds of small communities that have narrow economic and tax bases. Small communities like these often are unable to address the significant infrastructure needs. Water infrastructure is vital to the economy and stability of these small communities.

My rural communities rely on antiquated water systems, and they need to be updated. Without the means to update old systems, many of our constituents and communities nationwide have been living in substandard conditions.

It is not only an environmental health issue. A lack of sufficient water resources can effectively prevent the community from moving forward with critical infrastructure, like additional housing for its inhabitants.

This bill is an important and necessary step in protecting our Nation's water infrastructure. Quite simply, Mr. Chairman, we cannot afford not to pass this critical legislation.

I urge my colleagues to support this investment in water resource development and conservation projects and the passage of this much-needed bill.

Mr. BAKER. Mr. Chairman, at this time I would like to yield 2 minutes to my distinguished colleague from Louisiana who has worked tirelessly on assisting the people of the storm-stricken area, Dr. BOUSTANY.

Mr. BOUSTANY. Mr. Chairman, I want to thank my colleague from Louisiana for yielding time.

Mr. Chairman, I rise in support of this bill. WRDA reauthorization is long overdue, and it is vital that we pass H.R. 1495 and get a bill signed into law this year.

WRDA authorizes nearly $2.1 billion for the Louisiana coastal area, and it will allow the Army Corps of Engineers to move forward on many critical coastal restoration and hurricane protection projects statewide.

I also want to thank Chairman OBERSTAR for accepting my amendment in committee to add projects identified in the Southwest Louisiana Coastal Hurricane Storm and Reduction Study to the list of priority projects and projects to be expedited under this bill. Thank you, Mr. Chairman.

This study is the first comprehensive assessment of hurricane and flood protection needs of southwest Louisiana. The Corps has nearly completed the reconnaissance phase, and I anticipate that we will enter into an agreement with the State to proceed with the feasibility phase in the near future.

It is important that we expedite these projects, not only for southwest Louisiana, but for the entire Nation because in southwest Louisiana our waterways protect much of the vital and necessary energy infrastructure that keeps this country running.

We have one of the largest strategic petroleum reserves in my district that is affected here. Also, the Henry Hub, which is where pricing is set for natural gas for the country, is in my district. And it was actually flooded in Hurricane Rita.

And nearly 25 percent of the liquefied natural gas will run through my district by 2015.

These waterways and coastal wetlands are far more than just commercial routes or playgrounds. They are a critical buffer to protect homes, business and our energy infrastructure and our way of life in Louisiana. What we are talking about is America's energy coast, a working coast.

So I urge my colleagues to support this bill.

Mr. BAKER. Mr. Chairman, at this time I would like to recognize a Member who has expressed interest in this subject matter, Mr. HULSHOF, for 2½ minutes.

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

Mr. HULSHOF. Mr. Chairman, I rise in support of H.R. 1495. I grew up in the shadow of levees along the Mississippi River in southeast Missouri. And while the river, at times destructive, the river has been a provider for me and my family, delivering the grain from our farm to international markets.

And I will tell you, as the gentleman from Minnesota has stated, the nickels and dimes that we saved by shipping via barge were often the difference between our farm ending up in the red or ending up in the black. Those few cents have helped keep food on our table; clothes on our back; and, over the years, kept our farm even within our own family.

Title VIII of the legislation, lock modernization, will insure that farmers in northeast Missouri and farmers in Iowa and Illinois, Minnesota, Wisconsin and elsewhere will continue to have the same benefit that my family had, the ability to ship crops to international markets via the most cost-effective method.

I will tell you that a recent study by the Food and Ag Policy Research Institute, FAPRI, found that if the Mississippi River and Illinois waterways were forced to close, possibly because of a massive lock failure, that farmers, our own U.S. farmers, would lose between $645 million and $806 million a year, a year in increased transportation costs. We experienced a glimpse of that in the aftermath of Hurricane Katrina when the river was shut down, navigation was shut down for a short time during the fall of 2005. Farmers endured a 60-cent-per-bushel penalty on a bushel of corn during that critical time in September of 2005. And a massive failure, unfortunately, is a distinct possibility.

These locks are standing just out of habit, or as my constituent, Senator KIT BOND, is fond of saying, ''These locks belong in the National Register of Historic Locations.'' They were built in the 1930s to accommodate steamboats for the next 50 years. As the gentleman pointed out, these locks are no longer navigation aids, but hindrances. They are 600 feet long. The modern barge is close to 1,200 feet, often three across and five long.

What I want to emphasize again to my friend from Oregon who spoke, and others, these locks benefit the American public in other ways. The typical tow removes 870 18-wheel tractor trailer trucks from our already congested roads, bridges, and interstate highways. A gallon of diesel fuel will push one ton of freight 2½ times further by barge than by locomotive; nine times farther than by truck. Moreover, according to the Environmental Protection Agency, towboats emit 35 to 60 percent fewer pollutants than locomotives or trucks. All in all, all worthy.

I urge its support.

Mr. OBERSTAR. Mr. Chairman, I yield myself 1¾ minutes, and I yield to the gentleman from Wisconsin.

Mr. KAGEN. Mr. Chairman, in the last Congress the House approved a

water resources bill that included language to modify the navigation channel for the Fox River in Wisconsin. This provision, which was inserted by my predecessor, would have modified part of the navigational channel from 150 feet wide to 75 feet and from an authorized depth of 18 feet to 6 feet. However, the Congress adjourned and the work never was completed.

This year I requested that this language not be included in the water resources bill because of my concern that it might impair the navigability of the Fox River and the potential for future commerce. It is my understanding that a 9-foot authorization depth is considered the minimal depth for a navigational channel to safely handle barge traffic.

I would like to work with the Congress, with the chairman in conference to ensure that whatever language is included in the conference agreement, it will not adversely impact the navigability of the Fox River and will accomplish the goals of a safe cleanup of the Fox River.

Mr. OBERSTAR. I thank the gentleman for his leadership on this issue. The question of the Fox River has been on the agenda of the committee for over 20 years.

And the gentleman has stated the issue very well: that 6-foot channel depth is simply not viable for today's barge traffic.

And there is also the issue of PCB contamination in the lower Fox River. The gentleman has shown real foresight in dealing with the issue both of navigation and of cleanup. So the Superfund really ought to deal with this problem. It is not going to. We are going to be vigilant on the matter. If there is an opportunity in conference to address the issue in an appropriate manner, we will do that. If not, we will do it in a subsequent water resources bill. And I look forward to coming to Green Bay to see the gentleman's district and the lower Fox River.

Mr. BAKER. Mr. Chairman, at this time I would like to yield 2 minutes to a gentleman who is a former chairman of the Water Resources Subcommittee and who put an enormous amount of work into the product on the House floor today, Mr. DUNCAN.

Mr. DUNCAN. Mr. Chairman, I first want to commend Chairman OBERSTAR, Ranking Member MICA, Chairwoman JOHNSON, with whom I spent so many hours. She was my ranking member during the entire 6 years that I had the privilege of chairing the Water Resources and Environment, or during part of the time that I chaired the Water Resources and Environment Subcommittee, and such a good friend, and Ranking Member BAKER, for bringing this bill to the floor today and for their good and hard work on this legislation. And I urge its support.

This is a very conservative bill, Mr. Chairman. It is a bill that passed this House with only eight dissenting votes a few years ago and then later only 14 dissenting votes. The bill passed with over 400 votes in favor of it each time in the House. We did our work, but then it got held up in the other body.

Some people say that these projects should be paid for entirely on a local basis. But I can tell you there is a very important Federal role in regard to our water resources because people in California or New York or Michigan use the water in Tennessee. And people expect us to have a good wastewater and clean water system in this country. And yet it is something that people take for granted probably more than anything else that I can think of. And we have got to improve and strengthen our water resource system in this country.

Over the last few years, we have spent many billions on the water system, our wastewater and clean water systems in Iraq. But we have fallen down at the Federal level on what we are doing on our wastewater and clean water systems in this country. And most of the spending has been done by the State and local governments and particularly by the ratepayers. And so this is a very necessary, very overdue bill, as many have pointed out. And I urge support for this legislation.

Mr. OBERSTAR. Mr. Chairman, I yield to the distinguished gentleman from Florida (Mr. MAHONEY) 1½ minutes.

Mr. MAHONEY of Florida. Mr. Chairman, I rise today in strong support of H.R. 1495, the Water Resources Development Act of 2007.

Seven years ago Congress, in the spirit of bipartisanship, had the wisdom to protect for future generations one of America's most precious natural areas, the Everglades, by authorizing the largest environmental restoration project in our Nation's history, the Comprehensive Everglades Restoration Plan (CERP).

This ambitious plan consists of over 40 projects that, when completed, would restore much of the Everglades. The plan, from its inception, was a joint venture, an equal partnership with the people of my State of Florida to share in the costs.

I am sorry to say that Washington has failed to honor its word and live up to its commitment. In fact, to the shame of the Republican-controlled Congress and the current administration, not a single WRDA bill has been passed since 2000. Not a single penny spent.

I am proud to say that during this same period of time, Florida has spent over $2 billion to get CERP going. In fact, this is so important in my district that the good people from Martin County voted to increase their taxes to help pay.

In my 16th Congressional District we are going to get the opportunity to restore the Indian River Lagoon.

Stuart, Florida, which straddles the lagoon, is the sailfish capital of the world and was built on tourism based on its world-renowned fishing. I have seen the black and white photos of wagons overflowing with fish. I have seen the photos of kids swimming in the lagoon.

It is time to quit talking about fixing it. It is time for our kids to go fishing. It is time for this Congress to have the courage and leadership to pass H.R. 1495.

Mr. BAKER. Mr. Chairman, at this time I would yield 1 minute to Mrs. BIGGERT.

Mrs. BIGGERT. Mr. Chairman, I rise in strong support of H.R. 1495. My district in Illinois represents the front line in the fight to keep the Asian carp from decimating the ecosystem of the Great Lakes and endangering a multimillion dollar commercial fishing industry.

□ 1700

Competing with native species for food, living space, and spawning areas, these voracious fish grow to between 50 and 150 pounds, eat up to 40 percent of their body weight every day, and each female can carry up to a million eggs.

The bill before us today will enable the Army Corps of Engineers to fortify its aquatic and invasive species dispersal barrier, an invisible, underwater, electric fence on the Chicago Ship and Sanitary Canal in Illinois that repulses fish like the Asian carp.

That is why I rise today, to thank Chairman OBERSTAR and Ranking Member MICA, as well as Subcommittee Chairman JOHNSON and Ranking Member BAKER, for recognizing the continuing threat of the Asian carp and including provisions in this bill to protect the Great Lakes. Our Great Lakes are too important just to leave them vulnerable to invasive species like the Asian carp.

Mr. OBERSTAR. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. Mr. Chairman, I rise as a strong supporter and cosponsor of this Water Resources Development Act of 2007.

This new Democratic Congress has made reauthorizing WRDA a top priority. I thank Chairman OBERSTAR and Subcommittee Chairwoman JOHNSON for their work in quickly moving this bill of national significance to help protect America's waterways.

These projects are vital to my home State of Missouri. Our local economy is driven by use of such important routes as the Mississippi, Missouri, and Illinois Rivers. Commerce on these rivers will be greatly benefited by this bill's strong commitment to repair current locks and reconstruct new locks on the Mississippi River.

As a member of the Subcommittee on Water Resources and Environment, I have fought on behalf of my constituents to secure new levels of funding to help throughout our region. In particular, the bill authorizes $35 million for combined sewer overflow elimination in St. Louis. Some of our wastewater infrastructure dates back to the Lincoln administration.

The great flood of 1993 exposed serious flaws in the St. Louis flood wall. This bill addresses that.

Lastly, this bill continues the exciting progress of the Great Rivers Greenway in St. Louis City and County. By creating an aquatic ecosystem restoration, constructing bike paths, and increasing access to the Mississippi River, my constituents will gain more use of one of our national treasures.

These projects are important to the strength of our community and the health of our waterways. I stand in strong support of H.R. 1495.

Mr. BAKER. Mr. Chairman, at this time I would like to yield 3 minutes to the gentlewoman from California (Mrs. BONO).

Mrs. BONO. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today to offer my concerns regarding a provision that was not included in this legislation, yet it is of significant importance to all of southern California. My concerns pertain to the importance of addressing the issues associated with the Salton Sea in southern California, which is California's largest lake.

This body of water is significant not only because of its role in becoming an economic engine for the future, but also because of the impacts that will be felt in our local economy and environment if action is not taken.

In order to address the problems associated with the Salton Sea, I have worked to include moneys within WRDA in prior congressional sessions. My goal is that moneys can be included to fund pilot projects in my district that would begin the proper steps to restore the sea.

To meet this need, yesterday I offered an amendment in the Rules Committee that would provide $26 million for the restoration projects. Unfortunately, today we do not have the chance to vote on this important funding.

It is important to note that my amendment would have directly mirrored language that was included in the final version of the WRDA legislation in the 109th Congress, H.R. 2864. At that time, displaying the bipartisan nature of this proposal, both the chairman and the ranking member, and now chairman, Mr. OBERSTAR, agreed that this language was important and worthy of inclusion.

The support of the Senate remains consistent with their approval in conference of this project last year and its recent inclusion in their WRDA legislation reported from the Environment and Public Works Committee just a few weeks ago. I am grateful that we have the support from the other body on a Salton Sea provision.

The time is right to act, as the State of California is on the verge of determining a plan that will permanently save the Salton Sea. The status quo, Mr. Chairman, is simply not an option. Massive yearly fish die and the potential for the deterioration in local air quality due to blowing sediments are a very serious reality. These problems will likely only worsen in the future, depending on the actions the State of California and our Federal Government take.

I now yield to the gentleman from Florida in the hopes of entering into a colloquy.

Mr. MICA. Mr. Chairman, I thank the gentlewoman for yielding.

First of all, I know, Mrs. BONO, that you have worked tirelessly on behalf of restoration of the Salton Sea project. Only through a technicality in our agreement for moving forward with this legislation has your Bono Salton Sea restoration provision been left from this bill. But you have my assurance that you will have top priority for consideration for the conference on something you have worked year after year and so hard for. So before this gets to the President's desk, you have my assurance that it will be part of the President's bill, if we have a bill.

Mrs. BONO. Mr. Chairman, reclaiming my time, I thank the gentleman.

And I just want to reiterate that since my coming to Congress, I took over this issue actually from my late husband, Sonny Bono, and we did pass the Sonny Bono Memorial Act in 1998. I thank the gentleman very much for his understanding of how important this is and southern California's willingness to help me as we move forward in conference.

Mr. OBERSTAR. Mr. Chairman, will the gentlewoman yield?

Mrs. BONO. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I concur in the remarks of the distinguished ranking member, and we are committed to working together either in conference or subsequently in resolving this matter.

Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I rise in strong support of H.R. 1495, the Water Resources Development Act.

In particular, I want to call attention to section 3065 and to thank Chairman OBERSTAR and the Chair of the subcommittee, Ms. JOHNSON, for their support of the city of Saco, Maine.

Section 3065 authorizes construction of modifications to an Army Corps of Engineers jetty at the mouth of the Saco River in the Camp Ellis neighborhood of Saco. The Corps built the jetty more than 130 years ago and subsequently has lengthened, smoothed, and raised it.

Unfortunately, the jetty is destroying the Camp Ellis neighborhood by contributing to what the Maine State geologist has called the worst coastal erosion in the State. Thirty-eight homes have been lost to the sea. Currently, homes that were once six rows back from the shoreline are in danger of being destroyed. During winter nor'easter storms, one part of Camp Ellis often becomes an island.

These dangerous conditions are caused by a structure erected, improved, and maintained by the United States Government. For that reason I believe that the Federal Government must act to alleviate the problem. Section 3065 funds a spur jetty and a series of breakwaters that will diminish the force of wave action on the beach. For the past 7 years, I have been actively involved with Federal, State, and local officials, as well as with Camp Ellis residents, all dedicated to fixing the Camp Ellis erosion problem.

Passage of WRDA could not be more timely. On Monday I was there in the middle of the storm surge, and during this week's nor'easter, Camp Ellis lost at least two homes to the sea. If the proposed modifications to the jetty had been made, these homes would not have been destroyed.

I urge passage of this bill.

Mr. BAKER. Mr. Chairman, at this time I yield 2 minutes to my distinguished colleague from Louisiana (Mr. JINDAL).

Mr. JINDAL. Mr. Chairman, I want to thank Chairman OBERSTAR, Chairwoman JOHNSON, and Ranking Members MICA and BAKER for their excellent work on H.R. 1495.

This legislation is critical to the entire country, but for Louisiana in particular it provides much-needed authority and direction for the U.S. Army Corps of Engineers to design and construct a comprehensive hurricane, flood, and coastal protection program safeguarding hundreds of thousands of lives and tens of billions of dollars in industry and infrastructure vital to our Nation's economy.

WRDA specifically allocates approximately $1.2 billion for actions to restore Louisiana's coastal wetlands over the next decade, including a plan for the closure and environmental restoration of the MRGO, the Inner Harbor Navigational Canal Lock, other projects like the Ouachita River levees and the Red River basin and several other projects throughout the State.

Among the critical projects included in the WRDA bill is the Morganza to the Gulf Hurricane Protection project. This project is the best solution to protecting exposed areas in the bayou region of Louisiana.

I am very pleased that the administration softened its stance on Morganza to the Gulf, which will provide essential hurricane protections to those in Terrebonne and Lafourche Parishes. When complete, this project will provide category 3 protection for 200,000 citizens and approximately $8 billion of public and private infrastructure.

Though I certainly would have preferred an unqualified endorsement for Morganza to the Gulf from the administration, I look forward to working with my colleagues in the House to ensure that Morganza and other important projects remain intact in the final bill. I urge my colleagues to support H.R. 1495.

I want to thank again the chairman, and ranking member, Mr. BAKER, in particular, for their work on this bill.

Mr. OBERSTAR. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Illinois (Mr. COSTELLO), former ranking member of the subcommittee, who devoted an enormous amount of his time, along with Mr. DUNCAN, in shaping this bill in the previous Congress and now leads us on aviation as the chairman of the Aviation Subcommittee.

Mr. COSTELLO. Mr. Chairman, I thank Chairman OBERSTAR for yielding time to me.

Mr. Chairman, today we are considering the Water Resources Development Act of 2007. This bill addresses what the Congress has failed to do in previous years, enact a WRDA bill that addresses the critical infrastructure needs of our country.

I would like to thank Chairman OBERSTAR, Chairwoman JOHNSON, Mr. MICA, Mr. BAKER, and the former chairman of the subcommittee, Mr. DUNCAN, for a job well done in bringing this bill to the floor today. Without their leadership and their persistence, we would not have a bill here to consider on the floor.

H.R. 1495 authorizes projects for major flood control, navigation, environmental restoration, and other water projects and authorizes several important projects to restore and enhance the Nation's environmental infrastructure.

The United States transportation system has an extensive system of highways, ports, locks and dams, and airports. Yet we continue to neglect upgrading and modernizing our infrastructure. We should not build our infrastructure and then walk away from it without maintaining and modernizing it as it becomes antiquated, like we have done with the Upper Mississippi and the Illinois Waterways lock and dam system.

In H.R. 1495 we are again authorizing the Upper Mississippi and Illinois Waterways system. This bill authorizes the replacement of 600-foot navigation locks with seven new 1,200-foot locks. In addition, the bill authorizes the largest environmental restoration program next to the Florida Everglades project to ensure that the project goes forward while respecting the environment and minimizing any adverse impact.

Our current system loses about 10 percent of its capacity due to the system failure and breakdowns because it has exceeded its life expectancy by over 20 years. The system cannot handle today's traffic in an efficient, cost-effective manner, and it is costing taxpayers tens of millions of dollars to patch it together, let alone the cost in time and money to the users. Modernizing that infrastructure is the right thing to do. It is a necessity, and I am glad to see that this bill is moving forward on such a significant project to our economy and our commerce.

Mr. Chairman, again I salute Chairman OBERSTAR, Chairwoman JOHNSON, Mr. MICA, Mr. BAKER, and Mr. DUNCAN for their leadership and hard work. And I strongly support this legislation and urge my colleagues to support it.

Mr. BAKER. Mr. Chairman, at this time I yield 1 minute to the gentlewoman from Ohio (Mrs. SCHMIDT).

(Mrs. SCHMIDT asked and was given permission to revise and extend her remarks.)

Mrs. SCHMIDT. Mr. Chairman, I rise today in support of this legislation because it is long overdue. Seven years is a long time and much has changed.

This bill includes language important to my own district, but more importantly, it has national importance. We need this legislation to authorize new Army Corps of Engineer water infrastructure studies and projects. And it is not just about new projects, but how the Corps manages them, and for Congress to have an opportunity to exercise its oversight authority over current and future projects. This legislation is long overdue.

I want to commend our committee leadership on both sides for working in a bipartisan fashion to move this so quickly. I thank everyone for their hard work, and I look forward to voting for this this evening.

□ 1715

Mr. OBERSTAR. I yield 2 minutes to the distinguished gentleman from Illinois (Mr. HARE).

Mr. HARE. I thank the gentleman for yielding.

Mr. Chairman, I rise today in strong support of the Water Resources Development Act of 2007.

This bill authorizes important long-overdue flood control, dam safety and environmental restoration projects. In my district, the Great Flood of 1993 took the lives of 47 people and resulted in over $15 billion in catastrophic damages throughout much of the Mississippi River basin. I support this bill for the safety of my constituents.

Additionally, over 50 percent of our locks and dams have aged beyond their life cycle, and they are crumbling. WRDA authorizes repair of these structures and includes critical provisions to modernize seven new locks and dams on the upper Mississippi and Illinois Rivers. These improvement will expand navigation capacity, reduce shipping delays, and accommodate larger barge tows, which is critical for the $12 billion worth of products that the river transports ever year, as well as the agriculture, commercial and labor interests of my State of Illinois.

This bill includes a much-needed program to restore the upper Mississippi River ecosystem and authorizes completion of the Emiquon Wildlife Preserve in my district. This preserve is one of the largest flood plain restoration projects in the country outside the Florida Everglades, and I am proud to have sponsored its inclusion in this bill today.

I urge my colleagues to support the Water Resources Development Act. By improving our water resources infrastructure, we will make our river communities safer and strengthen our Nation's economy and environmental welfare.

Mr. BAKER. Mr. Chairman, I claim the remainder of our time.

I want to express my appreciation to Chairman OBERSTAR, Chairman JOHNSON and of course my ranking member, Mr. MICA, for their very diligent and hard work; more specifically, for the time spent in the great State of Louisiana after the landfall of Hurricane Katrina. The committee has come down, Members often more than once, to observe for themselves the damage that has been caused by this unbelievable natural catastrophe.

The bill under consideration today will begin an enormous and monumental project for the restoration of coastal Louisiana. It is not just about keeping people with the ability to live on the water's edge; it is giving the ability to stop the storm surge coming inland and bringing about the type of devastation that we have painfully experienced again.

This legislation is a landmark, certainly for the traditional reasons. Many Members have interests in projects for economic development reasons, for control of public water systems, for enhancing water runoff and minimizing agricultural and other sources of contamination to our water systems. But this bill is really important for maintenance of life and quality of life in our State, and it will begin the meaningful restoration of what is a tremendous natural asset, coastal Louisiana.

I would emphasize what has already been stated repeatedly: this is a process resulting in over 600 projects which has come about over a 6-year period. And so it is my deepest hope that this House will this evening favorably adopt 1495, that the Senate will work expeditiously with us in moving forward, and that the administration will find a way to sign this important jobs bill into law.

$13.1 billion is a lot of money, and when coupled with the local matched dollars which are required, it will be a significant shot in the economic arm for the construction industry across this country. So I am most appreciative of the opportunity to have participated in this process.

I am grateful to my Democratic colleagues for their kind and hard work on this subject and listening to the people of Louisiana in their hour of need. For that we are and will always be most appreciative.

Mr. Chairman, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Chairman, how much time do we have remaining on our side?

The CHAIRMAN. The gentleman from Minnesota has 1½ minutes remaining.

Mr. OBERSTAR. There is an old saying among seafarers: ''No helmsman is tested in fair water.'' The gentleman from Louisiana was tested in the aftermath of Katrina, and I saw him at the helm in Baton Rouge when our committee made a tour of the devastation wreaked by Hurricane Katrina. I was impressed then and continue to be by his composure, his grasp of facts, grasp of the magnitude of the problem, and his willingness to address the issues in a coordinated and bipartisan manner. I salute him for his continued leadership and service not only to the State, but to the Nation.

Again, I express my appreciation to the gentleman from Florida (Mr. MICA) for similarly taking the helm in a time of turbulence when we had this work of 6 years thrust upon us, trying to sort it out, do the right thing and serve our Members, their districts, and our Nation at the same time and measure each project against the yardstick of balance that has historically guided the Corps of Engineers and guided the work of this committee, and I think we have come here with a good product.

And I especially appreciate, once again, the splendid work of the gentlewoman from Texas, Ms. JOHNSON, who is the Chair of the subcommittee and who has put her heart and soul into seeing this bill move forward.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise to support H.R. 1495, the Water Resources Development Act of 2007. This bill, which authorizes water projects through the Army Corps of Engineers, is essential to maintaining and improving our Nation's vital water resources and infrastructure.

This bill is long overdue. Congress has been unable to enact a comprehensive WRDA bill since the year 2000. Without Federal resources authorized in this bill, critical projects needed to sustain and protect America's water needs into the future have been stalled. I commend Chairman OBERSTAR for his leadership and steadfast commitment to this vital issue. I thank his hardworking staff, who worked long hours to complete this bill, which is a top priority of our new Democratic Congress.

As a representative from southern California where water is a scare and precious resource, I appreciate the distinguished Chairman's efforts to put forth a bill that advances essential water resource infrastructure projects in the region.

I am particularly pleased that this legislation includes an historic authorization for revitalization efforts along the Los Angeles River. The $20 million authorization contained within the bill will mark a significant Federal commitment to transforming the LA River from an unsightly concrete flood control channel into green space that will promote badly needed recreation, housing and job creation opportunities. In addition, the legislation will enable the Army Corps of Engineers to develop a plan to improve water quality, restore historic habitats, and enhance the river's flood protection function.

For years, I have worked with my colleagues from Los Angeles to obtain Federal funding for studies on promising revitalization projects along the River. Our efforts have secured over $3 million for studies at various sites, including the Cornfields site in downtown Los Angeles. With the inclusion of the LA River projects in the WRDA authorization, the Army Corps of Engineers can begin to break ground on these revitalization activities.

I want to take this opportunity to recognize my local community and public officials who have worked tirelessly to make the Los Angeles River revitalization project a success. The LA River revitalization plan reflects the vision of City Councilman Ed Reyes, who for many years has led the effort at the local level. I commend him for his commitment to enhancing the quality of life for the communities along the River and for all Angelenos.

I also applaud the strong support of Mayor Antonio Villaraigosa and the local stakeholders who continue to explore ways to convert the land adjacent to the Los Angeles River into parks, housing, and economic opportunities for our local communities.

The passage of WRDA with the LA River revitalization project will continue an exciting alliance between the federal government, the City of Los Angeles and Los Angeles County. We have worked in particular to enrich the lives of the many families who live in the communities along the River and to enhance opportunities for economic development associated with revitalization.

I look forward to continuing to work with my colleagues to build upon this exciting opportunity to transform the LA River from an unsightly and environmentally void industrial space to a communal recreational space in which all Angelenos can take pride.

I thank the Committee for its hard work and urge my colleagues to support this important legislationy.

Mr. LEVIN. Mr. Chairman, I rise in strong support of the Water Resources Development Act and urge its passage by the House. I want to compliment Chairman OBERSTAR and the Transportation and Infrastructure Committee for making early passage of this legislation a priority. The last Water Resources bill was signed into law over 6 years ago by President Clinton. It is Congress' job to renew this law every 2 years, but for whatever reason, we have been unable to reach agreement with the other body and get a final bill to the President for his signature.

The Nation's water and environmental infrastructure problems won't wait forever. We need to overcome our past differences and move this bill to upgrade and modernize our Federal programs relating to navigation, flood damage reduction, shoreline protection, dam safety, water supply, recreation, and environmental restoration.

I want to express my thanks to Chairman OBERSTAR for including a project I requested to authorize Federal funding to implement restoration projects in Lake St. Clair. In the past, Lake St. Clair has been described as ''the forgotten lake.'' No longer. Today, many of my constituents refer to Lake St. Clair as the ''Heart of the Great Lakes.'' We need to protect and restore it. Lake St. Clair is not the largest body of water in the Great Lakes System, but it is absolutely one of the most heavily used portions of the Lakes in terms of fishing, boating and drinking water.

Two years ago, the Corps of Engineers completed a comprehensive management plan for Lake St. Clair and the St. Clair River. Congress paid for this plan. The recommendations contained in the management plan will help shape Lake St. Clair's future, but only if they are implemented. Having come this far, we can't let the report and its recommendations become another study that sits on a shelf and gathers dust. Everyone, including the federal government, has to step forward and take responsibility for turning these recommendations into action.

Again, I support the bill before the House and urge its adoption.

Mr. KIND. Mr. Chairman, I rise in strong support of this bill that will finally move forward important construction, navigation, and ecosystem restoration projects along the Mississippi River, Great Lakes, and elsewhere. In particular, H.R. 1495 will authorize the corps of engineers' sustainability plan for the upper Mississippi River.

On the eve of Earth Day, founded by the great Senator from Wisconsin Gaylord Nelson, what better gift to the people of the upper Mississippi River basin than the largest ever investment in ecosystem restoration in the river's history? This bill will have a tremendous impact on water quality, wildlife habitat, and recreation in the upper Mississippi River region.

Reauthorization of the Water Resources Development Act has been a long time coming, and it has seen some improvement over the years. The current bill, for instance, includes an important provision, that I included, requiring that construction and restoration projects on the upper Mississippi achieve equal progress so that construction and navigation improvements do not degrade the river ecosystem. The WRDA bill of 1986 established the upper Mississippi River system as the only waterbody in the Nation recognized by Congress as both a ''nationally significant ecosystem and a nationally significant commercial navigation system,'' so it is important that the needs of these two aspects of the river are met in tandem.

The Bush administration also has recognized the ecological importance of the basin by making the upper Mississippi River Basin environmental management program a priority project in the corps budget. A relatively modest program with authorized funding of $33.5 million, the EMP has demonstrated remarkable results in restoring river habitats all along my congressional district in western Wisconsin and beyond. And its long-term resource monitoring program has produced invaluable data and knowledge.

Mr. Chairman, it is especially fitting that we pass this bill today in light of the 20th anniversary that EMP celebrated last year. This bill, H.R. 1495, and the accompanying manager's amendment contain language assuring that the navigation and ecosystem sustainability plan will continue the EMP's mission, including long-term resource monitoring.

But this bill will address long-standing needs well beyond the upper Mississippi. This country's water resources infrastructure was largely constructed 70 or more years ago, and much of it has fallen into various states of disrepair and neglect. Hurricane Katrina so clearly demonstrated to the world the consequences of this lack of attention. Reauthorization of WRDA is a necessary first step in meeting the needs of our citizens, industry, and environment.

I urge all of my colleagues to join me in support of this vital legislation so that residents of low-lying areas can be reassured that

the levees that protect them will be made adequate, so that farmers will know they will be able to ship their grain downriver to be exported to foreign markets, and hunters, anglers, and birdwatchers will know that the habitat they know and love will be maintained.

Mr. BISHOP of New York. Mr. Chairman, I would like to thank Chairman OBERSTAR and Ranking Member MICA, as well as Subcommittee Chairwoman JOHNSON and Ranking Member BAKER for their hard work and leadership on this important legislation—the first water improvement and conservation package in seven years.

Following several earlier impasses, I want to take this opportunity to commend the spirit of bipartisanship and compromise on this important measure. I hope it extends to a bicameral bipartisanship in the weeks to come.

This bill benefits all Americans and their families who use and enjoy our Nation's waterways, public beaches—including over 300 miles of coastline along my district—and for U.S. businesses that depend on healthy and viable waterways throughout the country.

My district benefits from the good work that the Army Corps of Engineers does for coastal communities by helping small towns deal with multiple concerns ranging from erosion to longstanding environmental challenges. The Corps is currently working on several projects on eastern Long Island that will dredge inlets, restore damaged ecosystems, and study coastal health.

In addition, H.R. 1495 will go a long way toward supplying the Corps with all the resources it needs to protect coastal communities and vacationers by modernizing project planning and approval.

Mr. Chairman, I thank the Chairman and Ranking Member again for their hard work on this issue, and I look forward to working with my colleagues to make sure that we get a WRDA bill to the President as soon as we can. We simply cannot afford to let another year go by without passing this legislation.

Mr. EMANUEL. Mr. Chairman, I rise today in strong support of H.R. 1945, the Water Resources Development Act (WRDA). As the Democratic Majority begins our second 100 days, we are continuing to move America forward, and WRDA does just that.

This bill will help commerce by improving navigation on waterways and making it easier to bring products to market. This bill will invest in our future by modernizing the locks and dams on the Mississippi River and elsewhere. This bill will protect the Great Lakes by finally making the Asian Carp barrier permanent. This bill invests in rural and urban America alike by renewing our commitment to protecting the environment and the economy.

The Water Resources Development Act is a good bill that has been written in a bipartisan process to address the needs of the whole country, but there are two parts of the bill in particular that I am especially proud are included.

The locks on the Mississippi River and Illinois Waterways are in need of repair, and WRDA finally addresses the long overdue need for lock modernization. Navigation in the upper Mississippi supports more than 400,000 jobs and 90,000 high-paying manufacturing jobs, and passage of WRDA will create more jobs in the region. Every year, shipping in the upper Mississippi River adds up to about $1.2 billion to our economy. Modernizing the locks will go a long way to ensuring the livelihoods of the men and women that rely on these waterways.

Another project in WRDA that is critical to the Great Lakes and important to all of Chicago is the Asian Carp barrier. As the residents of the Fifth Congressional District know, invasive species pose a severe threat to Lake Michigan, capable of billions of dollars in economic losses and inestimable environmental damage.

The Asian Carp in particular has affected Great Lakes fisheries, and I have been working with my Great Lakes colleagues in making sure that this barrier is funded and operational to protect the Great Lakes from Asian Carp.

Mr. Chairman, the Water Resources Development Act is a hat trick—it's good for the environment, it's good for the economy, and it's good for America's future. I want to thank Mr. OBERSTAR and Mr. MICA for all of their good work, and I am glad that we are getting this bill done. I yield back the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

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

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

H.R. 1495

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Water Resources Development Act of 2007''.

(b) TABLE OF CONTENTS.—

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

TITLE I—WATER RESOURCES PROJECTS

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

TITLE II—GENERAL PROVISIONS

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

TITLE III—PROJECT-RELATED PROVISIONS

Sec. 3001. Cook Inlet, Alaska.
Sec. 3002. King Cove Harbor, Alaska.
Sec. 3003. Sitka, Alaska.
Sec. 3004. Tatitlek, Alaska.
Sec. 3005. Rio De Flag, Flagstaff, Arizona.
Sec. 3006. Osceola Harbor, Arkansas.
Sec. 3007. Pine Mountain Dam, Arkansas.
Sec. 3008. American and Sacramento Rivers, California.
Sec. 3009. Compton Creek, California.
Sec. 3010. Grayson Creek/Murderer's Creek, California.
Sec. 3011. Hamilton Airfield, California.
Sec. 3012. John F. Baldwin Ship Channel and Stockton Ship Channel, California.
Sec. 3013. Kaweah River, California.
Sec. 3014. Larkspur Ferry Channel, Larkspur, California.
Sec. 3015. Llagas Creek, California.
Sec. 3016. Magpie Creek, California.
Sec. 3017. Pacific Flyway Center, Sacramento, California.
Sec. 3018. Pinole Creek, California.
Sec. 3019. Prado Dam, California.
Sec. 3020. Sacramento and American Rivers flood control, California.
Sec. 3021. Sacramento Deep Water Ship Channel, California.
Sec. 3022. Santa Cruz Harbor, California.
Sec. 3023. Seven Oaks Dam, California.
Sec. 3024. Upper Guadalupe River, California.
Sec. 3025. Walnut Creek Channel, California.
Sec. 3026. Wildcat/San Pablo Creek Phase I, California.
Sec. 3027. Wildcat/San Pablo Creek Phase II, California.
Sec. 3028. Yuba River Basin project, California.
Sec. 3029. South Platte River Basin, Colorado.
Sec. 3030. Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland.
Sec. 3031. Brevard County, Florida.
Sec. 3032. Broward County and Hillsboro Inlet, Florida.
Sec. 3033. Canaveral Harbor, Florida.
Sec. 3034. Gasparilla and Estero Islands, Florida.
Sec. 3035. Jacksonville Harbor, Florida.
Sec. 3036. Lido Key Beach, Sarasota, Florida.

Sec. 3037. Miami Harbor, Florida.
Sec. 3038. Peanut Island, Florida.
Sec. 3039. Tampa Harbor-Big Bend Channel, Florida.
Sec. 3040. Tampa Harbor Cut B, Florida.
Sec. 3041. Allatoona Lake, Georgia.
Sec. 3042. Latham River, Glynn County, Georgia.
Sec. 3043. Dworshak Dam and Reservoir improvements, Idaho.
Sec. 3044. Beardstown Community Boat Harbor, Beardstown, Illinois.
Sec. 3045. Cache River Levee, Illinois.
Sec. 3046. Chicago River, Illinois.
Sec. 3047. Chicago Sanitary and Ship Canal dispersal barriers project, Illinois.
Sec. 3048. Emiquon, Illinois.
Sec. 3049. Lasalle, Illinois.
Sec. 3050. Spunky Bottoms, Illinois.
Sec. 3051. Fort Wayne and vicinity, Indiana.
Sec. 3052. Koontz Lake, Indiana.
Sec. 3053. White River, Indiana.
Sec. 3054. Des Moines River and Greenbelt, Iowa.
Sec. 3055. Prestonsburg, Kentucky.
Sec. 3056. Amite River and tributaries, Louisiana, East Baton Rouge Parish Watershed.
Sec. 3057. Atchafalaya Basin, Louisiana.
Sec. 3058. Atchafalaya Basin Floodway System, Louisiana.
Sec. 3059. Bayou Plaquemine, Louisiana.
Sec. 3060. J. Bennett Johnston Waterway, Mississippi River to Shreveport, Louisiana.
Sec. 3061. Melville, Louisiana.
Sec. 3062. Mississippi Delta Region, Louisiana.
Sec. 3063. New Orleans to Venice, Louisiana.
Sec. 3064. West bank of the Mississippi River (East of Harvey Canal), Louisiana.
Sec. 3065. Camp Ellis, Saco, Maine.
Sec. 3066. Detroit River Shoreline, Detroit, Michigan.
Sec. 3067. St. Clair River and Lake St. Clair, Michigan.
Sec. 3068. St. Joseph Harbor, Michigan.
Sec. 3069. Sault Sainte Marie, Michigan.
Sec. 3070. Ada, Minnesota.
Sec. 3071. Duluth Harbor, McQuade Road, Minnesota.
Sec. 3072. Grand Marais, Minnesota.
Sec. 3073. Grand Portage Harbor, Minnesota.
Sec. 3074. Granite Falls, Minnesota.
Sec. 3075. Knife River Harbor, Minnesota.
Sec. 3076. Red Lake River, Minnesota.
Sec. 3077. Silver Bay, Minnesota.
Sec. 3078. Taconite Harbor, Minnesota.
Sec. 3079. Two Harbors, Minnesota.
Sec. 3080. Deer Island, Harrison County, Mississippi.
Sec. 3081. Pearl River Basin, Mississippi.
Sec. 3082. Festus and Crystal City, Missouri.
Sec. 3083. L–15 levee, Missouri.
Sec. 3084. Monarch-Chesterfield, Missouri.
Sec. 3085. River Des Peres, Missouri.
Sec. 3086. Antelope Creek, Lincoln, Nebraska.
Sec. 3087. Sand Creek Watershed, Wahoo, Nebraska.
Sec. 3088. Lower Cape May Meadows, Cape May Point, New Jersey.
Sec. 3089. Passaic River Basin flood management, New Jersey.
Sec. 3090. Buffalo Harbor, New York.
Sec. 3091. Orchard Beach, Bronx, New York.
Sec. 3092. Port of New York and New Jersey, New York and New Jersey.
Sec. 3093. New York State Canal System.
Sec. 3094. Lower Girard Lake Dam, Ohio.
Sec. 3095. Mahoning River, Ohio.
Sec. 3096. Delaware River, Pennsylvania, New Jersey, and Delaware.
Sec. 3097. Raystown Lake, Pennsylvania.
Sec. 3098. Sheraden Park Stream and Chartiers Creek, Allegheny County, Pennsylvania.
Sec. 3099. Solomon's Creek, Wilkes-Barre, Pennsylvania.
Sec. 3100. South Central Pennsylvania.
Sec. 3101. Wyoming Valley, Pennsylvania.
Sec. 3102. Cedar Bayou, Texas.
Sec. 3103. Freeport Harbor, Texas.
Sec. 3104. Lake Kemp, Texas.
Sec. 3105. Lower Rio Grande Basin, Texas.
Sec. 3106. North Padre Island, Corpus Christi Bay, Texas.
Sec. 3107. Pat Mayse Lake, Texas.
Sec. 3108. Proctor Lake, Texas.
Sec. 3109. San Antonio Channel, San Antonio, Texas.
Sec. 3110. Lee, Russell, Scott, Smyth, Tazewell, and Wise Counties, Virginia.
Sec. 3111. Tangier Island Seawall, Virginia.
Sec. 3112. Duwamish/Green, Washington.
Sec. 3113. Yakima River, Port of Sunnyside, Washington.
Sec. 3114. Greenbrier River Basin, West Virginia.
Sec. 3115. Lesage/Greenbottom Swamp, West Virginia.
Sec. 3116. Northern West Virginia.
Sec. 3117. Manitowoc Harbor, Wisconsin.
Sec. 3118. Mississippi River headwaters reservoirs.
Sec. 3119. Continuation of project authorizations.
Sec. 3120. Project reauthorizations.
Sec. 3121. Project deauthorizations.
Sec. 3122. Land conveyances.
Sec. 3123. Extinguishment of reversionary interests and use restrictions.

TITLE IV—STUDIES

Sec. 4001. John Glenn Great Lakes Basin Program.
Sec. 4002. Lake Erie dredged material disposal sites.
Sec. 4003. Southwestern United States drought study.
Sec. 4004. Delaware River.
Sec. 4005. Knik Arm, Cook Inlet, Alaska.
Sec. 4006. Kuskokwim River, Alaska.
Sec. 4007. St. George Harbor, Alaska.
Sec. 4008. Susitna River, Alaska.
Sec. 4009. Gila Bend, Maricopa, Arizona.
Sec. 4010. Searcy County, Arkansas.
Sec. 4011. Elkhorn Slough Estuary, California.
Sec. 4012. Fresno, Kings, and Kern Counties, California.
Sec. 4013. Los Angeles River revitalization study, California.
Sec. 4014. Lytle Creek, Rialto, California.
Sec. 4015. Mokelumne River, San Joaquin County, California.
Sec. 4016. Napa River, St. Helena, California.
Sec. 4017. Orick, California.
Sec. 4018. Rialto, Fontana, and Colton, California.
Sec. 4019. Sacramento River, California.
Sec. 4020. San Diego County, California.
Sec. 4021. San Francisco Bay, Sacramento-San Joaquin Delta, California.
Sec. 4022. South San Francisco Bay shoreline study, California.
Sec. 4023. Twentynine Palms, California.
Sec. 4024. Yucca Valley, California.
Sec. 4025. Roaring Fork River, Basalt, Colorado.
Sec. 4026. Delaware and Christina Rivers and Shellpot Creek, Wilmington, Delaware.
Sec. 4027. Collier County Beaches, Florida.
Sec. 4028. Lower St. Johns River, Florida.
Sec. 4029. Vanderbilt Beach Lagoon, Florida.
Sec. 4030. Meriwether County, Georgia.
Sec. 4031. Tybee Island, Georgia.
Sec. 4032. Boise River, Idaho.
Sec. 4033. Ballard's Island Side Channel, Illinois.
Sec. 4034. Salem, Indiana.
Sec. 4035. Buckhorn Lake, Kentucky.
Sec. 4036. Dewey Lake, Kentucky.
Sec. 4037. Louisville, Kentucky.
Sec. 4038. Fall River Harbor, Massachusetts and Rhode Island.
Sec. 4039. Clinton River, Michigan.
Sec. 4040. Hamburg and Green Oak Townships, Michigan.
Sec. 4041. Duluth-Superior Harbor, Minnesota and Wisconsin.
Sec. 4042. Northeast Mississippi.
Sec. 4043. St. Louis, Missouri.
Sec. 4044. Dredged material disposal, New Jersey.
Sec. 4045. Bayonne, New Jersey.
Sec. 4046. Carteret, New Jersey.
Sec. 4047. Gloucester County, New Jersey.
Sec. 4048. Perth Amboy, New Jersey.
Sec. 4049. Batavia, New York.
Sec. 4050. Big Sister Creek, Evans, New York.
Sec. 4051. Finger Lakes, New York.
Sec. 4052. Lake Erie Shoreline, Buffalo, New York.
Sec. 4053. Newtown Creek, New York.
Sec. 4054. Niagara River, New York.
Sec. 4055. Shore Parkway Greenway, Brooklyn, New York.
Sec. 4056. Upper Delaware River Watershed, New York.
Sec. 4057. Lincoln County, North Carolina.
Sec. 4058. Wilkes County, North Carolina.
Sec. 4059. Yadkinville, North Carolina.
Sec. 4060. Lake Erie, Ohio.
Sec. 4061. Ohio River, Ohio.
Sec. 4062. Ecosystem restoration and fish passage improvements, Oregon.
Sec. 4063. Walla Walla River Basin, Oregon.
Sec. 4064. Chartiers Creek Watershed, Pennsylvania.
Sec. 4065. Kinzua Dam and Allegheny Reservoir, Pennsylvania.
Sec. 4066. Western Pennsylvania flood damage reduction, Pennsylvania.
Sec. 4067. Williamsport, Pennsylvania.
Sec. 4068. Yardley Borough, Pennsylvania.
Sec. 4069. Rio Valenciano, Juncos, Puerto Rico.
Sec. 4070. Crooked Creek, Bennettsville, South Carolina.
Sec. 4071. Broad River, York County, South Carolina.
Sec. 4072. Chattanooga, Tennessee.
Sec. 4073. Cleveland, Tennessee.
Sec. 4074. Cumberland River, Nashville, Tennessee.
Sec. 4075. Lewis, Lawrence, and Wayne Counties, Tennessee.
Sec. 4076. Wolf River and Nonconnah Creek, Memphis Tennessee.
Sec. 4077. Abilene, Texas.
Sec. 4078. Coastal Texas ecosystem protection and restoration, Texas.
Sec. 4079. Johnson Creek, Arlington, Texas.
Sec. 4080. Port of Galveston, Texas.
Sec. 4081. Grand County and Moab, Utah.
Sec. 4082. Southwestern Utah.
Sec. 4083. Chowan River Basin, Virginia and North Carolina.
Sec. 4084. Elliott Bay Seawall, Seattle, Washington.
Sec. 4085. Monongahela River Basin, northern West Virginia.
Sec. 4086. Kenosha Harbor, Wisconsin.
Sec. 4087. Wauwatosa, Wisconsin.
Sec. 4088. Johnsonville Dam, Johnsonville, Wisconsin.

TITLE V—MISCELLANEOUS

Sec. 5001. Maintenance of navigation channels.
Sec. 5002. Watershed management.
Sec. 5003. Dam safety.
Sec. 5004. Structural integrity evaluations.
Sec. 5005. Flood mitigation priority areas.
Sec. 5006. Additional assistance for authorized projects.
Sec. 5007. Expedited completion of reports and construction for certain projects.
Sec. 5008. Expedited completion of reports for certain projects.
Sec. 5009. Southeastern water resources assessment.
Sec. 5010. Upper Mississippi River environmental management program.
Sec. 5011. Missouri and Middle Mississippi River enhancement project.

Sec. 5012. Great Lakes fishery and ecosystem restoration.
Sec. 5013. Great Lakes remedial action plans and sediment remediation.
Sec. 5014. Great Lakes tributary models.
Sec. 5015. Great Lakes navigation.
Sec. 5016. Upper Mississippi River dispersal barrier project.
Sec. 5017. Susquehanna, Delaware, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia.
Sec. 5018. Chesapeake Bay environmental restoration and protection program.
Sec. 5019. Hypoxia assessment.
Sec. 5020. Potomac River watershed assessment and tributary strategy evaluation and monitoring program.
Sec. 5021. Lock and dam security.
Sec. 5022. Rehabilitation.
Sec. 5023. Research and development program for Columbia and Snake River salmon survival.
Sec. 5024. Auburn, Alabama.
Sec. 5025. Pinhook Creek, Huntsville, Alabama.
Sec. 5026. Alaska.
Sec. 5027. Barrow, Alaska.
Sec. 5028. Coffman Cove, Alaska.
Sec. 5029. Fire Island, Alaska.
Sec. 5030. Fort Yukon, Alaska.
Sec. 5031. Kotzebue Harbor, Alaska.
Sec. 5032. Lowell Creek Tunnel, Seward, Alaska.
Sec. 5033. St. Herman and St. Paul Harbors, Kodiak, Alaska.
Sec. 5034. Tanana River, Alaska.
Sec. 5035. Valdez, Alaska.
Sec. 5036. Whittier, Alaska.
Sec. 5037. Wrangell Harbor, Alaska.
Sec. 5038. Augusta and Clarendon, Arkansas.
Sec. 5039. Des Arc levee protection, Arkansas.
Sec. 5040. Loomis Landing, Arkansas.
Sec. 5041. St. Francis River Basin, Arkansas and Missouri.
Sec. 5042. Cambria, California.
Sec. 5043. Contra Costa Canal, Oakley and Knightsen, California; Mallard Slough, Pittsburg, California.
Sec. 5044. Dana Point Harbor, California.
Sec. 5045. East San Joaquin County, California.
Sec. 5046. Eastern Santa Clara basin, California.
Sec. 5047. Los Osos, California.
Sec. 5048. Pine Flat Dam and Reservoir, California.
Sec. 5049. Raymond Basin, Six Basins, Chino Basin, and San Gabriel Basin, California.
Sec. 5050. San Francisco, California.
Sec. 5051. San Francisco, California, waterfront area.
Sec. 5052. San Pablo Bay, California, watershed and Suisun Marsh ecosystem restoration.
Sec. 5053. Stockton, California.
Sec. 5054. Charles Hervey Townshend Breakwater, New Haven Harbor, Connecticut.
Sec. 5055. Florida Keys water quality improvements.
Sec. 5056. Lake Worth, Florida.
Sec. 5057. Riley Creek Recreation Area, Idaho.
Sec. 5058. Reconstruction of Illinois flood protection projects.
Sec. 5059. Illinois River Basin restoration.
Sec. 5060. Kaskaskia River Basin, Illinois, restoration.
Sec. 5061. Floodplain mapping, Little Calumet River, Chicago, Illinois.
Sec. 5062. Promontory Point, Lake Michigan, Illinois.
Sec. 5063. Burns Waterway Harbor, Indiana.
Sec. 5064. Calumet region, Indiana.
Sec. 5065. Paducah, Kentucky.
Sec. 5066. Southern and eastern Kentucky.
Sec. 5067. Winchester, Kentucky.
Sec. 5068. Baton Rouge, Louisiana.
Sec. 5069. Calcasieu Ship Channel, Louisiana.
Sec. 5070. Cross Lake, Shreveport, Louisiana.
Sec. 5071. West Baton Rouge Parish, Louisiana.
Sec. 5072. Charlestown, Maryland.
Sec. 5073. Anacostia River, District of Columbia and Maryland.
Sec. 5074. Delmarva Conservation Corridor, Delaware and Maryland.
Sec. 5075. Massachusetts dredged material disposal sites.
Sec. 5076. Ontonagon Harbor, Michigan.
Sec. 5077. Crookston, Minnesota.
Sec. 5078. Garrison and Kathio Township, Minnesota.
Sec. 5079. Itasca County, Minnesota.
Sec. 5080. Minneapolis, Minnesota.
Sec. 5081. Northeastern Minnesota.
Sec. 5082. Wild Rice River, Minnesota.
Sec. 5083. Harrison, Hancock, and Jackson Counties, Mississippi.
Sec. 5084. Mississippi River, Missouri and Illinois.
Sec. 5085. St. Louis, Missouri.
Sec. 5086. Hackensack Meadowlands area, New Jersey.
Sec. 5087. Atlantic Coast of New York.
Sec. 5088. College Point, New York City, New York.
Sec. 5089. Flushing Bay and Creek, New York City, New York.
Sec. 5090. Hudson River, New York.
Sec. 5091. Mount Morris Dam, New York.
Sec. 5092. John H. Kerr Dam and Reservoir, North Carolina.
Sec. 5093. Stanly County, North Carolina.
Sec. 5094. Cincinnati, Ohio.
Sec. 5095. Toussaint River, Ohio.
Sec. 5096. Eugene, Oregon.
Sec. 5097. Fern Ridge Dam, Oregon.
Sec. 5098. Allegheny County, Pennsylvania.
Sec. 5099. Kehly Run Dams, Pennsylvania.
Sec. 5100. Lehigh River, Lehigh County, Pennsylvania.
Sec. 5101. Northeast Pennsylvania.
Sec. 5102. Upper Susquehanna River Basin, Pennsylvania and New York.
Sec. 5103. Cano Martin Pena, San Juan, Puerto Rico.
Sec. 5104. Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and terrestrial wildlife habitat restoration, South Dakota.
Sec. 5105. Fritz Landing, Tennessee.
Sec. 5106. J. Percy Priest Dam and Reservoir, Tennessee.
Sec. 5107. Town Creek, Lenoir City, Tennessee.
Sec. 5108. Tennessee River partnership.
Sec. 5109. Upper Mississippi embayment, Tennessee, Arkansas, and Mississippi.
Sec. 5110. Bosque River Watershed, Texas.
Sec. 5111. Dallas Floodway, Dallas Texas.
Sec. 5112. Harris County, Texas.
Sec. 5113. Onion Creek, Texas.
Sec. 5114. Eastern Shore and southwest Virginia.
Sec. 5115. Dyke Marsh, Fairfax County, Virginia.
Sec. 5116. Baker Bay and Ilwaco Harbor, Washington.
Sec. 5117. Hamilton Island campground, Washington.
Sec. 5118. Puget Island, Washington.
Sec. 5119. Willapa Bay, Washington.
Sec. 5120. West Virginia and Pennsylvania flood control.
Sec. 5121. Central West Virginia.
Sec. 5122. Southern West Virginia.
Sec. 5123. Construction of flood control projects by non-Federal interests.

TITLE VI—FLORIDA EVERGLADES

Sec. 6001. Hillsboro and Okeechobee Aquifer, Florida.
Sec. 6002. Pilot projects.
Sec. 6003. Maximum costs.
Sec. 6004. Project authorization.
Sec. 6005. Credit.
Sec. 6006. Outreach and assistance.
Sec. 6007. Critical restoration projects.
Sec. 6008. Modified water deliveries.
Sec. 6009. Deauthorizations.
Sec. 6010. Regional engineering model for environmental restoration.

TITLE VII—LOUISIANA COASTAL AREA

Sec. 7001. Definitions.
Sec. 7002. Comprehensive plan.
Sec. 7003. Louisiana coastal area.
Sec. 7004. Coastal Louisiana Ecosystem Protection and Restoration Task Force.
Sec. 7005. Project modifications.
Sec. 7006. Construction.
Sec. 7007. Non-Federal cost share.
Sec. 7008. Project justification.
Sec. 7009. Independent review.
Sec. 7010. Expedited reports.
Sec. 7011. Reporting.
Sec. 7012. New Orleans and vicinity.
Sec. 7013. Mississippi River Gulf Outlet.

TITLE VIII—UPPER MISSISSIPPI RIVER AND ILLINOIS WATER-WAY SYSTEM

Sec. 8001. Definitions.
Sec. 8002. Navigation improvements and restoration.
Sec. 8003. Authorization of construction of navigation improvements.
Sec. 8004. Ecosystem restoration authorization.
Sec. 8005. Comparable progress.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 1001. PROJECT AUTHORIZATIONS.

Except as otherwise provided in this section, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) HAINES, ALASKA.—The project for navigation, Haines, Alaska: Report of the Chief of Engineers dated December 20, 2004, at a total cost of $14,040,000, with an estimated Federal cost of $11,232,000 and an estimated non-Federal cost of $2,808,000.

(2) PORT LIONS, ALASKA.—The project for navigation, Port Lions, Alaska: Report of the Chief of Engineers dated June 14, 2006, at a total cost of $9,530,000, with an estimated Federal cost of $7,624,000 and an estimated non-Federal cost of $1,906,000.

(3) RIO SALADO OESTE, ARIZONA.—The project for environmental restoration, Rio Salado Oeste, Arizona: Report of the Chief of Engineers dated December 19, 2006, at a total cost of $166,650,000, with an estimated Federal cost of $106,629,000 and an estimated non-Federal cost of $60,021,000.

(4) SANTA CRUZ RIVER, PASEO DE LAS IGLESIAS, ARIZONA.—The project for environmental restoration, Santa Cruz River, Pima County, Arizona: Report of the Chief of Engineers dated March 28, 2006, at a total cost of $97,700,000, with an estimated Federal cost of $63,300,000 and an estimated non-Federal cost of $34,400,000.

(5) TANQUE VERDE CREEK, PIMA COUNTY, ARIZONA.—The project for environmental restoration, Tanque Verde Creek, Pima County, Arizona: Report of the Chief of Engineers dated July 22, 2003, at a total cost of $5,906,000, with an estimated Federal cost of $3,836,000 and an estimated non-Federal cost of $2,070,000.

(6) SALT RIVER (VA SHLYAY' AKIMEL), MARICOPA COUNTY, ARIZONA.—The project for environmental restoration, Salt River (Va Shlyay' Akimel), Arizona: Report of the Chief of Engineers dated January 3, 2005, at a total cost of $162,100,000, with an estimated Federal cost of $105,200,000 and an estimated non-Federal cost of $56,900,000.

(7) MAY BRANCH, FORT SMITH, ARKANSAS.—The project for flood damage reduction, May Branch, Fort Smith, Arkansas, Report of the Chief of Engineers dated December 19, 2006, at a

total cost of $30,850,000, with an estimated Federal cost of $15,010,000 and an estimated non-Federal cost of $15,840,000.

(8) HAMILTON CITY, CALIFORNIA.—The project for flood damage reduction and environmental restoration, Hamilton City, California: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $52,400,000, with an estimated Federal cost of $34,100,000 and estimated non-Federal cost of $18,300,000.

(9) IMPERIAL BEACH, CALIFORNIA.—The project for storm damage reduction, Imperial Beach, California: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $13,700,000, with an estimated Federal cost of $8,521,000 and an estimated non-Federal cost of $5,179,000, and at an estimated total cost of $42,500,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $21,250,000 and an estimated non-Federal cost of $21,250,000.

(10) MATILIJA DAM, VENTURA COUNTY, CALIFORNIA.—The project for environmental restoration, Matilija Dam, Ventura County, California: Report of the Chief of Engineers dated December 20, 2004, at a total cost of $144,500,000, with an estimated Federal cost of $89,700,000 and an estimated non-Federal cost of $54,800,000.

(11) MIDDLE CREEK, LAKE COUNTY, CALIFORNIA.—The project for flood damage reduction and environmental restoration, Middle Creek, Lake County, California: Report of the Chief of Engineers dated November 29, 2004, at a total cost of $45,200,000, with an estimated Federal cost of $29,500,000 and an estimated non-Federal cost of $15,700,000.

(12) NAPA RIVER SALT MARSH RESTORATION, CALIFORNIA.—

(A) IN GENERAL.—The project for environmental restoration, Napa River Salt Marsh Restoration, Napa, California: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $134,500,000, with an estimated Federal cost of $87,500,000 and an estimated non-Federal cost of $47,000,000.

(B) ADMINISTRATION.—In carrying out the project authorized by this paragraph, the Secretary shall—

(i) construct a recycled water pipeline extending from the Sonoma Valley County Sanitation District Waste Water Treatment Plant and the Napa Sanitation District Waste Water Treatment Plant to the project; and

(ii) restore or enhance Salt Ponds 1, 1A, 2, and 3.

(13) DENVER COUNTY REACH, SOUTH PLATTE RIVER, DENVER, COLORADO.—The project for environmental restoration, Denver County Reach, South Platte River, Denver, Colorado: Report of the Chief of Engineers dated May 16, 2003, at a total cost of $21,050,000, with an estimated Federal cost of $13,680,000 and an estimated non-Federal cost of $7,370,000.

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

(A) IN GENERAL.—The project for navigation, Miami Harbor, Miami-Dade County, Florida: Report of the Chief of Engineers dated April 25, 2005, at a total cost of $125,270,000, with an estimated Federal cost of $75,140,000 and an estimated non-Federal cost of $50,130,000.

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

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

(15) EAST ST. LOUIS AND VICINITY, ILLINOIS.—The project for environmental restoration and recreation, East St. Louis and Vicinity, Illinois: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $208,260,000, with an estimated Federal cost of $134,910,000 and an estimated non-Federal cost of $73,350,000.

(16) PEORIA RIVERFRONT DEVELOPMENT, ILLINOIS.—The project for environmental restoration, Peoria Riverfront Development, Illinois: Report of the Chief of Engineers dated July 28, 2003, at a total cost of $18,220,000, with an estimated Federal cost of $11,840,000 and an estimated non-Federal cost of $6,380,000.

(17) WOOD RIVER LEVEE SYSTEM RECONSTRUCTION, MADISON COUNTY, ILLINOIS.—The project for flood damage reduction, Wood River Levee System Reconstruction, Madison County, Illinois: Report of the Chief of Engineers dated July 18, 2006, at a total cost of $17,220,000, with an estimated Federal cost of $11,193,000 and an estimated non-Federal cost of $6,027,000.

(18) DES MOINES AND RACCOON RIVERS, DES MOINES, IOWA.—The project for flood damage reduction, Des Moines and Raccoon Rivers, Des Moines, Iowa: Report of the Chief of Engineers dated March 28, 2006, at a total cost of $10,780,000, with an estimated Federal cost of $6,967,000 and an estimated non-Federal cost of $3,813,000.

(19) LICKING RIVER BASIN, CYNTHIANA, KENTUCKY.—The project for flood damage reduction, Licking River Basin, Cynthiana, Kentucky: Report of the Chief of Engineers dated October 24, 2006, at a total cost of $18,200,000, with an estimated Federal cost of $11,830,000 and an estimated non-Federal cost of $6,370,000.

(20) BAYOU SORREL LOCK, LOUISIANA.—The project for navigation, Bayou Sorrel Lock, Louisiana: Report of the Chief of Engineers dated January 3, 2005, at a total cost of $9,680,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

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

(A) IN GENERAL.—The project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana: Reports of the Chief of Engineers dated August 23, 2002, and July 22, 2003, at a total cost of $886,700,000, with an estimated Federal cost of $576,355,000 and an estimated non-Federal cost of $310,345,000.

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

(22) PORT OF IBERIA, LOUISIANA.—The project for navigation, Port of Iberia, Louisiana, Report of the Chief of Engineers dated December 31, 2006, at a total cost of $131,250,000, with an estimated Federal cost of $105,315,000 and an estimated non-Federal cost of $25,935,000.

(23) SMITH ISLAND, SOMERSET COUNTY, MARYLAND.—The project for environmental restoration, Smith Island, Somerset County, Maryland: Report of the Chief of Engineers dated October 29, 2001, at a total cost of $15,580,000, with an estimated Federal cost of $10,127,000 and an estimated non-Federal cost of $5,453,000.

(24) ROSEAU RIVER, ROSEAU, MINNESOTA.—The project for flood damage reduction, Roseau River, Roseau, Minnesota, Report of the Chief of Engineers dated December 19, 2006, at a total cost of $25,100,000, with an estimated Federal cost of $13,820,000 and an estimated non-Federal cost of $11,280,000.

(25) MISSISSIPPI COASTAL, MISSISSIPPI.—The project for hurricane and storm damage reduction and environmental restoration, Mississippi Coastal, Mississippi, Report of the Chief of Engineers dated December 31, 2006, at a total cost of $107,690,000, with an estimated Federal cost of $70,000,000 and an estimated non-Federal cost of $37,690,000.

(26) KANSAS CITYS LEVEES, MISSOURI AND KANSAS.—The project for flood damage reduction, Kansas Citys levees, Missouri and Kansas, Report of the Chief of Engineers dated December 19, 2006, at a total cost of $65,430,000, with an estimated Federal cost of $42,530,000 and an estimated non-Federal cost of $22,900,000.

(27) SWOPE PARK INDUSTRIAL AREA, BLUE RIVER, KANSAS CITY, MISSOURI.—The project for flood damage reduction, Swope Park Industrial Area, Blue River, Kansas City, Missouri: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $16,980,000, with an estimated Federal cost of $11,037,000 and an estimated non-Federal cost of $5,943,000.

(28) GREAT EGG HARBOR INLET TO TOWNSENDS INLET, NEW JERSEY.—The project for hurricane and storm damage reduction, Great Egg Harbor Inlet to Townsends Inlet, New Jersey: Report of the Chief of Engineers dated October 24, 2006, at a total cost of $54,360,000, with an estimated Federal cost of $35,069,000 and an estimated non-Federal cost of $19,291,000, and at an estimated total cost of $202,500,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $101,250,000 and an estimated non-Federal cost of $101,250,000.

(29) HUDSON RARITAN ESTUARY, LIBERTY STATE PARK, NEW JERSEY.—

(A) IN GENERAL.—The project for environmental restoration, Hudson Raritan Estuary, Liberty State Park, New Jersey: Report of the Chief of Engineers dated August 25, 2006, at a total cost of $34,100,000, with an estimated Federal cost of $22,200,000 and an estimated non-Federal cost of $11,900,000.

(B) RESTORATION TEAMS.—In carrying out the project, the Secretary shall establish and utilize watershed restoration teams composed of estuary restoration experts from the Corps of Engineers, the New Jersey department of environmental protection, and the Port Authority of New York and New Jersey and other experts designated by the Secretary for the purpose of developing habitat restoration and water quality enhancement.

(30) MANASQUAN INLET TO BARNEGAT INLET, NEW JERSEY.—The project for hurricane and storm damage reduction, Manasquan Inlet to Barnegat Inlet, New Jersey: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $71,900,000, with an estimated Federal cost of $46,735,000 and an estimated non-Federal cost of $25,165,000, and at an estimated total cost of $119,680,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $59,840,000 and an estimated non-Federal cost of $59,840,000.

(31) RARITAN BAY AND SANDY HOOK BAY, UNION BEACH, NEW JERSEY.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Union Beach, New Jersey: Report of the Chief of Engineers dated January 4, 2006, at a total cost of $115,000,000, with an estimated Federal cost of $74,800,000 and an estimated non-Federal cost of $40,200,000, and at an estimated total cost of $6,500,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $3,250,000 and an estimated non-Federal cost of $3,250,000.

(32) SOUTH RIVER, RARITAN RIVER BASIN, NEW JERSEY.—The project for hurricane and storm damage reduction and environmental restoration, South River, Raritan River Basin, New Jersey: Report of the Chief of Engineers dated July 22, 2003, at a total cost of $122,300,000, with an estimated Federal cost of $79,500,000 and an estimated non-Federal cost of $42,800,000.

(33) SOUTHWEST VALLEY, BERNALILLO COUNTY, NEW MEXICO.—The project for flood damage reduction, Southwest Valley, Bernalillo County, New Mexico: Report of the Chief of Engineers dated November 29, 2004, at a total cost of $24,840,000, with an estimated Federal cost of $16,150,000 and an estimated non-Federal cost of $8,690,000.

(34) MONTAUK POINT, NEW YORK.—The project for hurricane and storm damage reduction, Montauk Point, New York: Report of the Chief of Engineers dated March 31, 2006, at a total cost of $14,600,000, with an estimated Federal cost of $7,300,000 and an estimated non-Federal cost of $7,300,000.

(35) HOCKING RIVER, MONDAY CREEK SUBBASIN, OHIO.—The project for environmental restoration, Hocking River, Monday Creek Subbasin, Ohio: Report of the Chief of Engineers dated August 24, 2006, at a total cost of $20,980,000, with an estimated Federal cost of $13,440,000 and an estimated non-Federal cost of $7,540,000.

(36) TOWN OF BLOOMSBURG, COLUMBIA COUNTY, PENNSYLVANIA.—The project for flood damage reduction, town of Bloomsburg, Columbia County, Pennsylvania: Report of the Chief of Engineers dated January 25, 2006, at a total cost of $44,500,000, with an estimated Federal cost of $28,925,000 and an estimated non-Federal cost of $15,575,000.

(37) PAWLEY'S ISLAND, SOUTH CAROLINA.—The project for hurricane and storm damage reduction, Pawley's Island, South Carolina, Report of the Chief of Engineers dated December 19, 2006, at a total cost of $8,980,000, with an estimated Federal cost of $5,840,000 and an estimated non-Federal cost of $3,140,000, and at an estimated total cost of $21,200,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $10,600,000 and an estimated non-Federal cost of $10,600,000.

(38) CORPUS CHRISTI SHIP CHANNEL, CORPUS CHRISTI, TEXAS.—The project for navigation and ecosystem restoration, Corpus Christi Ship Channel, Texas: 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.

(39) GULF INTRACOASTAL WATERWAY, MATAGORDA BAY RE-ROUTE, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, Matagorda Bay Re-Route, Texas: Report of the Chief of Engineers dated December 24, 2002, at a total cost of $17,280,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(40) GULF INTRACOASTAL WATERWAY, HIGH ISLAND TO BRAZOS RIVER, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, High Island to Brazos River, Texas: Report of the Chief of Engineers dated April 16, 2004, at a total cost of $14,450,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(41) LOWER COLORADO RIVER BASIN PHASE I, TEXAS.—The project for flood damage reduction and environmental restoration, Lower Colorado River Basin Phase I, Texas, Report of the Chief of Engineers dated December 31, 2006, at a total cost of $110,730,000, with an estimated Federal cost of $69,640,000 and an estimated non-Federal cost of $41,090,000.

(42) ATLANTIC INTRACOASTAL WATERWAY BRIDGE REPLACEMENT, DEEP CREEK, CHESAPEAKE, VIRGINIA.—The project for 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.

(43) CRANEY ISLAND EASTWARD EXPANSION, NORFOLK HARBOR AND CHANNELS, VIRGINIA.—The project for navigation, Craney Island Eastward Expansion, Norfolk Harbor and Channels, Virginia: Report of Chief of Engineers dated October 24, 2006, at a total cost of $712,103,000, with an estimated Federal cost of $31,229,000 and an estimated non-Federal cost of $680,874,000.

SEC. 1002. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.

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

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

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

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

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

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

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

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

(8) DUNLAP STREAM, YUCAIPA, CALIFORNIA.—Project for flood damage reduction, Dunlap Stream, Yucaipa, California.

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

(10) ONTARIO AND CHINO, CALIFORNIA.—Project for flood damage reduction, Ontario and Chino, California.

(11) SANTA VENETIA, CALIFORNIA.—Project for flood damage reduction, Santa Venetia, California.

(12) WHITTIER, CALIFORNIA.—Project for flood damage reduction, Whittier, California.

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

(14) ST. FRANCISVILLE, LOUSIANA.—Project for flood damage reduction, St. Francisville, Louisiana.

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

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

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

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

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

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

(21) ACID BROOK, POMPTON LAKES, NEW JERSEY.—Project for flood damage reduction, Acid Brook, Pompton Lakes, New Jersey.

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

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

(24) DRY AND OTTER CREEKS, CORTLAND, NEW YORK.—Project for flood damage reduction, Dry and Otter Creeks, Cortland, New York.

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

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

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

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

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

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

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

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

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

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

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

(b) SPECIAL RULES.—

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

(2) ONTARIO AND CHINO, CALIFORNIA.—The Secretary shall carry out the project for flood damage reduction, Ontario and Chino, California, referred to in subsection (a) if the Secretary determines that the project is feasible.

(3) SANTA VENETIA, CALIFORNIA.—The Secretary shall carry out the project for flood damage reduction, Santa Venetia, California, referred to in subsection (a) if the Secretary determines that the project is feasible and shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

(4) WHITTIER, CALIFORNIA.—The Secretary shall carry out the project for flood damage reduction, Whittier, California, referred to in subsection (a) if the Secretary determines that the project is feasible.

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

(6) ACID BROOK, POMPTON LAKES, NEW JERSEY.—The Secretary shall carry out the project for flood damage reduction, Acid Brook, Pompton Lakes, New Jersey, referred to in subsection (a) if the Secretary determines that the project is feasible.

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

SEC. 1003. SMALL PROJECTS FOR EMERGENCY STREAMBANK PROTECTION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

(1) ST. JOHNS BLUFF TRAINING WALL, DUVAL COUNTY, FLORIDA.—Project for emergency streambank protection, St. Johns Bluff Training Wall, Duval County, Florida.

(2) GULF INTRACOASTAL WATERWAY, IBERVILLE PARISH, LOUISIANA.—Projects for emergency streambank restoration, Gulf Intracoastal Waterway, Iberville Parish, Louisiana.

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

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

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

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

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

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

(9) DRY AND OTTER CREEKS, CORTLAND COUNTY, NEW YORK.—Project for emergency streambank protection, Dry and Otter Creeks, Cortland County, New York.

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

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

(12) OWEGO CREEK, TIOGA COUNTY, NEW YORK.—Project for emergency streambank protection, Owego Creek, Tioga County, New York.

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

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

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

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

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

SEC. 1004. SMALL PROJECTS FOR NAVIGATION.

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

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

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

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

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

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

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

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

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

(9) TOWER HARBOR, TOWER, MINNESOTA.—Project for navigation, Tower Harbor, Tower, Minnesota.

(10) OLCOTT HARBOR, OLCOTT, NEW YORK.—Project for navigation, Olcott Harbor, Olcott, New York.

(b) SPECIAL RULES.—

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

(2) TOWER HARBOR, TOWER MINNESOTA.—The Secretary shall carry out the project for navigation, Tower Harbor, Tower, Minnesota, referred to in subsection (a) if the Secretary determines that the project is feasible.

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

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a):

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

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

(3) FT. GEORGE INLET, DUVAL COUNTY, FLORIDA.—Project for improvement of the quality of the environment, Ft. George Inlet, Duval County, Florida.

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

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

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

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

SEC. 1006. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION.

(a) IN GENERAL.—The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

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

(2) BLACK LAKE, ALASKA.—Project for aquatic ecosystem restoration, Black Lake, Alaska, at the head of the Chignik watershed.

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

(4) DOCKWEILER BLUFFS, LOS ANGELES COUNTY, CALIFORNIA.—Project for aquatic ecosystem restoration, Dockweiler Bluffs, Los Angeles County, California.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) SPECIAL RULE.—The Secretary shall carry out the project for aquatic ecosystem restoration, Black Lake, Alaska referred to in subsection (a) if the Secretary determines that the project is feasible.

SEC. 1007. SMALL PROJECTS FOR SHORELINE PROTECTION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary

determines that a project is feasible, may carry out the project under section 3 of the Act entitled ''An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property'', approved August 13, 1946 (33 U.S.C. 426g):

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

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

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

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

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

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

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

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

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

TITLE II—GENERAL PROVISIONS

SEC. 2001. NON-FEDERAL CONTRIBUTIONS.

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

''(n) NON-FEDERAL CONTRIBUTIONS.—

''(1) PROHIBITION ON SOLICITATION OF EXCESS CONTRIBUTIONS.—The Secretary may not—

''(A) solicit contributions from non-Federal interests for costs of constructing authorized water resources projects or measures in excess of the non-Federal share assigned to the appropriate project purposes listed in subsections (a), (b), and (c); or

''(B) condition Federal participation in such projects or measures on the receipt of such contributions.

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

SEC. 2002. HARBOR COST SHARING.

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

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

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

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

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

SEC. 2003. FUNDING TO PROCESS PERMITS.

Section 214(c) of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594; 117 Stat. 1836; 119 Stat. 2169; 120 Stat. 318; 120 Stat. 3197) is amended by striking ''2008'' and inserting ''2010''.

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

(a) EXTENSION OF PROGRAM.—Section 5(a) of the Act entitled ''An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property'', approved August 13, 1946 (33 U.S.C. 426h(a)), is amended by striking ''7 years'' and inserting ''10 years''.

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

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

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

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

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

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

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 5(e)(2) of such Act (33 U.S.C. 426h(e)(2)) is amended by striking ''$25,000,000'' and inserting ''$31,000,000''.

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

Section 3 of the Act entitled ''An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property'', approved August 13, 1946 (33 U.S.C. 426g), is amended by striking ''$3,000,000'' and inserting ''$5,000,000''.

SEC. 2006. AQUATIC ECOSYSTEM RESTORATION.

Section 206(e) of the Water Resources Development Act of 1996 (33 U.S.C. 2330) is amended by striking ''$25,000,000'' and inserting ''$40,000,000''.

SEC. 2007. SMALL FLOOD DAMAGE REDUCTION PROJECTS.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking ''$50,000,000'' and inserting ''$60,000,000''.

SEC. 2008. MODIFICATION OF PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.

Section 1135(h) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(h)) is amended by striking ''$25,000,000'' and inserting ''$30,000,000''.

SEC. 2009. WRITTEN AGREEMENT FOR WATER RESOURCES PROJECTS.

(a) IN GENERAL.—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.'';

(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 Secretary (or, where appropriate, 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.—A partnership agreement described in paragraph (1) may include a provision for liquidated damages in the event of a failure of one or more parties to perform.

''(3) OBLIGATION OF FUTURE APPROPRIATIONS.—In any partnership agreement described in paragraph (1) and 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.—A partnership agreement described in paragraph (1) may provide with respect to a project that the Secretary shall credit toward the non-Federal share of the cost of the project, including a project implemented without specific authorization in law, the value of in-kind contributions made by the non-Federal interest, including—

''(i) the costs of planning (including data collection), design, management, mitigation, construction, and construction services that are provided by the non-Federal interest for implementation of the project;

''(ii) the value of materials or services provided before execution of the partnership agreement, including efforts on constructed elements incorporated into the project; and

''(iii) the value of materials and services provided after execution of the partnership agreement.

''(B) CONDITION.—The Secretary shall credit an in-kind contribution under subparagraph (A) if the Secretary determines that the material or service provided as an in-kind contribution is integral to the project.

''(C) WORK PERFORMED BEFORE PARTNERSHIP AGREEMENT.—In any case in which the non-Federal interest is to receive credit under subparagraph (A)(ii) for the cost of work carried out by the non-Federal interest and such work has not been carried out as of the date of enactment of this subparagraph, the Secretary and the non-Federal interest shall enter into an agreement under which the non-Federal interest shall carry out such work, and only work carried out following the execution of the agreement shall be eligible for credit.

''(D) LIMITATIONS.—Credit authorized under this paragraph 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 lands, easements or rights-of-way, or areas for disposal of dredged material for the project;

''(iii) shall not alter any requirement that a non-Federal interest pay a portion of the costs of construction of the project under sections 101 and 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2211; 33 U.S.C. 2213); and

''(iv) 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.

''(E) APPLICABILITY.—

''(i) IN GENERAL.—This paragraph shall apply to water resources projects authorized after November 16, 1986, including projects initiated after November 16, 1986, without specific authorization in law.

''(ii) LIMITATION.—In any case in which a specific provision of law provides for a non-Federal interest to receive credit toward the non-Federal share of the cost of a study for, or construction or operation and maintenance of, a water resources project, the specific provision of law shall apply instead of this paragraph.''.

(b) NON-FEDERAL INTEREST.—Section 221(b) of such Act is amended to read as follows:

''(b) DEFINITION OF NON-FEDERAL INTEREST.—The term 'non-Federal interest' means a legally constituted public body (including a federally recognized Indian tribe), and a nonprofit entity with the consent of the affected local government, that has full authority and capability to perform the terms of its agreement and to pay damages, if necessary, in the event of failure to perform.''.

(c) PROGRAM ADMINISTRATION.—Section 221 of such Act is further amended—

(1) by redesignating subsection (e) as subsection (h); and

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

''(e) DELEGATION OF AUTHORITY.—Not later than September 30, 2008, the Secretary shall issue policies and guidelines for partnership agreements that delegate to the district engineers, at a minimum—

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

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

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

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

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

''(1) The number of partnership agreements signed by district engineers and the number of partnership agreements signed by the Secretary.

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

''(g) PUBLIC AVAILABILITY.—Not later than 120 days after the date of enactment of this subsection, the Chief of Engineers shall—

''(1) ensure that each district engineer has made available to the public, including on the Internet, all partnership agreements entered into under this section within the preceding 10 years and all partnership agreements for water resources projects currently being carried out in that district; and

''(2) make each partnership agreement entered into after such date of enactment available to the public, including on the Internet, not later than 7 days after the date on which such agreement is entered into.''.

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

(1) in paragraph (2)—

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

(B) by striking the last sentence; and

(2) in paragraph (4)—

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

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

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

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

(f) PARTNERSHIP AND COOPERATIVE ARRANGEMENTS; REFERENCES.—

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

(2) REFERENCES TO COOPERATION AGREEMENTS.—Any reference in a law, regulation, document, or other paper of the United States to a ''cooperation agreement'' or ''project cooperation agreement'' shall be deemed to be a reference to a ''partnership agreement'' or a ''project partnership agreement'', respectively.

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

SEC. 2010. ASSISTANCE FOR REMEDIATION, RESTORATION, AND REUSE.

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

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

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2008 through 2012.

SEC. 2011. COMPILATION OF LAWS.

(a) COMPILATION OF LAWS ENACTED AFTER NOVEMBER 8, 1966.—Not later than one year after the date of enactment of this Act, the Secretary and the Chief of Engineers shall prepare a compilation of the laws of the United States relating to the improvement of rivers and harbors, flood damage reduction, beach and shoreline erosion, hurricane and storm damage reduction, ecosystem and environmental restoration, and other water resources development enacted after November 8, 1966, and before January 1, 2008, and have such compilation printed for the use of the Department of the Army, Congress, and the general public.

(b) REPRINT OF LAWS ENACTED BEFORE NOVEMBER 8, 1966.—The Secretary shall have the volumes containing the laws referred to in subsection (a) enacted before November 8, 1966, reprinted.

(c) INDEX.—The Secretary shall include an index in each volume compiled, and each volume reprinted, pursuant to this section.

(d) CONGRESSIONAL COPIES.—Not later than December 1, 2008, the Secretary shall transmit at least 25 copies of each volume compiled, and of each volume reprinted, pursuant to this section to each of the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(e) AVAILABILITY.—The Secretary shall ensure that each volume compiled, and each volume reprinted, pursuant to this section are available through electronic means, including the Internet.

SEC. 2012. DREDGED MATERIAL DISPOSAL.

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 a partnership agreement under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) with one or more non-Federal interests with respect to a water resources project, or group of water resources 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 a partnership agreement under this subsection may perform the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility.

''(3) MULTIPLE PROJECTS.—If a facility to which this subsection applies serves to manage dredged material from multiple water resources projects located in the geographic region of the facility, the Secretary may combine portions of such projects with appropriate combined costsharing between the various projects in a partnership agreement for the facility under this subsection.

''(4) SPECIFIED FEDERAL FUNDING SOURCES AND COST SHARING.—

''(A) SPECIFIED FEDERAL FUNDING.—A partnership agreement with respect to a facility under this subsection shall specify—

''(i) the Federal funding sources and combined cost-sharing when applicable to multiple water resources projects; and

''(ii) the responsibilities and risks of each of the parties relating to present and future dredged material managed by the facility.

''(B) MANAGEMENT OF SEDIMENTS.—

''(i) IN GENERAL.—A partnership agreement under this subsection may include the management of sediments from the maintenance dredging of Federal water resources projects that do not have partnership agreements.

''(ii) PAYMENTS.—A partnership agreement under this subsection 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 processing, treatment, contaminant reduction, or disposal facilities.

''(C) CREDIT.—A partnership agreement under this subsection may allow costs incurred by the non-Federal interest before execution of the partnership agreement to be credited in accordance with section 221(a)(4) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)).

''(5) CREDIT.—

''(A) 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 non-Federal interest for the cost-sharing, construction, and operation and maintenance of a water resources project.

''(B) 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 interest for a water resources project may receive credit for funds provided for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility to the extent the facility is used to manage dredged material from the project.

''(C) NON-FEDERAL INTEREST RESPONSIBILITIES.—A non-Federal interest entering into a partnership agreement under this subsection for a facility shall—

''(i) be responsible for providing all necessary lands, easements, rights-of-way, and relocations associated with the facility; and

''(ii) receive credit toward the non-Federal share of the cost of the project with respect to which the agreement is being entered into 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, contaminant reduction, or'' after ''dredged material'' the first place it appears in each of those paragraphs.

SEC. 2013. WETLANDS MITIGATION.

In carrying out a water resources project that involves wetlands mitigation and that has impacts that occur within the same watershed of a mitigation bank, the Secretary, to the maximum extent practicable and where appropriate, shall first consider the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605) or other applicable Federal law (including regulations).

SEC. 2014. MITIGATION FOR FISH AND WILDLIFE LOSSES.

(a) MITIGATION PLAN CONTENTS.—Section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)) is amended by adding at the end the following:

''(3) CONTENTS.—A mitigation plan shall include—

''(A) a description of the physical action to be undertaken to achieve the mitigation objectives within the watershed in which such losses occur and, in any case in which mitigation must take place outside the watershed, a justification detailing the rationale for undertaking the mitigation outside of the watershed;

''(B) a description of the lands or interests in lands to be acquired for mitigation and the basis for a determination that such lands are available for acquisition;

''(C) the type, amount, and characteristics of the habitat being restored;

''(D) success criteria for mitigation based on replacement of lost functions and values of the habitat, including hydrologic and vegetative characteristics; and

''(E) a plan for any necessary monitoring to determine the success of the mitigation, including the cost and duration of any monitoring and, to the extent practicable, the entities responsible for any monitoring.

''(4) RESPONSIBILITY FOR MONITORING.—In any case in which it is not practicable to identify in a mitigation plan for a water resources project, the entity responsible for monitoring at the time of a final report of the Chief of Engineers or other final decision document for the project, such entity shall be identified in the partnership agreement entered into with the non-Federal interest.''.

(b) STATUS REPORT.—

(1) IN GENERAL.—Concurrent with the President's submission to Congress of the President's request for appropriations for the Civil Works Program for a fiscal year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the status of construction of projects that require mitigation under section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283; 100 Stat. 4186) and the status of such mitigation.

(2) PROJECTS INCLUDED.—The status report shall include the status of all projects that are under construction, all projects for which the President requests funding for the next fiscal year, and all projects that have completed construction, but have not completed the mitigation required under section 906 of the Water Resources Development Act of 1986.

SEC. 2015. REMOTE AND SUBSISTENCE HARBORS.

(a) IN GENERAL.—In conducting a study of harbor and navigation improvements, the Secretary may recommend a project without the need to demonstrate that the project is justified solely by national economic development benefits if the Secretary determines that—

(1)(A) the community to be served by the project is at least 70 miles from the nearest surface accessible commercial port and has no direct rail or highway link to another community served by a surface accessible port or harbor; or

(B) the project would be located in the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, or American Samoa;

(2) the harbor is economically critical such that over 80 percent of the goods transported through the harbor would be consumed within the community served by the harbor and navigation improvement; and

(3) the long-term viability of the community would be threatened without the harbor and navigation improvement.

(b) JUSTIFICATION.—In considering whether to recommend a project under subsection (a), the Secretary shall consider the benefits of the project to—

(1) public health and safety of the local community, including access to facilities designed to protect public health and safety;

(2) access to natural resources for subsistence purposes;

(3) local and regional economic opportunities;

(4) welfare of the local population; and

(5) social and cultural value to the community.

SEC. 2016. BENEFICIAL USES OF DREDGED MATERIAL.

(a) IN GENERAL.—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended by striking subsections (c) through (g) and inserting the following:

''(c) IN GENERAL.—The Secretary may carry out projects to transport and place sediment obtained in connection with the construction, operation, or maintenance of an authorized water resources project at locations selected by a non-Federal entity for use in the construction, repair, or rehabilitation of projects determined by the Secretary to be in the public interest and associated with navigation, flood damage reduction, hydroelectric power, municipal and industrial water supply, agricultural water supply, recreation, hurricane and storm damage reduction, aquatic plant control, and environmental protection and restoration.

''(d) COOPERATIVE AGREEMENT.—Any project undertaken pursuant to this section shall be initiated only after non-Federal interests have entered into an agreement with the Secretary in which the non-Federal interests agree to pay the non-Federal share of the cost of construction of the project and 100 percent of the cost of operation, maintenance, replacement, and rehabilitation of the project in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

''(e) SPECIAL RULE.—Construction of a project under subsection (a) for one or more of the purposes of protection, restoration, or creation of aquatic and ecologically related habitat, the cost of which does not exceed $750,000 and which will be located in a disadvantaged community as determined by the Secretary, may be carried out at Federal expense.

''(f) DETERMINATION OF CONSTRUCTION COSTS.—Costs associated with construction of a project under this section shall be limited solely to construction costs that are in excess of those costs necessary to carry out the dredging for construction, operation, or maintenance of the authorized water resources project in the most cos- effective way, consistent with economic, engineering, and environmental criteria.

''(g) SELECTION OF SEDIMENT DISPOSAL METHOD.—In developing and carrying out a water resources project involving the disposal of sediment, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least cost option if the Secretary determines that the incremental costs of such disposal method are reasonable in relation to the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion. The Federal share of such incremental costs shall be determined in accordance with subsections (d) and (f).

''(h) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $30,000,000 annually for projects under this section of which not more than $3,000,000 annually may be used for construction of projects described in subsection (e). Such sums shall remain available until expended.

''(j) REGIONAL SEDIMENT MANAGEMENT PLANNING.—In consultation with appropriate State and Federal agencies, the Secretary may develop, at Federal expense, plans for regional management of sediment obtained in conjunction with the construction, operation, or maintenance of water resources projects, including potential beneficial uses of sediment for construction, repair, or rehabilitation of public projects for navigation, flood damage reduction, hydroelectric power, municipal and industrial water supply, agricultural water supply, recreation, hurricane and storm damage reduction, aquatic plant control, and environmental protection and restoration.

''(k) USE OF FUNDS.—

''(1) NON-FEDERAL INTEREST.—The non-Federal interest for a project described in this section may use, and the Secretary shall accept, funds provided under any other Federal program, to satisfy, in whole or in part, the non-Federal share of the cost of such project if such funds are authorized to be used to carry out such project.

''(2) OTHER FEDERAL AGENCIES.—The non-Federal share of the cost of construction of a project under this section may be met through contributions from a Federal agency made directly to the Secretary, with the consent of the affected local government, if such funds are authorized to be used to carry out such project. Before initiating a project to which this paragraph applies, the Secretary shall enter into an agreement with a non-Federal interest in which the non-Federal interest agrees to pay 100 percent of the cost of operation, maintenance, replacement, and rehabilitation of the project.''.

(b) REPEAL.—

(1) IN GENERAL.—Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is repealed.

(2) HOLD HARMLESS.—The repeal made by paragraph (1) shall not affect the authority of the Secretary to complete any project being carried out under such section 145 on the day before the date of enactment of this Act.

(c) PRIORITY AREAS.—In carrying out section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326), the Secretary shall give priority to the following:

(1) A project at Little Rock Slackwater Harbor, Arkansas.

(2) A project at Egmont Key, Florida.

(3) A project in the vicinity of Calcasieu Ship Channel, Louisiana.

(4) A project in the vicinity of the Smith Point Park Pavilion and the TWA Flight 800 Memorial, Brookhaven, New York.

(5) A project in the vicinity of Morehead City, North Carolina.

(6) A project in the vicinity of Galveston Bay, Texas.

(7) A project at Benson Beach, Washington.

SEC. 2017. COST-SHARING PROVISIONS FOR CERTAIN AREAS.

Section 1156 of the Water Resources Development Act of 1986 (33 U.S.C. 2310; 100 Stat. 4256) is amended to read as follows:

"SEC. 1156. COST-SHARING PROVISIONS FOR CERTAIN AREAS.

''The Secretary shall waive local cost-sharing requirements up to $500,000 for all studies and projects—

''(1) in the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands;

''(2) in Indian country (as defined in section 1151 of title 18, United States Code, and including lands that are within the jurisdictional area of an Oklahoma Indian tribe, as determined by the Secretary of the Interior, and are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations); or

''(3) on land in the State of Alaska owned by an Alaska Native Regional Corporation or an Alaska Native Village Corporation (as those terms are defined in the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)) or the Metlakatla Indian community.''.

SEC. 2018. USE OF OTHER FEDERAL FUNDS.

The non-Federal interest for a water resources study or project may use, and the Secretary shall accept, funds provided by a Federal agency under any other Federal program, to satisfy, in whole or in part, the non-Federal share of the cost of the study or project if such funds are authorized to be used to carry out the study or project.

SEC. 2019. REVISION OF PROJECT PARTNERSHIP AGREEMENT.

Upon authorization by law of an increase in the maximum amount of Federal funds that may be allocated for a water resources project or an increase in the total cost of a water resources project authorized to be carried out by the Secretary, the Secretary shall revise the partnership agreement for the project to take into account the change in Federal participation in the project.

SEC. 2020. COST SHARING.

An increase in the maximum amount of Federal funds that may be allocated for a water resources project, or an increase in the total cost of a water resources project, authorized to be carried out by the Secretary shall not affect any cost-sharing requirement applicable to the project.

SEC. 2021. EXPEDITED ACTIONS FOR EMERGENCY FLOOD DAMAGE REDUCTION.

The Secretary shall expedite any authorized planning, design, and construction of any project for flood damage reduction for an area that, within the preceding 5 years, has been subject to flooding that resulted in the loss of life and caused damage of sufficient severity and magnitude to warrant a declaration of a major disaster by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 2022. WATERSHED AND RIVER BASIN ASSESSMENTS.

(a) IN GENERAL.—Section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a; 114 Stat. 2587–2588; 100 Stat. 4164) is amended—

(1) in subsection (d)—

(A) by striking ''and'' at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ''';'''; and

(C) by adding at the end the following:

''(6) Tuscarawas River Basin, Ohio;

''(7) Sauk River Basin, Snohomish and Skagit Counties, Washington;

''(8) Niagara River Basin, New York;

''(9) Genesee River Basin, New York; and

''(10) White River Basin, Arkansas and Missouri.''';

(2) by striking paragraph (1) of subsection (f) and inserting the following:

''(1) NON-FEDERAL SHARE.—The non-Federal share of the costs of an assessment carried out under this section on or after December 11, 2000, shall be 25 percent.''; and

(3) by striking subsection (g).

(b) REVISION OF PARTNERSHIP AGREEMENT.—The Secretary shall revise the partnership agreement for any assessment being carried out under such section 729 to take into account the change in non-Federal participation in the assessment as a result of the amendments made by subsection (a).

SEC. 2023. TRIBAL PARTNERSHIP PROGRAM.

(a) SCOPE.—Section 203(b)(1)(B) of the Water Resources Development Act of 2000 (33 U.S.C. 2269(b)(1)(B); 114 Stat. 2589) is amended by inserting after ''Code'' the following: '', and including lands that are within the jurisdictional area of an Oklahoma Indian tribe, as determined by the Secretary of the Interior, and are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 203(e) of such Act is amended by striking ''2006'' and inserting ''2012''.

SEC. 2024. 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. 2025. TECHNICAL ASSISTANCE.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) in subsection (a) by striking ''(a) The Secretary'' and inserting the following:

''(a) FEDERAL STATE COOPERATION.—

''(1) COMPREHENSIVE PLANS.—The Secretary'';

(2) by inserting after the last sentence in subsection (a) the following:

''(2) TECHNICAL ASSISTANCE.—

''(A) IN GENERAL.—At the request of a governmental agency or non-Federal interest, the Secretary may provide, at Federal expense, technical assistance to such agency or non-Federal interest in managing water resources.

''(B) TYPES OF ASSISTANCE.—Technical assistance under this paragraph may include provision and integration of hydrologic, economic, and environmental data and analyses.'';

(3) in subsection (b)(1) by striking ''this section'' each place it appears and inserting ''subsection (a)(1)'';

(4) in subsection (b)(3) by striking ''Up to ½ of the'' and inserting ''The'';

(5) in subsection (c) by striking ''(c) There is'' and inserting the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) FEDERAL AND STATE COOPERATION.—There is'';

(6) in subsection (c)(1) (as designated by paragraph (5))—

(A) by striking ''the provisions of this section'' and inserting ''subsection (a)(1)''; and

(B) by striking ''$500,000'' and inserting ''$1,000,000'';

(7) by inserting at the end of subsection (c) the following:

''(2) TECHNICAL ASSISTANCE.—There is authorized to be appropriated $5,000,000 annually to carry out subsection (a)(2), of which not more than $2,000,000 annually may be used by the Secretary to enter into cooperative agreements with nonprofit organizations to provide assistance to rural and small communities.'';

(8) by redesignating subsection (d) as subsection (e); and

(9) by inserting after subsection (c) the following:

''(d) ANNUAL SUBMISSION OF PROPOSED ACTIVITIES.—Concurrent with the President's submission to Congress of the President's request for appropriations for the Civil Works Program for a fiscal year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the individual activities proposed for funding under subsection (a)(1) for that fiscal year.''.

SEC. 2026. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148; 110 Stat. 3758; 113 Stat. 295) is amended—

(1) by striking ''and'' at end of paragraph (18);

(2) by striking the period at the end of paragraph (19) and inserting a semicolon; and

(3) by adding at the end the following:

''(20) Kinkaid Lake, Jackson County, Illinois, removal of silt and aquatic growth and measures to address excessive sedimentation;

''(21) McCarter Pond, Borough of Fairhaven, New Jersey, removal of silt and measures to address water quality;

''(22) Rogers Pond, Franklin Township, New Jersey, removal of silt and restoration of structural integrity;

''(23) Greenwood Lake, New York and New Jersey, removal of silt and aquatic growth;

''(24) Lake Rodgers, Creedmoor, North Carolina, removal of silt and excessive nutrients and restoration of structural integrity; and

''(25) Lake Luxembourg, Pennsylvania.''.

SEC. 2027. COORDINATION AND SCHEDULING OF FEDERAL, STATE, AND LOCAL ACTIONS.

(a) NOTICE OF INTENT.—Upon request of the non-Federal interest in the form of a written notice of intent to construct or modify a non-Federal water supply, wastewater infrastructure, flood damage reduction, storm damage reduction, ecosystem restoration, or navigation project that requires the approval of the Secretary, the Secretary shall initiate, subject to subsection (g)(1), procedures to establish a schedule for consolidating Federal, State, and local agency and Indian tribe environmental assessments, project reviews, and issuance of all permits for the construction or modification of the project. The non-Federal interest shall submit to the Secretary, with the notice of intent, studies and documentation, including environmental reviews, that may be required by Federal law for decisionmaking on the proposed project. All States and Indian tribes having jurisdiction over the proposed project shall be invited by the Secretary, but shall not be required, to participate in carrying out this section with respect to the project.

(b) PROCEDURAL REQUIREMENTS.—Within 15 days after receipt of notice under subsection (a), the Secretary shall publish such notice in the Federal Register. The Secretary also shall provide written notification of the receipt of a notice under subsection (a) to all State and local agencies and Indian tribes that may be required to issue permits for the construction of the project or related activities. The Secretary shall solicit the cooperation of those agencies and request their entry into a memorandum of agreement described in subsection (c) with respect to the project. Within 30 days after publication of the notice in the Federal Register, State and local agencies and Indian tribes that intend to enter into the memorandum of agreement with respect to the project shall notify the Secretary of their intent in writing.

(c) SCHEDULING AGREEMENT.—Within 90 days after the date of receipt of notice under subsection (a) with respect to a project, the Secretary of the Interior, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, as necessary, and any State or local agencies that have notified the Secretary under subsection (b) shall enter into an agreement with the Secretary establishing a schedule of decisionmaking for approval of the project and permits associated with the project and with related activities.

(d) CONTENTS OF AGREEMENT.—An agreement entered into under subsection (c) with respect to a project, to the extent practicable, shall consolidate hearing and comment periods, procedures for data collection and report preparation, and the environmental review and permitting processes associated with the project and related activities. The agreement shall detail, to the extent possible, the non-Federal interest's responsibilities for data development and information that may be necessary to process each permit required for the project, including a schedule when the information and data will be provided to the appropriate Federal, State, or local agency or Indian tribe.

(e) REVISION OF AGREEMENT.—The Secretary may revise an agreement entered into under subsection (c) with respect to a project once to extend the schedule to allow the non-Federal interest the minimum amount of additional time necessary to revise its original application to meet the objections of a Federal, State, or local agency or Indian tribe that is a party to the agreement.

(f) FINAL DECISION.—Not later than the final day of a schedule established by an agreement entered into under subsection (c) with respect to a project, the Secretary shall notify the non-Federal interest of the final decision on the project and whether the permit or permits have been issued.

(g) COSTS OF COORDINATION.—The costs incurred by the Secretary to establish and carry out a schedule to consolidate Federal, State, and local agency and Indian tribe environmental assessments, project reviews, and permit issuance for a project under this section shall be paid by the non-Federal interest.

(h) REPORT ON TIMESAVINGS METHODS.—Not later than 3 years after the date of enactment of this section, the Secretary shall prepare and transmit to Congress a report estimating the time required for the issuance of all Federal, State, local, and tribal permits for the construction of non-Federal projects for water supply, wastewater infrastructure, flood damage reduction, storm damage reduction, ecosystem restoration, and navigation. The Secretary shall include in that report recommendations for further reducing the amount of time required for the issuance of those permits, including any proposed changes in existing law.

SEC. 2028. PROJECT STREAMLINING.

(a) POLICY.—The benefits of water resources projects are important to the Nation's economy and environment, and recommendations to Congress regarding such projects should not be delayed due to uncoordinated or inefficient reviews or the failure to timely resolve disputes during the development of water resources projects.

(b) SCOPE.—This section shall apply to each study initiated after the date of enactment of this Act to develop a feasibility report under section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282), or a reevaluation report, for a water resources project if the Secretary determines that such study requires an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) WATER RESOURCES PROJECT REVIEW PROCESS.—The Secretary shall develop and implement a coordinated review process for the development of water resources projects.

(d) COORDINATED REVIEWS.—

(1) IN GENERAL.—The coordinated review process under this section shall provide that all reviews, analyses, opinions, permits, licenses, and approvals that must be issued or made by a Federal, State, or local government agency or Indian tribe for the development of a water resources project described in subsection (b) will be conducted, to the maximum extent practicable, concurrently and completed within a time period established by the Secretary, in cooperation with the agencies identified under subsection (e) with respect to the project.

(2) AGENCY PARTICIPATION.—Each Federal agency identified under subsection (e) with respect to the development of a water resources project shall formulate and implement administrative policy and procedural mechanisms to enable the agency to ensure completion of reviews, analyses, opinions, permits, licenses, and approvals described in paragraph (1) for the project in a timely and environmentally responsible manner.

(e) IDENTIFICATION OF JURISDICTIONAL AGENCIES.—With respect to the development of each water resources project, the Secretary shall identify, as soon as practicable all Federal, State, and local government agencies and Indian tribes that may—

(1) have jurisdiction over the project;

(2) be required by law to conduct or issue a review, analysis, or opinion for the project; or

(3) be required to make a determination on issuing a permit, license, or approval for the project.

(f) STATE AUTHORITY.—If the coordinated review process is being implemented under this section by the Secretary with respect to the development of a water resources project described in subsection (b) within the boundaries of a State, the State, consistent with State law, may choose to participate in the process and to make subject to the process all State agencies that—

(1) have jurisdiction over the project;

(2) are required to conduct or issue a review, analysis, or opinion for the project; or

(3) are required to make a determination on issuing a permit, license, or approval for the project.

(g) MEMORANDUM OF UNDERSTANDING.—The coordinated review process developed under this section may be incorporated into a memorandum of understanding for a water resources project between the Secretary, the heads of Federal, State, and local government agencies, Indian tribes identified under subsection (e), and the non-Federal interest for the project.

(h) EFFECT OF FAILURE TO MEET DEADLINE.—

(1) NOTIFICATION OF CONGRESS AND CEQ.—If the Secretary determines that a Federal, State, or local government agency, Indian tribe, or non-Federal interest that is participating in the coordinated review process under this section with respect to the development of a water resources project has not met a deadline established under subsection (d) for the project, the Secretary shall notify, within 30 days of the date of such determination, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, the Council on Environmental Quality, and the agency, Indian tribe, or non-Federal interest involved about the failure to meet the deadline.

(2) AGENCY REPORT.—Not later than 30 days after the date of receipt of a notice under paragraph (1), the Federal, State, or local government agency, Indian tribe, or non-Federal interest involved may submit a report to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Council on Environmental Quality explaining why the agency, Indian tribe, or non-Federal interest did not meet the deadline and what actions it intends to take to complete or issue the required review, analysis, or opinion or determination on issuing a permit, license, or approval.

(i) PURPOSE AND NEED AND DETERMINATION OF REASONABLE ALTERNATIVES.—

(1) IN GENERAL.—The Secretary, as the Federal lead agency responsible for carrying out a study for a water resources project and the associated process for meeting the requirements of the National Environmental Policy Act of 1969, shall—

(A) define the project's purpose and need for purposes of any document which the Secretary is responsible for preparing for the project and shall determine the range of alternatives for consideration in any document which the Secretary is responsible for preparing for the project; and

(B) determine, in collaboration with participating agencies at appropriate times during the study process, the methodologies to be used and the level of detail required in the analysis of each alternative for the project.

(2) PREFERRED ALTERNATIVE.—At the discretion of the Secretary, the preferred alternative for a project, after being identified, may be developed to a higher level of detail than other alternatives.

(j) LIMITATIONS.—Nothing in this section shall preempt or interfere with—

(1) any statutory requirement for seeking public comment;

(2) any power, jurisdiction, or authority that a Federal, State, or local government agency, Indian tribe, or non-Federal interest has with respect to carrying out a water resources project; or

(3) any obligation to comply with the provisions of the National Environmental Policy Act of 1969 and the regulations issued by the Council on Environmental Quality to carry out such Act.

SEC. 2029. COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—For the purpose of expediting the cost-effective design and construction of wetlands restoration that is part of an authorized water resources project, the Secretary may enter into cooperative agreements under section 6305 of title 31, United States Code, with nonprofit organizations with expertise in wetlands restoration to carry out such design and construction on behalf of the Secretary.

(b) LIMITATIONS.—

(1) PER PROJECT LIMIT.—A cooperative agreement under this section shall not obligate the Secretary to pay the nonprofit organization more than $1,000,000 for any single wetlands restoration project.

(2) ANNUAL LIMIT.—The total value of work carried out under cooperative agreements under this section may not exceed $5,000,000 in any fiscal year.

SEC. 2030. TRAINING FUNDS.

(a) IN GENERAL.—The Secretary may include individuals not employed by the Department of the Army in training classes and courses offered by the Corps of Engineers in any case in which the Secretary determines that it is in the best interest of the Federal Government to include those individuals as participants.

(b) EXPENSES.—

(1) IN GENERAL.—An individual not employed by the Department of the Army attending a training class or course described in subsection (a) shall pay the full cost of the training provided to the individual.

(2) PAYMENTS.—Payments made by an individual for training received under paragraph (1), up to the actual cost of the training—

(A) may be retained by the Secretary;

(B) shall be credited to an appropriations 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. 2031. ACCESS TO WATER RESOURCE DATA.

(a) IN GENERAL.—The Secretary shall carry out a program to provide public access to water resources and related water quality data in the custody of the Corps of Engineers.

(b) DATA.—Public access under subsection (a) shall—

(1) include, at a minimum, access to data generated in water resources project development and regulation under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(2) appropriately employ geographic information system technology and linkages to water resource models and analytical techniques.

(c) PARTNERSHIPS.—To the maximum extent practicable, in carrying out activities under this section, the Secretary shall develop partnerships, including cooperative agreements with State, tribal, and local governments and other Federal agencies.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each fiscal year.

SEC. 2032. SHORE PROTECTION PROJECTS.

(a) IN GENERAL.—In accordance with the Act of July 3, 1930 (33 U.S.C. 426), and notwithstanding administrative actions, it is the policy of the United States to promote beach nourishment for the purposes of flood damage reduction and hurricane and storm damage reduction and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach renourishment for a period of 50 years, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises.

(b) PREFERENCE.—In carrying out the policy under subsection (a), preference shall be given to—

(1) areas in which there has been a Federal investment of funds for the purposes described in subsection (a); and

(2) areas with respect to which the need for prevention or mitigation of damage to shores and beaches is attributable to Federal navigation projects or other Federal activities.

(c) APPLICABILITY.—The Secretary shall apply the policy under subsection (a) to each shore protection and beach renourishment project (including shore protection and beach renourishment projects constructed before the date of enactment of this Act).

SEC. 2033. ABILITY TO PAY.

(a) CRITERIA AND PROCEDURES.—Section 103(m)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)(2)) is amended by striking ''180 days after such date of enactment'' and inserting ''September 30, 2007''.

(b) PROJECTS.—The Secretary shall apply the criteria and procedures referred to in section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) to the following projects:

(1) ST. JOHNS BAYOU AND NEW MADRID FLOODWAY, MISSOURI.—The project for flood control, St. Johns Bayou and New Madrid Floodway, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118).

(2) LOWER RIO GRANDE BASIN, TEXAS.—The project for flood control, Lower Rio Grande Basin, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125).

(3) WEST VIRGINIA AND PENNSYLVANIA PROJECTS.—The projects for flood control authorized by section 581 of the Water Resources Development Act of 1996 (110 Stat. 3790–3791).

SEC. 2034. LEASING AUTHORITY.

Section 4 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes'', approved December 22, 1944 (16 U.S.C. 460d), is amended—

(1) by inserting ''federally recognized Indian tribes and'' before ''Federal'' the first place it appears;

(2) by inserting ''Indian tribes or'' after ''considerations, to such''; and

(3) by inserting ''federally recognized Indian tribe'' after ''That in any such lease or license to a''.

SEC. 2035. COST ESTIMATES.

The estimated Federal and non-Federal costs of projects authorized to be carried out by the Secretary before, on, or after the date of enactment of this Act are for informational purposes only and shall not be interpreted as affecting the cost sharing responsibilities established by law.

SEC. 2036. PROJECT PLANNING.

(a) DETERMINATION OF CERTAIN NATIONAL BENEFITS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that, consistent with the Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies (1983), the Secretary may select a water resources project alternative that does not maximize net national economic development benefits or net national ecosystem restoration benefits if there is an overriding reason based on other Federal, State, local, or international concerns.

(2) FLOOD DAMAGE REDUCTION, NAVIGATION, AND HURRICANE STORM DAMAGE REDUCTION PROJECTS.—With respect to a water resources project the primary purpose of which is flood damage reduction, navigation, or hurricane and storm damage reduction, an overriding reason for selecting a plan other than the plan that maximizes net national economic development benefits may be if the Secretary determines, and the non-Federal interest concurs, that an alternative plan is feasible and achieves the project purposes while providing greater ecosystem restoration benefits.

(3) ECOSYSTEM RESTORATION PROJECTS.—With respect to a water resources project the primary purpose of which is ecosystem restoration, an overriding reason for selecting a plan other than the plan that maximizes net national ecosystem restoration benefits may be if the Secretary determines, and the non-Federal interest concurs, that an alternative plan is feasible and achieves the project purposes while providing greater economic development benefits.

(b) IDENTIFYING ADDITIONAL BENEFITS AND PROJECTS.—

(1) PRIMARILY ECONOMIC BENEFITS.—In conducting a study of the feasibility of a project where the primary benefits are expected to be economic, the Secretary may identify ecosystem restoration benefits that may be achieved in the study area and, after obtaining the participation of a non-Federal interest, may study and recommend construction of additional measures, a separate project, or separable project element to achieve those benefits.

(2) PRIMARILY ECOSYSTEM RESTORATION BENEFITS.—In conducting a study of the feasibility of a project where the primary benefits are expected to be associated with ecosystem restoration, the Secretary may identify economic benefits that may be achieved in the study area and, after obtaining the participation of a non-Federal interest, may study and recommend construction of additional measures, a separate project, or separable project element to achieve those benefits.

(3) RULES APPLICABLE TO CERTAIN MEASURES, PROJECTS, AND ELEMENTS.—Any additional measures, separate project, or separable element identified under paragraph (1) or (2) and recommended for construction shall not be considered integral to the underlying project and, if authorized, shall be subject to a separate partnership agreement, unless a non-Federal interest agrees to share in the cost of the additional measures, project, or separable element.

(c) CALCULATION OF BENEFITS AND COSTS FOR FLOOD DAMAGE REDUCTION PROJECTS.—A feasibility study for a project for flood damage reduction shall include, as part of the calculation of benefits and costs—

(1) a calculation of the residual risk of flooding following completion of the proposed project;

(2) a calculation of any upstream or downstream impacts of the proposed project; and

(3) calculations to ensure that the benefits and costs associated with structural and nonstructural alternatives are evaluated in an equitable manner.

SEC. 2037. INDEPENDENT PEER REVIEW.

(a) PROJECT STUDIES SUBJECT TO INDEPENDENT PEER REVIEW.—

(1) IN GENERAL.—Project studies shall be subject to a peer review by an independent panel of experts as determined under this section.

(2) SCOPE.—The peer review may include a review of the economic and environmental assumptions and projections, project evaluation data, economic analyses, environmental analyses, engineering analyses, formulation of alternative plans, methods for integrating risk and uncertainty, models used in evaluation of economic or environmental impacts of proposed projects, and any biological opinions of the project study.

(3) PROJECT STUDIES SUBJECT TO PEER REVIEW.—

(A) MANDATORY.—A project study shall be subject to peer review under paragraph (1)—

(i) if the project has an estimated total cost of more than $50,000,000, including mitigation costs, and is not determined by the Chief of Engineers to be exempt from peer review under paragraph (6); or

(ii) the Governor of an affected State requests a peer review by an independent panel of experts.

(B) DISCRETIONARY.—A project study may be subject to peer review if—

(i) the head of a Federal or State agency charged with reviewing the project study determines that the project is likely to have a significant adverse impact on environmental, cultural, or other resources under the jurisdiction of the agency after implementation of proposed mitigation plans and requests a peer review by an independent panel of experts; or

(ii) the Chief of Engineers determines that the project study is controversial.

(4) CONTROVERSIAL PROJECTS.—Upon receipt of a written request under paragraph (3)(B) or on the initiative of the Chief of Engineers, the Chief of Engineers shall determine whether a project study is controversial.

(5) FACTORS TO CONSIDER.—In determining whether a project study is controversial, the Chief of Engineers shall consider if—

(A) there is a significant public dispute as to the size, nature, or effects of the project; or

(B) there is a significant public dispute as to the economic or environmental costs or benefits of the project.

(6) PROJECT STUDIES EXCLUDED FROM PEER REVIEW.—Project studies that may be excluded from peer review under paragraph (1) are—

(A) a study for a project the Chief of Engineers determines—

(i) is not controversial;

(ii) has no more than negligible adverse impacts on scarce or unique cultural, historic, or tribal resources;

(iii) has no substantial adverse impacts on fish and wildlife species and their habitat prior to the implementation of mitigation measures; and

(iv) has, before implementation of mitigation measures, no more than a negligible adverse impact on a species listed as endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1539 et seq.) or the critical habitat of such species designated under such Act; and

(B) a study for a project pursued under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g), section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), section 107(a) of the River and Harbor Act of

1960 (33 U.S.C. 577(a)), section 3 of the Act entitled ''An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property'', approved August 13, 1946 (33 U.S.C. 426g), section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i), section 3 of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1945 (33 U.S.C. 603a), section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), or section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

(7) APPEAL.—The decision of the Chief of Engineers whether to peer review a project study shall be published in the Federal Register and shall be subject to appeal by a person referred to in paragraph (3)(B)(i) or (3)(B)(ii) to the Secretary of the Army if such appeal is made within the 30-day period following the date of such publication.

(8) DETERMINATION OF PROJECT COST.—For purposes of determining the estimated total cost of a project under paragraph (3)(A), the project cost shall be based upon the reasonable estimates of the Chief of Engineers at the completion of the reconnaissance study for the project. If the reasonable estimate of project costs is subsequently determined to be in excess of the amount in paragraph (3)(A), the Chief of Engineers shall make a determination whether a project study should be reviewed under this section.

(b) TIMING OF PEER REVIEW.—The Chief of Engineers shall determine the timing of a peer review of a project study under subsection (a). In all cases, the peer review shall occur during the period beginning on the date of the completion of the reconnaissance study for the project and ending on the date the draft report of the Chief of Engineers for the project is made available for public comment. Where the Chief of Engineers has not initiated a peer review of a project study, the Chief of Engineers shall consider, at a minimum, whether to initiate a peer review at the time that—

(1) the without-project conditions are identified;

(2) the array of alternatives to be considered are identified; and

(3) the preferred alternative is identified.

Nothing in this subsection shall be construed to require the Chief of Engineers to conduct multiple peer reviews for a project study.

(c) ESTABLISHMENT OF PANELS.—

(1) IN GENERAL.—For each project study subject to peer review under subsection (a), as soon as practicable after the Chief of Engineers determines that a project study will be subject to peer review, the Chief of Engineers shall contract with the National Academy of Sciences (or a similar independent scientific and technical advisory organization), or an eligible organization, to establish a panel of experts to peer review the project study for technical and scientific sufficiency.

(2) MEMBERSHIP.—A panel of experts established for a project study under this section shall be composed of independent experts who represent a balance of areas of expertise suitable for the review being conducted.

(3) LIMITATION ON APPOINTMENTS.—An individual may not be selected to serve on a panel of experts established for a project study under this section if the individual has a financial or close professional association with any organization or group with a strong financial or organizational interest in the project.

(4) CONGRESSIONAL NOTIFICATION.—Upon identification of a project study for peer review under this section, but prior to initiation of any review, the Chief of Engineers shall notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of such review.

(d) DUTIES OF PANELS.—A panel of experts established for a peer review for a project study under this section shall, consistent with the scope of the referral for review—

(1) conduct a peer review for the project study submitted to the panel for review;

(2) assess the adequacy and acceptability of the economic and environmental methods, models, and analyses used by the Chief of Engineers;

(3) provide timely written and oral comments to the Chief of Engineers throughout the development of the project study, as requested; and

(4) submit to the Chief of Engineers a final report containing the panel's economic, engineering, and environmental analysis of the project study, including the panel's assessment of the adequacy and acceptability of the economic and environmental methods, models, and analyses used by the Chief of Engineers, to accompany the publication of the project study.

(e) DURATION OF PROJECT STUDY PEER REVIEWS.—

(1) DEADLINE.—A panel of experts shall—

(A) complete its peer review under this section for a project study and submit a report to the Chief of Engineers under subsection (d)(4) within 180 days after the date of establishment of the panel, or, if the Chief of Engineers determines that a longer period of time is necessary, such period of time established by the Chief of Engineers, but in no event later than 90 days after the date a draft project study is made available for public review; and

(B) terminate on the date of submission of the report.

(2) FAILURE TO MEET DEADLINE.—If a panel does not complete its peer review of a project study under this section and submit a report to the Chief of Engineers under subsection (d)(4) on or before the deadline established by paragraph (1) for the project study, the Chief of Engineers shall continue the project study for the project that is subject to peer review by the panel without delay.

(f) RECOMMENDATIONS OF PANEL.—

(1) CONSIDERATION BY THE CHIEF OF ENGINEERS.—After receiving a report on a project study from a panel of experts under this section and before entering a final record of decision for the project, the Chief of Engineers shall consider any recommendations contained in the report and prepare a written response for any recommendations adopted or not adopted.

(2) PUBLIC AVAILABILITY AND TRANSMITTAL TO CONGRESS.—After receiving a report on a project study from a panel of experts under this section, the Chief of Engineers shall—

(A) make a copy of the report and any written response of the Chief of Engineers on recommendations contained in the report available to the public; and

(B) transmit to Congress a copy of the report, together with any such written response, on the date of a final report of the Chief of Engineers or other final decision document for a project study that is subject to peer review by the panel.

(g) COSTS.—

(1) IN GENERAL.—The costs of a panel of experts established for a peer review under this section—

(A) shall be a Federal expense; and

(B) shall not exceed $500,000.

(2) WAIVER.—The Chief of Engineers may waive the $500,000 limitation contained in paragraph (1)(B) in cases that the Chief of Engineers determines appropriate.

(h) APPLICABILITY.—This section shall apply to—

(1) project studies initiated during the 2-year period preceding the date of enactment of this Act and for which the array of alternatives to be considered has not been identified; and

(2) project studies initiated during the period beginning on such date of enactment and ending 4 years after such date of enactment.

(i) REPORT.—Within 4½ years of the date of enactment of this section, the Chief of Engineers shall submit a report to Congress on the implementation of this section.

(j) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any peer review panel established under this section.

(k) SAVINGS CLAUSE.—Nothing in this section shall be construed to affect any authority of the Chief of Engineers to cause or conduct a peer review of a water resources project existing on the date of enactment of this section.

(l) DEFINITIONS.—In this section, the following definitions apply:

(1) PROJECT STUDY.—The term ''project study'' means a feasibility study or reevaluation study for a project. The term also includes any other study associated with a modification or update of a project that includes an environmental impact statement, including the environmental impact statement.

(2) AFFECTED STATE.—The term ''affected State'', as used with respect to a project, means a State all or a portion of which is within the drainage basin in which the project is or would be located and would be economically or environmentally affected as a consequence of the project.

(3) ELIGIBLE ORGANIZATION.—The term ''eligible organization'' means an organization that—

(A) is described in section 501(c)(3), and exempt from Federal tax under section 501(a), of the Internal Revenue Code of 1986;

(B) is independent;

(C) is free from conflicts of interest;

(D) does not carry out or advocate for or against Federal water resources projects; and

(E) has experience in establishing and administering peer review panels.

SEC. 2038. STUDIES AND REPORTS FOR WATER RESOURCES PROJECTS.

(a) STUDIES.—

(1) COST-SHARING REQUIREMENTS.—Section 105(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)) is amended by adding at the end the following:

''(3) DETAILED PROJECT REPORTS.—The requirements of this subsection that apply to a feasibility study also shall apply to a study that results in a detailed project report, except that—

''(A) the first $100,000 of the costs of a study that results in a detailed project report shall be a Federal expense; and

''(B) paragraph (1)(C)(ii) shall not apply to such a study.''.

(2) PLANNING AND ENGINEERING.—Section 105(b) of such Act (33 U.S.C. 2215(b)) is amended by striking ''authorized by this Act''.

(3) DEFINITIONS.—Section 105 of such Act (33 U.S.C. 2215) is amended by adding at the end the following:

''(d) DEFINITIONS.—In this section, the following definitions apply:

''(1) DETAILED PROJECT REPORT.—The term 'detailed project report' means a report for a project not specifically authorized by Congress in law or otherwise that determines the feasibility of the project with a level of detail appropriate to the scope and complexity of the recommended solution and sufficient to proceed directly to the preparation of contract plans and specifications. The term includes any associated environmental impact statement and mitigation plan. For a project for which the Federal cost does not exceed $1,000,000, the term includes a planning and design analysis document.

''(2) FEASIBILITY STUDY.—The term 'feasibility study' means a study that results in a feasibility report under section 905, and any associated environmental impact statement and mitigation plan, prepared by the Corps of Engineers for a water resources project. The term includes a study that results in a project implementation report prepared under title VI of the Water Resources Development Act of 2000 (114 Stat. 2680–2694), a general reevaluation report, and a limited reevaluation report.''.

(b) REPORTS.—

(1) PREPARATION.—Section 905(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(a)) is amended—

(A) by striking ''(a) In the case of any'' and inserting the following:

''(a) PREPARATION OF REPORTS.—

''(1) IN GENERAL.—In the case of any'';

(B) by striking ''the Secretary, the Secretary shall'' and inserting ''the Secretary that results in recommendations concerning a project or the operation of a project and that requires specific authorization by Congress in law or otherwise, the Secretary shall perform a reconnaissance study and'';

(C) by striking ''Such feasibility report'' and inserting the following:

''(2) CONTENTS OF FEASIBILITY REPORTS.—A feasibility report'';

(D) by striking ''The feasibility report'' and inserting ''A feasibility report''; and

(E) by striking the last sentence and inserting the following:

''(3) APPLICABILITY.—This subsection shall not apply to—

''(A) any study with respect to which a report has been submitted to Congress before the date of enactment of this Act;

''(B) any study for a project, which project is authorized for construction by this Act and is not subject to section 903(b);

''(C) any study for a project which does not require specific authorization by Congress in law or otherwise; and

''(D) general studies not intended to lead to recommendation of a specific water resources project.

''(4) FEASIBILITY REPORT DEFINED.—In this subsection, the term 'feasibility report' means each feasibility report, and any associated environmental impact statement and mitigation plan, prepared by the Corps of Engineers for a water resources project. The term includes a project implementation report prepared under title VI of the Water Resources Development Act of 2000 (114 Stat. 2680–2694), a general reevaluation report, and a limited reevaluation report.''.

(2) PROJECTS NOT SPECIFICALLY AUTHORIZED BY CONGRESS.—Section 905 of such Act is further amended—

(A) in subsection (b) by inserting ''RECONNAISSANCE STUDIES.—'' before ''Before initiating'';

(B) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively;

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

''(c) PROJECTS NOT SPECIFICALLY AUTHORIZED BY CONGRESS.—In the case of any water resources project-related study authorized to be undertaken by the Secretary without specific authorization by Congress in law or otherwise, the Secretary shall prepare a detailed project report.'';

(D) in subsection (d) (as so redesignated) by inserting ''INDIAN TRIBES.—'' before ''For purposes of''; and

(E) in subsection (e) (as so redesignated) by inserting ''STANDARD AND UNIFORM PROCEDURES AND PRACTICES.—'' before ''The Secretary shall''.

SEC. 2039. OFFSHORE OIL AND GAS FABRICATION PORT.

(a) IN GENERAL.—In conducting a feasibility study for the project for navigation, Atchafalaya River, Bayous Chene, Boeuf, and Black, Louisiana, being conducted under section 430 of the Water Resources Development Act of 2000 (114 Stat. 2639), the Secretary shall include in the calculation of national economic development benefits all economic benefits associated with contracts for new energy exploration and contracts for the fabrication of energy infrastructure that would result from carrying out the project.

(b) REPEAL.—Section 6009 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13; 119 Stat. 282) is repealed.

SEC. 2040. USE OF FIRMS EMPLOYING LOCAL RESIDENTS.

(a) CONTRACTS OR AGREEMENTS WITH PRIVATE ENTITIES.—In carrying out construction of a water resources project, the Secretary may enter into a contract or agreement with a private entity only if the private entity provides assurances satisfactory to the Secretary that, to the maximum extent practicable—

(1) local residents in the area of the project will comprise not less than 50 percent of the workforce employed by the entity to perform the contract or agreement; and

(2) local residents in the area of the project will comprise not less than 50 percent of the workforce employed by each subcontractor at each tier in connection with the contract or agreement.

(b) EXEMPTIONS.—

(1) IN GENERAL.—The Secretary may waive the application of subsection (a) with respect to a contract or agreement if the Secretary determines that compliance with subsection (a) is not feasible due to—

(A) a lack of qualified local residents to permit satisfaction of the requirements of subsection (a);

(B) a lack of sufficient numbers of specialized workers necessary to carry out the project; or

(C) the need to comply with small business or minority contracting requirements under Federal law.

(2) DOCUMENTATION.—Any determination by the Secretary under paragraph (1) to waive the application of subsection (a) with respect to a contract or agreement shall be justified in writing.

(c) REGULATIONS.—The Secretary shall issue regulations establishing local residency and other requirements to facilitate compliance with this section.

(d) PRIOR CONTRACTS.—Nothing in this section shall be construed to affect any contract or agreement entered into before the effective date of this section.

(e) EFFECTIVE DATE.—This section shall become effective 180 days after the date of enactment of this Act.

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 3001. COOK INLET, ALASKA.

Section 118(a)(3) of the Energy and Water Development Appropriations Act, 2005 (title I of division C of the Consolidated Appropriations Act, 2005; 118 Stat. 2945) is amended by inserting ''as part of the operation and maintenance of such project modification'' after ''by the Secretary''.

SEC. 3002. KING COVE HARBOR, ALASKA.

The maximum amount of Federal funds that may be expended for the project for navigation, King Cove Harbor, Alaska, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), shall be $8,000,000.

SEC. 3003. SITKA, ALASKA.

The Sitka, Alaska, element of the project for navigation, Southeast Alaska Harbors of Refuge, Alaska, authorized by section 101(1) 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. 3004. TATITLEK, ALASKA.

The maximum amount of Federal funds that may be expended for the project for navigation, Tatitlek, Alaska, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), shall be $10,000,000.

SEC. 3005. RIO DE FLAG, FLAGSTAFF, ARIZONA.

The project for flood damage reduction, Rio De Flag, Flagstaff, Arizona, authorized by section 101(b)(3) of the Water Resources Development Act of 2000 (114 Stat. 2576), is modified to authorize the Secretary to construct the project at a total cost of $54,100,000, with an estimated Federal cost of $35,000,000 and a non-Federal cost of $19,100,000.

SEC. 3006. OSCEOLA HARBOR, ARKANSAS.

(a) IN GENERAL.—The project for navigation, Osceola Harbor, Arkansas, constructed under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to allow non-Federal interests to construct a mooring facility within the existing authorized harbor channel, subject to all necessary permits, certifications, and other requirements.

(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as affecting the responsibility of the Secretary to maintain the general navigation features of the project at a bottom width of 250 feet.

SEC. 3007. PINE MOUNTAIN DAM, ARKANSAS.

The Pine Mountain Dam feature of the project for flood protection, Lee Creek, Arkansas and Oklahoma, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1078), is modified—

(1) to add environmental restoration as a project purpose; and

(2) to direct the Secretary to finance the non-Federal share of the cost of the project over a 30-year period in accordance with section 103(k) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(k)).

SEC. 3008. AMERICAN AND SACRAMENTO RIVERS, CALIFORNIA. .

(a) IN GENERAL.—The project for flood control, American and Sacramento Rivers, California, authorized by section 101(a)(6)(A) of the Water Resources Development Act of 1999 (113 Stat. 274), as modified by section 128 of the Energy and Water Development Appropriations Act, 2006 (119 Stat. 2259), is further modified to authorize the Secretary to construct the auxiliary spillway generally in accordance with the Post Authorization Change Report, American River Watershed Project (Folsom Dam Modification and Folsom Dam Raise Projects), dated December 2006, at a total cost of $683,000,000, with an estimated Federal cost of $444,000,000 and an estimated non-Federal cost of $239,000,000.

(b) DAM SAFETY ACTIVITIES.—Nothing in this section shall be construed to limit the authority of the Secretary of the Interior to carry out dam safety activities in connection with the auxiliary spillway in accordance with the Bureau of Reclamation Safety of Dams Program.

(c) TRANSFER OF FUNDS.—The Secretary and the Secretary of the Interior are authorized to transfer between their respective agencies appropriated amounts and other available funds (including funds contributed by non-Federal interests) for the purpose of planning, design, and construction of the auxiliary spillway. Any transfer made pursuant to this subsection shall be subject to such terms and conditions as agreed upon by the Secretary and the Secretary of the Interior.

SEC. 3009. COMPTON CREEK, CALIFORNIA.

The project for flood control, Los Angeles Drainage Area, California, authorized by section 101(b) of the Water Resources Development Act of 1990 (104 Stat. 4611), is modified to add environmental restoration and recreation as project purposes.

SEC. 3010. GRAYSON CREEK/MURDERER'S CREEK, CALIFORNIA.

The project for aquatic ecosystem restoration, Grayson Creek/Murderer's Creek, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified—

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

(2) to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

SEC. 3011. HAMILTON AIRFIELD, CALIFORNIA.

The project for environmental restoration, Hamilton Airfield, California, authorized by section 101(b)(3) of the Water Resources Development Act of 1999 (113 Stat. 279), is modified to direct the Secretary to construct the project substantially in accordance with the report of the

Chief of Engineers dated July 19, 2004, at a total cost of $228,100,000, with an estimated Federal cost of $171,100,000 and an estimated non-Federal cost of $57,000,000.

SEC. 3012. JOHN F. BALDWIN SHIP CHANNEL AND STOCKTON SHIP CHANNEL, CALIFORNIA.

The project for navigation, San Francisco to Stockton, California, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1091) is modified—

(1) to provide that the non-Federal share of the cost of the John F. Baldwin Ship Channel and Stockton Ship Channel element of the project may be provided in the form of in-kind services and materials; and

(2) to direct the Secretary to credit toward the non-Federal share of the cost of such element the cost of planning and design work carried out by the non-Federal interest before the date of an agreement for such planning and design if the Secretary determines that such work is integral to such element.

SEC. 3013. KAWEAH RIVER, CALIFORNIA.

The project for flood control, Terminus Dam, Kaweah River, California, authorized by section 101(b)(5) of the Water Resources Development Act of 1996 (110 Stat. 3658), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project, or provide reimbursement not to exceed $800,000, for the costs of any work carried out by the non-Federal interest before, on, or after the date of the project partnership agreement if the Secretary determines that the work is integral to the project.

SEC. 3014. LARKSPUR FERRY CHANNEL, LARKSPUR, CALIFORNIA.

The project for navigation, Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to direct the Secretary to determine whether maintenance of the project is feasible, and if the Secretary determines that maintenance of the project is feasible, to carry out such maintenance.

SEC. 3015. LLAGAS CREEK, CALIFORNIA.

(a) IN GENERAL.—The project for flood damage reduction, Llagas Creek, California, authorized by section 501(a) of the Water Resources Development Act of 1999 (113 Stat. 333), is modified to authorize the Secretary to carry out the project at a total cost of $105,000,000, with an estimated Federal cost of $65,000,000, and an estimated non-Federal cost of $40,000,000.

(b) SPECIAL RULE.—In evaluating and implementing the project, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

SEC. 3016. MAGPIE CREEK, CALIFORNIA.

(a) IN GENERAL.—The project for Magpie Creek, California, authorized under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to direct the Secretary to apply the cost-sharing requirements of section 103(b) of the Water Resources Development Act of 1986 (100 Stat. 4085) for the portion of the project consisting of land acquisition to preserve and enhance existing floodwater storage.

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

SEC. 3017. PACIFIC FLYWAY CENTER, SACRAMENTO, CALIFORNIA.

The project for aquatic ecosystem restoration, Pacific Flyway Center, Sacramento, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to authorize the Secretary to expend $2,000,000 to enhance public access to the project.

SEC. 3018. PINOLE CREEK, CALIFORNIA.

The project for improvement of the quality of the environment, Pinole Creek Phase I, California, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3019. PRADO DAM, CALIFORNIA.

Upon completion of the modifications to the Prado Dam element of the project for flood control, Santa Ana River Mainstem, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113), the Memorandum of Agreement for the Operation for Prado Dam for Seasonal Additional Water Conservation between the Department of the Army and the Orange County Water District (including all the conditions and stipulations in the memorandum) shall remain in effect for volumes of water made available prior to such modifications.

SEC. 3020. SACRAMENTO AND AMERICAN RIVERS FLOOD CONTROL, CALIFORNIA.

(a) DETERMINATION OF FEDERAL COSTS PAID BY NON-FEDERAL INTEREST.—

(1) FEDERAL COSTS PAID BY NON-FEDERAL INTEREST.—The Secretary shall determine the amount paid by the Sacramento Area Flood Control Agency towards the Federal share of the cost of the project for the Natomas levee features authorized by section 9159(b) of the Department of Defense Appropriations Act, 1993 (106 Stat. 1944) of the project for flood control and recreation, Sacramento and American Rivers, California.

(2) REIMBURSEMENTS TO NON-FEDERAL INTEREST.—The Secretary shall determine the amount of reimbursements paid to the Sacramento Flood Control Agency for payment of the Federal share of the cost of the project referred to in paragraph (1).

(3) DETERMINATION OF FEDERAL SHARE.—In carrying out paragraph (1), the Secretary shall include in the total cost of the project all costs of the following activities that the Secretary determines to be integral to the project:

(A) Planning, engineering, and construction.

(B) Acquisition of project lands, easements, and rights-of-way.

(C) Performance of relocations.

(D) Environmental mitigation for all project elements.

(b) CREDIT.—

(1) IN GENERAL.—The Secretary shall credit toward the non-Federal share of the cost of any flood damage reduction project, authorized before the date of enactment of this Act, for which the non-Federal interest is the Sacramento Area Flood Control Agency an amount equal to the total amount determined under subsection (a)(1) reduced by the amount determined under subsection (a)(2).

(2) ALLOCATION OF CREDIT.—The Secretary shall allocate the amount to be credited under paragraph (1) toward the non-Federal share of such projects as are requested by the Sacramento Area Flood Control Agency.

SEC. 3021. SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.

The project for navigation, Sacramento Deep Water Ship Channel, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning and design work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3022. SANTA CRUZ HARBOR, CALIFORNIA.

The project for navigation, Santa Cruz Harbor, California, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 300) and modified by section 809 of the Water Resources Development Act of 1986 (100 Stat. 4168) and section 526 of the Water Resources Development Act of 1999 (113 Stat. 346), is modified to direct the Secretary—

(1) to renegotiate the memorandum of agreement with the non-Federal interest to increase the annual payment to reflect the updated cost of operation and maintenance that is the Federal and non-Federal share as provided by law based on the project purpose; and

(2) to revise the memorandum of agreement to include terms that revise such payments for inflation.

SEC. 3023. SEVEN OAKS DAM, CALIFORNIA.

The project for flood control, Santa Ana Mainstem, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113) and modified by section 104 of the Energy and Water Development Appropriations Act, 1988 (101 Stat. 1329–11), section 102(e) of the Water Resources Development Act of 1990 (104 Stat. 4611), and section 311 of the Water Resources Development Act of 1996 (110 Stat. 3713), is further modified to direct the Secretary to conduct a study for the reallocation of water storage at the Seven Oaks Dam, California, for water conservation.

SEC. 3024. 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.

SEC. 3025. WALNUT CREEK CHANNEL, CALIFORNIA.

The project for aquatic ecosystem restoration, Walnut Creek Channel, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified—

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

(2) to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

SEC. 3026. WILDCAT/SAN PABLO CREEK PHASE I, CALIFORNIA.

The project for improvement of the quality of the environment, Wildcat/San Pablo Creek Phase I, California, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3027. WILDCAT/SAN PABLO CREEK PHASE II, CALIFORNIA.

The project for aquatic ecosystem restoration, Wildcat/San Pablo Creek Phase II, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project and to authorize the Secretary to consider national ecosystem restoration benefits

in determining the Federal interest in the project.

SEC. 3028. YUBA RIVER BASIN PROJECT, CALIFORNIA.

The project for flood damage reduction, Yuba River Basin, California, authorized by section 101(a)(10) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified—

(1) to authorize the Secretary to construct the project at a total cost of $107,700,000, with an estimated Federal cost of $70,000,000 and an estimated non-Federal cost of $37,700,000; and

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

SEC. 3029. SOUTH PLATTE RIVER BASIN, COLORADO.

Section 808 of the Water Resources Development Act of 1986 (100 Stat. 4168) is amended by striking ''agriculture,'' and inserting ''agriculture, environmental restoration,''.

SEC. 3030. INTRACOASTAL WATERWAY, DELAWARE RIVER TO CHESAPEAKE BAY, DELAWARE AND MARYLAND.

The project for navigation, Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, authorized by the first section of the Rivers and Harbors Act of August 30, 1935 (49 Stat. 1030), and section 101 of the River and Harbor Act of 1954 (68 Stat. 1249), is modified to add recreation as a project purpose.

SEC. 3031. BREVARD COUNTY, FLORIDA.

(a) SHORELINE.—The project for shoreline protection, Brevard County, Florida, authorized by section 101(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3667), is modified—

(1) to direct the Secretary to establish the reach of the project as the reach between the Florida department of environmental protection monuments 75.4 to 118.3, a distance of 7.6 miles; and

(2) to direct the Secretary to expedite the general reevaluation report required by section 418 of the Water Resources Development Act of 2000 (114 Stat. 2637).

(b) CREDIT.—Section 310 of the Water Resources Development Act of 1999 (113 Stat. 301) is amended by adding at the end the following:

''(d) CREDIT.—After completion of the study, the Secretary shall credit toward the non-Federal share of the cost of the project for shore protection the cost of nourishment and renourishment associated with the project for shore protection incurred by the non-Federal interest to respond to damages to Brevard County beaches that are the result of a Federal navigation project, as determined in the final report for the study.''.

SEC. 3032. BROWARD COUNTY AND HILLSBORO INLET, FLORIDA.

The project for shore protection, Broward County and Hillsboro Inlet, Florida, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1090), and modified by section 311 of the Water Resources Development Act of 1999 (113 Stat. 301), is further modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of mitigation construction and derelict erosion control structure removal carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3033. CANAVERAL HARBOR, FLORIDA.

In carrying out the project for navigation, Canaveral Harbor, Florida, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1174), the Secretary shall construct a sediment trap.

SEC. 3034. GASPARILLA AND ESTERO ISLANDS, FLORIDA.

The project for shore protection, Gasparilla and Estero Island segments, Lee County, Florida, authorized by section 201 of the Flood Control Act of 1965 (79 Stat. 1073), by Senate Resolution dated December 17, 1970, and by House Resolution dated December 15, 1970, and modified by section 309 of the Water Resources Development Act of 2000 (114 Stat. 2602), is further modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3035. JACKSONVILLE HARBOR, FLORIDA.

(a) IN GENERAL.—The project for navigation, Jacksonville Harbor, Florida, authorized by section 101(a)(17) of the Water Resources Development Act of 1999 (113 Stat. 276), is modified to authorize the Secretary to extend the navigation features in accordance with the Report of the Chief of Engineers, dated July 22, 2003, at a total cost of $14,658,000, with an estimated Federal cost of $9,636,000 and an estimated non-Federal cost of $5,022,000.

(b) GENERAL REEVALUATION REPORTS.—The non-Federal share of the cost of the general reevaluation report that resulted in the report of the Chief of Engineers for the project and the non-Federal share of the cost of the general reevaluation report for Jacksonville Harbor, Florida, being conducted on June 1, 2005, shall each be the same percentage as the non-Federal share of the cost of construction of the project.

(c) AGREEMENT.—The Secretary shall enter into new partnership agreements with the non-Federal interest to reflect the cost sharing required by subsection (b).

SEC. 3036. LIDO KEY BEACH, SARASOTA, FLORIDA.

(a) IN GENERAL.—The project for shore protection, Lido Key Beach, Sarasota, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1819), deauthorized under section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), and reauthorized by section 364(2)(A) of the Water Resources Development Act of 1999 (113 Stat. 313), is modified to direct the Secretary to construct the project substantially in accordance with the report of the Chief of Engineers dated December 22, 2004, at a total cost of $15,190,000, with an estimated Federal cost of $9,320,000 and an estimated non-Federal cost of $5,870,000, and at an estimated total cost of $65,000,000 for periodic nourishment over the 50-year life of the project.

(b) CONSTRUCTION OF SHORELINE PROTECTION PROJECTS BY NON-FEDERAL INTERESTS.—The Secretary shall enter into a partnership agreement with the non-Federal interest in accordance with section 206 of the Water Resources Development Act of 1992 (33 U.S.C. 426i–1) for the modified project.

SEC. 3037. MIAMI HARBOR, FLORIDA.

The project for navigation, Miami Harbor Channel, Florida, authorized by section 101(a)(9) of the Water Resources Development Act of 1990 (104 Stat. 4606) and modified by section 315 of the Water Resources Development Act of 1999 (113 Stat. 302), is further modified—

(1) to include as a project purpose environmental mitigation required before July 18, 2003, by a Federal, State, or local environmental agency for unauthorized or unanticipated environmental impacts within, or in the vicinity of, the authorized project; and

(2) to direct the Secretary to reimburse the non-Federal interest for the Federal share of the costs the non-Federal interest has incurred in construction of the project (including environmental mitigation costs and costs incurred for incomplete usable increments of the project) in accordance with section 204 of the Water Resources Development Act of 1986 (33 U.S.C. 2232).

SEC. 3038. PEANUT ISLAND, FLORIDA.

The maximum amount of Federal funds that may be expended for the project for improvement of the quality of the environment, Peanut Island, Palm Beach County, Florida, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) shall be $9,750,000.

SEC. 3039. TAMPA HARBOR-BIG BEND CHANNEL, FLORIDA.

The project for navigation, Tampa Harbor-Big Bend Channel, Florida, authorized by section 101(a)(18) of the Water Resources Development Act of 1999 (113 Stat. 276) is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3040. TAMPA HARBOR CUT B, FLORIDA.

(a) IN GENERAL.—The project for navigation, Tampa Harbor, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), is modified to authorize the Secretary to construct passing lanes in an area approximately 3.5 miles long and centered on Tampa Harbor Cut B if the Secretary determines that such improvements are necessary for navigation safety.

(b) GENERAL REEVAULATION REPORT.—The non-Federal share of the cost of the general reevaluation report for Tampa Harbor, Florida, being conducted on June 1, 2005, shall be the same percentage as the non-Federal share of the cost of construction of the project.

(c) AGREEMENT.—The Secretary shall enter into a new partnership agreement with the non-Federal interest to reflect the cost sharing required by subsection (b).

SEC. 3041. ALLATOONA LAKE, GEORGIA.

(a) LAND EXCHANGE.—

(1) IN GENERAL.—The Secretary may exchange lands above 863 feet in elevation at Allatoona Lake, Georgia, identified in the Real Estate Design Memorandum prepared by the Mobile district engineer, April 5, 1996, and approved October 8, 1996, for lands on the north side of Allatoona Lake that are needed for wildlife management and for protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—The basis for all land exchanges under this subsection shall be a fair market appraisal so that lands exchanged are of equal value.

(b) DISPOSAL AND ACQUISITION OF LANDS, ALLATOONA LAKE, GEORGIA.—

(1) IN GENERAL.—The Secretary may also sell lands above 863 feet in elevation at Allatoona Lake, Georgia, identified in the memorandum referred to in subsection (a)(1) and may use the proceeds to pay costs associated with the purchase of lands needed for wildlife management and for protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—Land sales and purchases to be conducted under this subsection shall be subject to the following terms and conditions:

(A) Lands acquired under this subsection shall be by negotiated purchase from willing sellers only.

(B) The basis for all transactions under the program shall be a fair market appraisal acceptable to the Secretary.

(C) The purchasers shall share in the associated real estate costs, to include surveys and associated fees in accordance with the memorandum referred to in subsection (a)(1).

(D) Any other conditions that the Secretary may impose.

(c) REPEAL.—Section 325 of the Water Resources Development Act of 1992 (106 Stat. 4849) is repealed.

SEC. 3042. LATHAM RIVER, GLYNN COUNTY, GEORGIA.

The maximum amount of Federal funds that may be expended for the project for improvement of the quality of the environment, Latham River, Glynn County, Georgia, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) shall be $6,175,000.

SEC. 3043. DWORSHAK DAM AND RESERVOIR IMPROVEMENTS, IDAHO.

The Secretary may carry out improvements to recreational facilities at the Dworshak Dam and Reservoir, North Fork, Clearwater River, Idaho, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1193), to accommodate lower pool levels.

SEC. 3044. BEARDSTOWN COMMUNITY BOAT HARBOR, BEARDSTOWN, ILLINOIS.

(a) IN GENERAL.—The project for navigation, Muscooten Bay, Illinois River, Beardstown Community Boat Harbor, Beardstown, Illinois, constructed under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified—

(1) to include the channel between the harbor and the Illinois River; and

(2) to direct the Secretary to enter into a partnership agreement with the city of Beardstown to replace the local cooperation agreement dated August 18, 1983, with the Beardstown Community Park District.

(b) TERMS OF PARTNERSHIP AGREEMENT.—The partnership agreement referred to in subsection (a) shall include the same rights and responsibilities as the local cooperation agreement dated August 18, 1983, changing only the identity of the non-Federal sponsor.

(c) MAINTENANCE.—Following execution of the partnership agreement referred to in subsection (a), the Secretary may carry out maintenance of the project referred to in subsection (a) on an annual basis.

SEC. 3045. CACHE RIVER LEVEE, ILLINOIS.

The Cache River Levee constructed for flood control at the Cache River, Illinois, and authorized by the Act of June 28, 1938 (52 Stat. 1217), is modified to add environmental restoration as a project purpose.

SEC. 3046. CHICAGO RIVER, ILLINOIS.

The navigation channel for the North Branch Canal portion of the Chicago River, authorized by the first section of the Rivers and Harbors Appropriations Act of March 3, 1899 (30 Stat. 1129), extending from 100 feet downstream of the Halsted Street Bridge to 100 feet upstream of the Division Street Bridge is modified to be no wider than 66 feet.

SEC. 3047. CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIERS PROJECT, ILLINOIS.

(a) TREATMENT AS SINGLE PROJECT.—The Chicago Sanitary and Ship Canal Dispersal Barrier Project (in this section referred to as ''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 the project relating to the Chicago Sanitary and Ship Canal Dispersal Barrier, authorized by section 345 of the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1352) (in this section referred to as ''Barrier II''), shall be considered to constitute a single project.

(b) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary, at Federal expense, shall—

(A) upgrade and make permanent Barrier I;

(B) construct Barrier II, notwithstanding the project cooperation agreement with the State of Illinois dated June 14, 2005;

(C) operate and maintain Barrier I and Barrier II as a system to optimize effectiveness;

(D) conduct, in consultation with appropriate Federal, State, local, and nongovernmental entities, a study of a range of options and technologies for reducing impacts of hazards that may reduce the efficacy of the Barriers; and

(E) 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 provided to the State under paragraph (1)(E) to any cost sharing responsibility for an existing or future Federal project carried out by the Secretary in the State.

(c) CONFORMING AMENDMENT.—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 may be 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).''.

(d) FEASIBILITY STUDY.—The Secretary, in consultation with appropriate Federal, State, local, and nongovernmental entities, shall conduct, at Federal expense, a feasibility study of the range of options and technologies available to prevent the spread of aquatic nuisance species between the Great Lakes and Mississippi River Basins through the Chicago Sanitary and Ship Canal and other pathways.

SEC. 3048. EMIQUON, ILLINOIS.

(a) MAXIMUM AMOUNT.—The maximum amount of Federal funds that may be expended for the project for aquatic ecosystem restoration, Emiquon, Illinois, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), shall be $7,500,000.

(b) LIMITATION.—Nothing in this section shall affect the eligibility of the project for emergency repair assistance under section 5(a) of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved August 18, 1941 (33 U.S.C. 701n).

SEC. 3049. LASALLE, ILLINOIS.

In carrying out section 312 of the Water Resources Development Act of 1990 (104 Stat. 4639–4640), the Secretary shall give priority to work in the vicinity of LaSalle, Illinois, on the Illinois and Michigan Canal.

SEC. 3050. SPUNKY BOTTOMS, ILLINOIS.

(a) PROJECT PURPOSE.—The project for flood control, Spunky Bottoms, Illinois, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1583), is modified to add environmental restoration as a project purpose.

(b) MAXIMUM AMOUNT.—The maximum amount of Federal funds that may be expended for the project for improvement of the quality of the environment, Spunky Bottoms, Illinois, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), shall be $7,500,000.

(c) LIMITATION.—Nothing in this section shall affect the eligibility of the project for emergency repair assistance under section 5(a) of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved August 18, 1941 (33 U.S.C. 701n).

SEC. 3051. FORT WAYNE AND VICINITY, INDIANA.

The project for flood control Fort Wayne, St. Mary's and Maumee Rivers, Indiana, authorized by section 101(a)(11) of the Water Resources Development Act of 1990 (104 Stat. 4604), is modified—

(1) to direct the Secretary to provide a 100-year level of flood protection at the Berry-Thieme, Park-Thompson, Woodhurst, and Tillman sites along the St. Mary's River, Fort Wayne and vicinity, Indiana, at a total cost of $5,300,000; and

(2) to allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

SEC. 3052. KOONTZ LAKE, INDIANA.

The project for aquatic ecosystem restoration, Koontz Lake, Indiana, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) and modified by section 520 of the Water Resources Development Act of 2000 (114 Stat. 2655), is further modified to direct the Secretary to seek to reduce the cost of the project by using innovative technologies and cost reduction measures determined from a review of non-Federal lake dredging projects in the vicinity of Koontz Lake.

SEC. 3053. WHITE RIVER, INDIANA.

The project for flood control, Indianapolis on West Fork of White River, Indiana, authorized by section 5 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved June 22, 1936 (49 Stat. 1586), and modified by section 323 of the Water Resources Development Act of 1996 (110 Stat. 3716) and section 322 of the Water Resources Development Act of 1999 (113 Stat. 303–304), is further modified—

(1) to authorize the Secretary to undertake the riverfront alterations described in the Central Indianapolis Waterfront Concept Plan, dated February 1994, for the Fall Creek Reach feature at a total cost of $28,545,000; and

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

SEC. 3054. DES MOINES RIVER AND GREENBELT, IOWA.

The project for the Des Moines Recreational River and Greenbelt, Iowa, authorized by Public Law 99–88 and modified by section 604 of the Water Resources Development Act of 1986 (100 Stat. 4153), is modified to include enhanced public access and recreational enhancements, at a Federal cost of $3,000,000.

SEC. 3055. PRESTONSBURG, KENTUCKY.

The Prestonsburg, Kentucky, element of the project for flood control, Levisa and Tug Fork of the Big Sandy and Cumberland Rivers, West Virginia, Virginia, and Kentucky, authorized by section 202(a) of the Energy and Water Development Appropriations Act, 1981 (94 Stat. 1339), is modified to direct the Secretary to take measures to provide a 100-year level of flood protection for the city of Prestonsburg.

SEC. 3056. AMITE RIVER AND TRIBUTARIES, LOUISIANA, EAST BATON ROUGE PARISH WATERSHED.

The project for flood damage reduction and recreation, Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed, authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (113 Stat. 277) and modified by section 116 of division D of Public Law 108–7 (117 Stat. 140), is further modified—

(1) to direct the Secretary to carry out the project with the cost sharing for the project determined in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)), as in effect on October 11, 1996;

(2) to authorize the Secretary to construct the project at a total cost of $187,000,000; and

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

SEC. 3057. ATCHAFALAYA BASIN, LOUISIANA.

(a) IN GENERAL.—Section 315(a)(1) of the Water Resources Development Act of 2000 (114 Stat. 2603–2604) is amended to read as follows:

''(1) is authorized to study, design, construct, operate, and maintain, at Federal expense, a Type A Regional Visitor Center in the vicinity of Morgan City, Louisiana, in consultation with the State of Louisiana, to provide information to the public on the Atchafalaya River system and other associated waterways that have influenced surrounding communities, and national

and local water resources development of the Army Corps of Engineers in South Central Louisiana; and''.

(b) TECHNICAL CORRECTION.—Section 315(b) of such Act is amended by striking ''(a)'' and inserting ''(a)(2)''.

(c) DONATIONS.—Section 315 of such Act is amended by adding at the end the following:

''(c) DONATIONS.—In carrying out subsection (a)(1), the Mississippi River Commission is authorized to accept the donation of cash, funds, lands, materials, and services from non-Federal governmental entities and nonprofit corporations.''.

SEC. 3058. ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

The public access feature of the Atchafalaya Basin Floodway System project, Louisiana, authorized by section 601(a) of the Water Resources Development Act 1986 (100 Stat. 4142), is modified to authorize the Secretary to acquire from willing sellers the fee interest, exclusive of oil, gas, and minerals, of an additional 20,000 acres of land within the Lower Atchafalaya Basin Floodway for the public access feature of the Atchafalaya Basin Floodway System, to enhance fish and wildlife resources, at a total cost of $4,000,000.

SEC. 3059. BAYOU PLAQUEMINE, LOUISIANA.

The project for the improvement of the quality of the environment, Bayou Plaquemine, Louisiana, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3060. J. BENNETT JOHNSTON WATERWAY, MISSISSIPPI RIVER TO SHREVEPORT, LOUISIANA.

The project for mitigation of fish and wildlife losses, J. Bennett Johnston Waterway, Mississippi River to Shreveport, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), and section 316 of the Water Resources Development Act of 2000 (114 Stat. 2572), is further modified—

(1) to authorize the purchase and reforesting of lands that have been cleared or converted to agricultural uses; and

(2) to incorporate current wildlife and forestry management practices for the purpose of improving species diversity on mitigation lands that meet Federal and State of Louisiana habitat goals and objectives.

SEC. 3061. MELVILLE, LOUISIANA.

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 the town of Melville, Louisiana, as one of the alternative sites''.

SEC. 3062. MISSISSIPPI DELTA REGION, LOUISIANA.

The Mississippi Delta Region project, Louisiana, authorized as part of the project for hurricane-flood protection on Lake Pontchartrain, Louisiana, by section 204 of the Flood Control Act of 1965 (79 Stat. 1077) and modified by section 365 of the Water Resources Development Act of 1996 (110 Stat. 3739), is further modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the costs of relocating oyster beds in the Davis Pond project area if the Secretary determines that the work is integral to the Mississippi Delta Region project.

SEC. 3063. NEW ORLEANS TO VENICE, LOUISIANA.

The New Orleans to Venice, Louisiana, project for hurricane protection, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1184), is modified to authorize the Secretary to carry out the work on the St. Jude to City Price, Upper Reach A back levee. The Federal share of the cost of such work shall be 70 percent.

SEC. 3064. WEST BANK OF THE MISSISSIPPI RIVER (EAST OF HARVEY CANAL), LOUISIANA.

Section 328 of the Water Resources Development Act of 1999 (113 Stat. 304–305) is amended—

(1) in subsection (a)—

(A) by striking ''operation and maintenance'' and inserting ''operation, maintenance, rehabilitation, repair, and replacement''; and

(B) by striking ''Algiers Channel'' and inserting ''Algiers Canal Levees''; and

(2) by adding at the end the following:

''(c) COST SHARING.—The non-Federal share of the cost of the project shall be 35 percent.''.

SEC. 3065. 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 $26,900,000.

SEC. 3066. DETROIT RIVER SHORELINE, DETROIT, MICHIGAN.

(a) IN GENERAL.—The project for emergency streambank and shoreline protection, Detroit River Shoreline, Detroit, Michigan, being carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), is modified to include measures to enhance public access.

(b) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project shall be $3,000,000.

SEC. 3067. 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, the following definitions apply:

''(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 the Water Resources Development Act of 2006.

''(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, 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) IN-KIND SERVICES.—The non-Federal share of the cost of technical assistance under subsection (c), the cost of planning, design, and construction of a project under subsection (c), and the cost of development of supplementary information under subsection (d) 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 required 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 interest 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. 3068. ST. JOSEPH HARBOR, MICHIGAN.

The Secretary shall expedite development of the dredged material management plan for the project for navigation, St. Joseph Harbor, Michigan, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 299).

SEC. 3069. SAULT SAINTE MARIE, MICHIGAN.

(a) IN GENERAL.—The text of section 1149 of the Water Resources Development Act of 1986 (100 Stat. 4254) is amended to read as follows:

''The Secretary shall construct at Federal expense a second lock, of a width not less than 110 feet and a length not less than 1,200 feet, adjacent to the existing lock at Sault Sainte Marie, Michigan, generally in accordance with the report of the Board of Engineers for Rivers and Harbors, dated May 19, 1986, and the limited reevaluation report dated February 2004 at a total cost of $341,714,000.''.

(b) CONFORMING REPEALS.—The following provisions are repealed:

(1) Section 107(a)(8) of the Water Resources Development Act of 1990 (104 Stat. 4620).

(2) Section 330 of the Water Resources Development Act of 1996 (110 Stat. 3717–3718).

(3) Section 330 of the Water Resources Development Act of 1999 (113 Stat. 305).

SEC. 3070. ADA, MINNESOTA.

(a) IN GENERAL.—The project for flood damage reduction, Wild Rice River, Ada, Minnesota, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to authorize the Secretary to consider national

ecosystem restoration benefits in determining the Federal interest in the project.

(b) EVALUATION OF BENEFITS AND COSTS.—In evaluating the economic benefits and costs for the project, the Secretary shall not consider the emergency levee adjacent to Judicial Ditch No. 51 in the determination of conditions existing prior to construction of the project.

(c) SPECIAL RULE.—In evaluating and implementing the project, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

SEC. 3071. DULUTH HARBOR, MCQUADE ROAD, MINNESOTA.

(a) IN GENERAL.—The project for navigation, Duluth Harbor, McQuade Road, Minnesota, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and modified by section 321 of the Water Resources Development Act of 2000 (114 Stat. 2605), is further modified to authorize the Secretary to provide public access and recreational facilities as generally described in the Detailed Project Report and Environmental Assessment, McQuade Road Harbor of Refuge, Duluth, Minnesota, dated August 1999.

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

(c) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project shall be $9,000,000.

SEC. 3072. GRAND MARAIS, MINNESOTA.

The project for navigation, Grand Marais, Minnesota, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is modified to direct the Secretary to provide credit toward the non-Federal share of the cost of the project the cost of design work carried out before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3073. GRAND PORTAGE HARBOR, MINNESOTA.

The Secretary shall provide credit toward the non-Federal share of the cost of the navigation project for Grand Portage Harbor, Minnesota, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), for the costs of design work carried out before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3074. GRANITE FALLS, MINNESOTA.

(a) IN GENERAL.—The Secretary is directed to implement under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) the locally preferred plan for flood damage reduction, Granite Falls, Minnesota, substantially in accordance with the detailed project report dated 2002, at a total cost of $12,000,000, with an estimated Federal cost of $8,000,000 and an estimated non-Federal cost of $4,000,000.

(b) PROJECT FINANCING.—In evaluating and implementing the project under this section, the Secretary shall allow the non-Federal interests to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184), to the extent that the detailed project report evaluation indicates that applying such section is necessary to implement the project.

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

(d) MAXIMUM FUNDING.—The maximum amount of Federal funds that may be expended for the flood damage reduction shall be $8,000,000.

SEC. 3075. KNIFE RIVER HARBOR, MINNESOTA.

The project for navigation, Harbor at Knife River, Minnesota, authorized by section 2 of the Rivers and Harbors Act of March 2, 1945 (59 Stat. 19), is modified to direct the Secretary to develop a final design and prepare plans and specifications to correct the harbor entrance and mooring conditions at the project.

SEC. 3076. 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 for 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. 3077. SILVER BAY, MINNESOTA.

The project for navigation, Silver Bay, Minnesota, authorized by section 2 of the Rivers and Harbors Act of March 2, 1945 (59 Stat. 19), is modified to include operation and maintenance of the general navigation facilities as a Federal responsibility.

SEC. 3078. TACONITE HARBOR, MINNESOTA.

The project for navigation, Taconite Harbor, Minnesota, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to include operation and maintenance of the general navigation facilities as a Federal responsibility.

SEC. 3079. TWO HARBORS, MINNESOTA.

(a) IN GENERAL.—The project for navigation, Two Harbors, Minnesota, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to include construction of a dredged material disposal facility, including actions required to clear the site.

(b) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—Non-Federal interests shall be responsible for providing all lands, easements, rights-of-way, and relocations necessary for the construction of the dredged material disposal facility.

(c) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project shall be $5,000,000.

SEC. 3080. DEER ISLAND, HARRISON COUNTY, MISSISSIPPI.

The project for ecosystem restoration, Deer Island, Harrison County, Mississippi, being carried out under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326), is modified to authorize the non-Federal interest to provide any portion of the non-Federal share of the cost of the project in the form of in-kind services and materials.

SEC. 3081. PEARL RIVER BASIN, MISSISSIPPI.

(a) IN GENERAL.—The Secretary shall complete a feasibility study for the project for flood damage reduction, Pearl River Watershed, Mississippi.

(b) COMPARISON OF ALTERNATIVES.—The feasibility study shall identify both the plan that maximizes national economic development benefits and the locally preferred plan and shall compare the level of flood damage reduction provided by each plan to that portion of Jackson, Mississippi, located below the Ross Barnett Reservoir Dam.

(c) RECOMMENDED PLAN.—If the Secretary determines that the locally preferred plan provides a level of flood damage reduction that is equal to or greater than the level of flood damage reduction provided by the national economic development plan and the locally preferred plan is technically feasible and environmentally protective, the Secretary shall recommend construction of the locally preferred plan.

(d) EVALUATION OF PROJECT COST.—For the purposes of determining compliance with the first section of the Flood Control Act of June 22, 1936 (33 U.S.C. 701a), the Secretary shall consider only the costs of the national economic development plan and shall exclude incremental costs associated with the locally preferred plan that are in excess of such costs if the non-Federal interest agrees to pay 100 percent of such incremental costs.

(e) NON-FEDERAL COST SHARE.—If the locally preferred plan is authorized for construction, the non-Federal share of the cost of the project shall be the same percentage as the non-Federal share of the cost of the national economic development plan plus all additional costs of construction associated with the locally preferred plan.

SEC. 3082. FESTUS AND CRYSTAL CITY, MISSOURI.

Section 102(b)(1) of the Water Resources Development Act of 1999 (113 Stat. 282) is amended by striking ''$10,000,000'' and inserting ''$12,000,000''.

SEC. 3083. 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. 3084. MONARCH-CHESTERFIELD, MISSOURI.

The project for flood damage reduction, Monarch-Chesterfield, Missouri, authorized by section 101(b)(18) of the Water Resources Development Act of 2000 (114 Stat. 2578), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of the planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3085. RIVER DES PERES, MISSOURI.

The projects for flood control, River Des Peres, Missouri, authorized by section 101(a)(17) of the Water Resources Development Act of 1990 (104 Stat. 4607) and section 102(13) of the Water Resources Development Act of 1996 (110 Stat. 3668), are each modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3086. ANTELOPE CREEK, LINCOLN, NEBRASKA.

The project for flood damage reduction, Antelope Creek, Lincoln, Nebraska, authorized by section 101(b)(19) of the Water Resources Development Act of 2000 (114 Stat. 2578), is modified—

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

(2) to allow the non-Federal interest for the project to use, and to direct the Secretary to accept, funds provided under any other Federal program, to satisfy, in whole or in part, the non-Federal share of the project if such funds are authorized to be used to carry out the project.

SEC. 3087. SAND CREEK WATERSHED, WAHOO, NEBRASKA.

The project for ecosystem restoration and flood damage reduction, Sand Creek watershed, Wahoo, Nebraska, authorized by section 101(b)(20) of the Water Resources Development Act of 2000 (114 Stat. 2578), is modified—

(1) to direct the Secretary to provide credit toward the non-Federal share of the cost of the project or reimbursement for the costs of any work that has been or will be performed by the non-Federal interest before, on, or after the approval of the project partnership agreement, including work performed by the non-Federal interest in connection with the design and construction of 7 upstream detention storage structures, if the Secretary determines that the work is integral to the project;

(2) to require that in-kind work to be credited under paragraph (1) be subject to audit; and

(3) to direct the Secretary to accept advance funds from the non-Federal interest as needed to maintain the project schedule.

SEC. 3088. LOWER CAPE MAY MEADOWS, CAPE MAY POINT, NEW JERSEY.

The project for navigation mitigation, ecosystem restoration, shore protection, and hurricane and storm damage reduction, Lower Cape May Meadows, Cape May Point, New Jersey, authorized by section 101(a)(25) of the Water Resources Development Act of 1999 (113 Stat. 278), is modified to incorporate the project for shoreline erosion control, Cape May Point, New Jersey, carried out under section 5 of the Act entitled ''An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property'', approved August 13, 1946 (33 U.S.C. 426h), if the Secretary determines that such incorporation is feasible.

SEC. 3089. PASSAIC RIVER BASIN FLOOD MANAGEMENT, NEW JERSEY.

The project for flood control, Passaic River, New Jersey and New York, authorized by section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607) and modified by section 327 of the Water Resources Development Act of 2000 (114 Stat. 2607), is further modified to direct the Secretary to include the benefits and costs of preserving natural flood storage in any future economic analysis of the project.

SEC. 3090. BUFFALO HARBOR, NEW YORK.

The project for navigation, Buffalo Harbor, New York, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1176), is modified to include measures to enhance public access, at Federal cost of $500,000.

SEC. 3091. ORCHARD BEACH, BRONX, NEW YORK.

Section 554 of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended by striking ''maximum Federal cost of $5,200,000'' and inserting ''total cost of $20,000,000''.

SEC. 3092. PORT OF NEW YORK AND NEW JERSEY, NEW YORK AND NEW JERSEY.

The navigation project, Port of New York and New Jersey, New York and New Jersey, authorized by section 101(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2576), is modified—

(1) to authorize the Secretary to allow the non-Federal interest to construct a temporary dredged material storage facility to receive dredged material from the project if—

(A) the non-Federal interest submits, in writing, a list of potential sites for the temporary storage facility to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Secretary at least 180 days before the selection of the final site; and

(B) at least 70 percent of the dredged material generated in connection with the project suitable for beneficial reuse will be used at sites in the State of New Jersey to the extent that there are sufficient sites available; and

(2) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of construction of the temporary storage facility if the Secretary determines that the work is integral to the project.

SEC. 3093. NEW YORK STATE CANAL SYSTEM.

Section 553(c) of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended to read as follows:

''(c) NEW YORK STATE CANAL SYSTEM DEFINED.—In this section, the term 'New York State Canal System' means the 524 miles of navigable canal that comprise the New York State Canal System, including the Erie, Cayuga-Seneca, Oswego, and Champlain Canals and the historic alignments of these canals, including the cities of Albany, Rochester, and Buffalo.''.

SEC. 3094. LOWER GIRARD LAKE DAM, OHIO.

Section 507(1) of the Water Resources Development Act of 1996 (110 Stat. 3758) is amended by striking ''$2,500,000'' and inserting ''$6,000,000''.

SEC. 3095. MAHONING RIVER, OHIO.

In carrying out the project for environmental dredging, authorized by section 312(f)(4) of the Water Resources Development Act of 1990 (33 U.S.C. 1272(f)(4)), the Secretary is directed to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3096. DELAWARE RIVER, PENNSYLVANIA, NEW JERSEY, AND DELAWARE.

The Secretary may remove debris from the project for navigation, Delaware River, Pennsylvania, New Jersey, and Delaware, Philadelphia to the Sea.

SEC. 3097. RAYSTOWN LAKE, PENNSYLVANIA.

The Secretary may take such action as may be necessary, including construction of a breakwater, to prevent shoreline erosion between .07 and 2.7 miles south of Pennsylvania State Route 994 on the east shore of Raystown Lake, Pennsylvania.

SEC. 3098. SHERADEN PARK STREAM AND CHARTIERS CREEK, ALLEGHENY COUNTY, PENNSYLVANIA.

The project for aquatic ecosystem restoration, Sheraden Park Stream and Chartiers Creek, Allegheny County, Pennsylvania, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit up to $400,000 toward the non-Federal share of the cost of the project for planning and design work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3099. SOLOMON'S CREEK, WILKES-BARRE, PENNSYLVANIA.

The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified to include as a project element the project for flood control for Solomon's Creek, Wilkes-Barre, Pennsylvania.

SEC. 3100. SOUTH CENTRAL PENNSYLVANIA.

Section 313 of the Water Resources Development Act of 1992 (106 Stat. 4845; 109 Stat. 407; 110 Stat. 3723; 113 Stat. 310; 117 Stat. 142) is amended—

(1) in subsection (g)(1) by striking ''$180,000,000'' and inserting ''$200,000,000''; and

(2) in subsection (h)(2) by striking ''Allegheny, Armstrong, Beford, Blair, Cambria, Clearfield, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Juniata, Mifflin, Somerset, Snyder, Washington, and Westmoreland Counties'' and inserting ''Allegheny, Armstrong, Bedford, Blair, Cambria, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Juniata, Somerset, Washington, and Westmoreland Counties''.

SEC. 3101. WYOMING VALLEY, PENNSYLVANIA.

In carrying out the project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), the Secretary shall coordinate with non-Federal interests to review opportunities for increased public access.

SEC. 3102. CEDAR BAYOU, TEXAS.

(a) CREDIT FOR PLANNING AND DESIGN.—The project for navigation, Cedar Bayou, Texas, reauthorized by section 349(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2632), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning and design work carried out by the non-Federal interest for the project if the Secretary determines that such work is integral to the project.

(b) COST SHARING.—Cost sharing for construction and operation and maintenance of the project shall be determined in accordance with section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

SEC. 3103. FREEPORT HARBOR, TEXAS.

The project for navigation, Freeport Harbor, Texas, authorized by section 101 of the Rivers and Harbors Act of 1970 (84 Stat. 1818), is modified.—

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

(2) to direct the Secretary to remove the sunken vessel ''COMSTOCK'' at Federal expense.

SEC. 3104. LAKE KEMP, TEXAS.

(a) IN GENERAL.—The Secretary may not take any legal or administrative action seeking to remove a Lake Kemp improvement before the earlier of January 1, 2020, or the date of any transfer of ownership of the improvement occurring after the date of enactment of this Act.

(b) LIMITATION ON LIABILITY.—The United States, or any of its officers, agents, or assignees, shall not be liable for any injury, loss, or damage accruing to the owners of a Lake Kemp improvement, their lessees, or occupants as a result of any flooding or inundation of such improvements by the waters of the Lake Kemp reservoir, or for such injury, loss, or damage as may occur through the operation and maintenance of the Lake Kemp dam and reservoir in any manner.

(c) LAKE KEMP IMPROVEMENT DEFINED.—In this section, the term ''Lake Kemp improvement'' means an improvement (including dwellings) located within the flowage easement of Lake Kemp, Texas, below elevation 1159 feet mean sea level.

SEC. 3105. LOWER RIO GRANDE BASIN, TEXAS.

The project for flood control, Lower Rio Grande Basin, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125), is modified—

(1) to include as part of the project flood protection works to reroute drainage to Raymondville Drain constructed by the non-Federal interests in Hidalgo County in the vicinity of Edinburg, Texas, if the Secretary determines that such work meets feasibility requirements;

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

(3) to direct the Secretary in calculating the non-Federal share of the cost of the project, to make a determination, within 180 days after the date of enactment of this Act, under section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) on the non-Federal interest's ability to pay.

SEC. 3106. NORTH PADRE ISLAND, CORPUS CHRISTI BAY, TEXAS.

The project for ecosystem restoration and storm damage reduction, North Padre Island, Corpus Christi Bay, Texas, authorized by section 556 of the Water Resources Development Act of 1999 (113 Stat. 353), is modified to include recreation as a project purpose.

SEC. 3107. PAT MAYSE LAKE, TEXAS.

The Secretary is directed to accept from the city of Paris, Texas, $3,461,432 as payment in

full of monies owed to the United States for water supply storage space in Pat Mayse Lake, Texas, under contract number DA–34–066–CIVENG–65–1272, including accrued interest.

SEC. 3108. PROCTOR LAKE, TEXAS.

The Secretary is authorized to purchase fee simple title to all properties located within the boundaries, and necessary for the operation, of the Proctor Lake project, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259).

SEC. 3109. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.

The project for flood control, San Antonio Channel, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259) as part of the comprehensive plan for flood protection on the Guadalupe and San Antonio Rivers in Texas and modified by section 103 of the Water Resources Development Act of 1976 (90 Stat. 2921) and section 335 of the Water Resources Development Act of 2000 (114 Stat. 2611), is further modified to authorize the Secretary to credit toward the non-Federal share of the cost of the project the cost of design and construction work carried out by the non-Federal interest for the project if the Secretary determines that the work is integral to the project.

SEC. 3110. LEE, RUSSELL, SCOTT, SMYTH, TAZEWELL, AND WISE COUNTIES, VIRGINIA.

The project for flood control, Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, authorized by section 202 of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339) and modified by section 352 of the Water Resources Development Act of 1996 (110 Stat. 3724–3725) and section 336 of the Water Resources Development Act of 2000 (114 Stat. 2611), is further modified to direct the Secretary to determine the ability of Lee, Russell, Scott, Smyth, Tazewell, and Wise Counties, Virginia, to pay the non-Federal share of the cost of the project based solely on the criterion specified in section 103(m)(3)(A)(i) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)(3)(A)(i)).

SEC. 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 $2,500,000 and an estimated non-Federal cost of $750,000.''.

SEC. 3112. DUWAMISH/GREEN, WASHINGTON.

The project for ecosystem restoration, Duwamish/Green, Washington, authorized by section 101(b)(26) of the Water Resources Development Act of 2000 (114 Stat. 2579), is modified—

(1) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before, on, or after the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and

(2) to authorize the non-Federal interest to provide any portion of the non-Federal share of the cost of the project in the form of in-kind services and materials.

SEC. 3113. YAKIMA RIVER, PORT OF SUNNYSIDE, WASHINGTON.

The project for aquatic ecosystem restoration, Yakima River, Port of Sunnyside, Washington, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 3114. GREENBRIER RIVER BASIN, WEST VIRGINIA.

Section 579(c) of the Water Resources Development Act of 1996 (110 Stat. 3790; 113 Stat. 312) is amended by striking ''$47,000,000'' and inserting ''$99,000,000''.

SEC. 3115. LESAGE/GREENBOTTOM SWAMP, WEST VIRGINIA.

Section 30(d) of the Water Resources Development Act of 1988 (102 Stat. 4030; 114 Stat. 2678) is amended to read as follows:

''(d) HISTORIC STRUCTURE.—The Secretary shall ensure the preservation and restoration of the structure known as the 'Jenkins House', and the reconstruction of associated buildings and landscape features of such structure located within the Lesage/Greenbottom Swamp in accordance with the Secretary of the Interior's standards for the treatment of historic properties. Amounts made available for expenditure for the project authorized by section 301(a) of the Water Resources Development Act of 1986 (100 Stat. 4110) shall be available for the purposes of this subsection.''.

SEC. 3116. NORTHERN WEST VIRGINIA.

Section 557 of the Water Resources Development Act of 1999 (113 Stat. 353) is amended—

(1) in the first sentence by striking ''favorable'';

(2) by striking ''$8,400,000'' and inserting ''$12,000,000''; and

(3) by striking ''$4,200,000'' each place it appears and inserting ''$6,000,000''.

SEC. 3117. MANITOWOC HARBOR, WISCONSIN.

The project for navigation, Manitowoc Harbor, Wisconsin, authorized by the River and Harbor Act of August 30, 1852 (10 Stat. 58), is modified to direct the Secretary to deepen the upstream reach of the navigation channel from 12 feet to 18 feet, at a total cost of $405,000.

SEC. 3118. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.

Section 21 of the Water Resources Development Act of 1988 (102 Stat. 4027) is amended—

(1) in subsection (a)—

(A) by striking ''1276.42'' and inserting ''1278.42'';

(B) by striking ''1218.31'' and inserting ''1221.31''; and

(C) by striking ''1234.82'' and inserting ''1235.30''; and

(2) by striking subsection (b) and inserting the following:

''(b) EXCEPTION.—The Secretary may operate the headwaters reservoirs below the minimum or above the maximum water levels established in subsection (a) in accordance with water control regulation manuals (or revisions thereto) developed by the Secretary, after consultation with the Governor of Minnesota and affected tribal governments, landowners, and commercial and recreational users. The water control regulation manuals (and any revisions thereto) shall be effective when the Secretary transmits them to Congress. The Secretary shall report to Congress at least 14 days before operating any such headwaters reservoir below the minimum or above the maximum water level limits specified in subsection (a); except that notification is not required for operations necessary to prevent the loss of life or to ensure the safety of the dam or if the drawdown of lake levels is in anticipation of flood control operations.''.

SEC. 3119. CONTINUATION OF PROJECT AUTHORIZATIONS.

(a) IN GENERAL.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the following projects shall remain authorized to be carried out by the Secretary:

(1) The project for navigation, Sacramento Deep Water Ship Channel, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092).

(2) The project for flood control, Agana River, Guam, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4127).

(3) The project for navigation, Fall River Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731); except that the authorized depth of that portion of the project extending riverward of the Charles M. Braga, Jr. Memorial Bridge, Fall River and Somerset, Massachusetts, shall not exceed 35 feet.

(b) LIMITATION.—A project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period beginning on the date of enactment of this Act, unless, during such period, funds have been obligated for the construction (including planning and design) of the project.

SEC. 3120. PROJECT REAUTHORIZATIONS.

Each of the following projects may be carried out by the Secretary and no construction on any such project may be initiated until the Secretary determines that the project is feasible:

(1) MENOMINEE HARBOR AND RIVER, MICHIGAN AND WISCONSIN.—The project for navigation, Menominee Harbor and River, Michigan and Wisconsin, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482) and deauthorized on April 15, 2002, in accordance with section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)).

(2) MANITOWOC HARBOR, WISCONSIN.—That portion of the project for navigation, Manitowoc Harbor, Wisconsin, authorized by the first section of the River and Harbor Act of August 30, 1852 (10 Stat. 58), consisting of the channel in the south part of the outer harbor, deauthorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1176).

(3) HEARDING ISLAND INLET, DULUTH HARBOR, MINNESOTA.—The project for dredging, Hearding Island Inlet, Duluth Harbor, Minnesota, authorized by section 22 of the Water Resources Development Act of 1988 (102 Stat. 4027).

SEC. 3121. PROJECT DEAUTHORIZATIONS.

(a) IN GENERAL.—The following projects are not authorized after the date of enactment of this Act:

(1) BRIDGEPORT HARBOR, CONNECTICUT.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by the first section of the River and Harbor Act of July 3, 1930 (46 Stat. 919), consisting of an 18-foot channel in Yellow Mill River and described as follows: Beginning at a point along the eastern limit of the existing project, N123,649.75, E481,920.54, thence running northwesterly about 52.64 feet to a point N123,683.03, E481,879.75, thence running northeasterly about 1,442.21 feet to a point N125,030.08, E482,394.96, thence running northeasterly about 139.52 feet to a point along the eastern limit of the existing channel, N125,133.87, E482,488.19, thence running southwesterly about 1,588.98 feet to the point of origin.

(2) MYSTIC RIVER, CONNECTICUT.—The portion of the project for navigation, Mystic River, Connecticut, authorized by the first section of the River and Harbor Appropriations Act of September 19, 1890 (26 Stat. 436) consisting of a 12-foot-deep channel, approximately 7,554 square feet in area, starting at a point N193,086.51, E815,092.78, thence running north 59 degrees 21 minutes 46.63 seconds west about 138.05 feet to a point N193,156.86, E814,974.00, thence running north 51 degrees 04 minutes 39.00 seconds west about 166.57 feet to a point N193,261.51, E814,844.41, thence running north 43 degrees 01 minutes 34.90 seconds west about 86.23 feet to a point N193,324.55, E814,785.57, thence running north 06 degrees 42 minutes 03.86 seconds west about 156.57 feet to a point N193,480.05, E814,767.30, thence running south 21 degrees 21 minutes 17.94 seconds east about 231.42 feet to a point N193,264.52, E814,851.57, thence running south 53 degrees 34 minutes 23.28 seconds east about 299.78 feet to the point of origin.

(3) NEW LONDON HARBOR, CONNECTICUT.—The portion of the project for navigation, New London Harbor, Connecticut, authorized by the

River and Harbor Appropriations Act of June 13, 1902 (32 Stat. 333), that consists of a 23-foot waterfront channel and that is further described as beginning at a point along the western limit of the existing project, N188,802.75, E779,462.81, thence running northeasterly about 1,373.88 feet to a point N189,554.87, E780,612.53, thence running southeasterly about 439.54 feet to a point N189,319.88, E780,983.98, thence running southwesterly about 831.58 feet to a point N188,864.63, E780,288.08, thence running southeasterly about 567.39 feet to a point N188,301.88, E780,360.49, thence running northwesterly about 1,027.96 feet to the point of origin.

(4) FALMOUTH HARBOR, MASSACHUSETTS.—The portion of the project for navigation, Falmouth Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1948 (62 Stat. 1172), beginning at a point along the eastern side of the inner harbor N200,415.05, E845,307.98, thence running north 25 degrees 48 minutes 54.3 seconds east 160.24 feet to a point N200,559.20, E845,377.76, thence running north 22 degrees 7 minutes 52.4 seconds east 596.82 feet to a point N201,112.15, E845,602.60, thence running north 60 degrees 1 minute 0.3 seconds east 83.18 feet to a point N201,153.72, E845,674.65, thence running south 24 degrees 56 minutes 43.4 seconds west 665.01 feet to a point N200,550.75, E845,394.18, thence running south 32 degrees 25 minutes 29.0 seconds west 160.76 feet to the point of origin.

(5) ISLAND END RIVER, MASSACHUSETTS.—The portion of the project for navigation, Island End River, Massachusetts, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), described as follows: Beginning at a point along the eastern limit of the existing project, N507,348.98, E721,180.01, thence running northeast about 35 feet to a point N507,384.17, E721,183.36, thence running northeast about 324 feet to a point N507,590.51, E721,433.17, thence running northeast about 345 feet to a point along the northern limit of the existing project, N507,927.29, E721,510.29, thence running southeast about 25 feet to a point N507,921.71, E721,534.66, thence running southwest about 354 feet to a point N507,576.65, E721,455.64, thence running southwest about 357 feet to the point of origin.

(6) CITY WATERWAY, TACOMA, WASHINGTON.—The portion of the project for navigation, City Waterway, Tacoma, Washington, authorized by the first section of the River and Harbor Appropriations Act of June 13, 1902 (32 Stat. 347), consisting of the last 1,000 linear feet of the inner portion of the waterway beginning at station 70+00 and ending at station 80+00.

(7) AUNT LYDIA'S COVE, MASSACHUSETTS.—

(A) IN GENERAL.—The portion of the project for navigation, Aunt Lydia's Cove, Massachusetts, constructed under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), consisting of the 8-foot deep anchorage in the cove described in subparagraph (B).

(B) DESCRIPTION OF PORTION.—The portion of the project described in subparagraph (A) is more particularly described as the portion beginning at a point along the southern limit of the existing project, N254,332.00, E1,023,103.96, thence running northwesterly about 761.60 feet to a point along the western limit of the existing project N255,076.84, E1,022,945.07, thence running southwesterly about 38.11 feet to a point N255,038.99, E1,022,940.60, thence running southeasterly about 267.07 feet to a point N254,772.00, E1,022,947.00, thence running southeasterly about 462.41 feet to a point N254,320.06, E1,023,044.84, thence running northeasterly about 60.31 feet to the point of origin.

(b) SOUTHPORT HARBOR, FAIRFIELD, CONNECTICUT.—The project for navigation, Southport Harbor, Fairfield, Connecticut, authorized by section 2 of the River and Harbor Act of March 2, 1829, and by the first section of the River and Harbor Act of August 30, 1935 (49 Stat. 1029), and section 364 of the Water Resources Development Act of 1996 (110 Stat. 3733–3734), is further modified to redesignate a portion of the 9-foot-deep channel as an anchorage area, approximately 900 feet in length and 90,000 square feet in area, and lying generally north of a line with points at coordinates N108,043.45, E452,252.04 and N107,938.74, E452,265.74.

(c) 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 turning basin located at the head of navigation, is redesignated as an anchorage area.

(d) 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), is modified by redesignating as an anchorage area that portion of the project consisting of a 6-foot turning basin and lying northerly of a line commencing at a point N315,975.13, E1,004,424.86, thence running north 61 degrees 27 minutes 20.71 seconds west about 132.34 feet to a point N316,038.37, E1,004,308.61.

(e) MYSTIC RIVER, MASSACHUSETTS.—The portion of the project for navigation, Mystic River, Massachusetts, authorized by the first section of the River and Harbor Appropriations Act of July 13, 1892 (27 Stat. 96), between a line starting at a point N515,683.77, E707,035.45 and ending at a point N515,721.28, E707,069.85 and a line starting at a point N514,595.15, E707,746.15 and ending at a point N514,732.94, E707,658.38 shall be relocated and reduced from a 100-foot wide channel to a 50-foot wide channel after the date of enactment of this Act described as follows: Beginning at a point N515,721.28, E707,069.85, thence running southeasterly about 840.50 feet to a point N515,070.16, E707,601.27, thence running southeasterly about 177.54 feet to a point N514,904.84, E707,665.98, thence running southeasterly about 319.90 feet to a point with coordinates N514,595.15, E707,746.15, thence running northwesterly about 163.37 feet to a point N514,732.94, E707,658.38, thence running northwesterly about 161.58 feet to a point N514.889.47, E707,618.30, thence running northwesterly about 166.61 feet to a point N515.044.62, E707,557.58, thence running northwesterly about 825.31 feet to a point N515,683.77, E707,035.45, thence running northeasterly about 50.90 feet returning to a point N515,721.28, E707,069.85.

(f) CONDITIONS.—The first sentence of section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)) is amended—

(1) by striking ''two years'' and inserting ''year''; and

(2) by striking ''7'' and inserting ''5''.

SEC. 3122. LAND CONVEYANCES.

(a) ST. FRANCIS BASIN, ARKANSAS AND MISSOURI.—

(1) IN GENERAL.—The Secretary shall convey to the State of Arkansas, without monetary consideration and subject to paragraph (2), all right, title, and interest in and to real property within the State acquired by the Federal Government as mitigation land for the project for flood control, St. Francis Basin, Arkansas and Missouri Project, authorized by the Flood Control Act of May 15, 1928 (33 U.S.C. 702a et seq.).

(2) TERMS AND CONDITIONS.—

(A) IN GENERAL.—The conveyance by the United States under this subsection shall be subject to—

(i) the condition that the State of Arkansas agree to operate, maintain, and manage the real property for fish and wildlife, recreation, and environmental purposes at no cost or expense to the United States; and

(ii) such other terms and conditions as the Secretary determines to be in the interest of the United States.

(B) REVERSION.—If the Secretary determines that the real property conveyed under paragraph (1) ceases to be held in public ownership or the State ceases to operate, maintain, and manage the real property in accordance with this subsection, all right, title, and interest in and to the property shall revert to the United States, at the option of the Secretary.

(3) MITIGATION.—Nothing in this subsection extinguishes the responsibility of the Federal Government or the non-Federal interest for the project referred to in paragraph (1) from the obligation to implement mitigation for such project that existed on the day prior to the transfer authorized by this subsection.

(b) MILFORD, KANSAS.—

(1) IN GENERAL.—The Secretary shall convey by quitclaim deed without consideration to the Geary County Fire Department, Milford, Kansas, all right, title, and interest of the United States in and to real property consisting of approximately 7.4 acres located in Geary County, Kansas, for construction, operation, and maintenance of a fire station.

(2) REVERSION.—If the Secretary determines that the real property conveyed under paragraph (1) ceases to be held in public ownership or ceases to be operated and maintained as a fire station, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

(c) PIKE COUNTY, MISSOURI.—

(1) IN GENERAL.—At such time as S.S.S., Inc., conveys all right, title and interest in and to the real property described in paragraph (2)(A) to the United States, the Secretary shall convey all right, title, and interest of the United States in and to the real property described in paragraph (2)(B) to S.S.S., Inc.

(2) LAND DESCRIPTION.—The parcels of land referred to in paragraph (1) are the following:

(A) NON-FEDERAL LAND.—Approximately 42 acres, the exact legal description to be determined by mutual agreement of S.S.S., Inc., and the Secretary, subject to any existing flowage easements situated in Pike County, Missouri, upstream and northwest, about a 200-foot distance from Drake Island (also known as Grimes Island).

(B) FEDERAL LAND.—Approximately 42 acres, the exact legal description to be determined by mutual agreement of S.S.S. Inc., and the Secretary, situated in Pike County, Missouri, known as Government Tract Numbers MIs–7 and a portion of FM–46 (both tracts on Buffalo Island), administered by the Corps of Engineers.

(3) CONDITIONS.—The exchange of real property under paragraph (1) shall be subject to the following conditions:

(A) DEEDS.—

(i) NON-FEDERAL LAND.—The conveyance of the real property described in paragraph (2)(A) to the Secretary shall be by a warranty deed acceptable to the Secretary.

(ii) FEDERAL LAND.—The instrument of conveyance used to convey the real property described in paragraph (2)(B) to S.S.S., Inc., shall be by quitclaim deed and contain such reservations, terms, and conditions as the Secretary considers necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(B) REMOVAL OF IMPROVEMENTS.—S.S.S., Inc., may remove, and the Secretary may require S.S.S., Inc., to remove, any improvements on the land described in paragraph (2)(A).

(C) TIME LIMIT FOR EXCHANGE.—The land exchange under paragraph (1) shall be completed not later than 2 years after the date of enactment of this Act.

(4) VALUE OF PROPERTIES.—If the appraised fair market value, as determined by the Secretary, of the real property conveyed to S.S.S., Inc., by the Secretary under paragraph (1) exceeds the appraised fair market value, as determined by the Secretary, of the real property conveyed to the United States by S.S.S., Inc., under paragraph (1), S.S.S., Inc., shall make a payment to the United States equal to the excess in cash or a cash equivalent that is satisfactory to the Secretary.

(d) BOARDMAN, OREGON.—Section 501(g)(1) of the Water Resources Development Act of 1996 (110 Stat. 3751) is amended—

(1) by striking ''city of Boardman,'' and inserting ''the Boardman Park and Recreation District, Boardman,''; and

(2) by striking ''such city'' and inserting ''the city of Boardman''.

(e) LOWELL, OREGON.—

(1) IN GENERAL.—The Secretary may convey without consideration to Lowell School District, by quitclaim deed, all right, title, and interest of the United States in and to land and buildings thereon, known as Tract A–82, located in Lowell, Oregon, and described in paragraph (2).

(2) DESCRIPTION OF PROPERTY.—The parcel of land authorized to be conveyed under paragraph (1) is as follows: Commencing at the point of intersection of the west line of Pioneer Street with the westerly extension of the north line of Summit Street, in Meadows Addition to Lowell, as platted and recorded at page 56 of Volume 4, Lane County Oregon Plat Records; thence north on the west line of Pioneer Street a distance of 176.0 feet to the true point of beginning of this description; thence north on the west line of Pioneer Street a distance of 170.0 feet; thence west at right angles to the west line of Pioneer Street a distance of 250.0 feet; thence south and parallel to the west line of Pioneer Street a distance of 170.0 feet; thence east 250.0 feet to the true point of beginning of this description in Section 14, Township 19 South, Range 1 West of the Willamette Meridian, Lane County, Oregon.

(3) TERMS AND CONDITIONS.—Before conveying the parcel to the school district, the Secretary shall ensure that the conditions of buildings and facilities meet the requirements of applicable Federal law.

(4) REVERSION.—If the Secretary determines that the property conveyed under paragraph (1) ceases to be held in public ownership, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

(f) LOWELL, OREGON.—

(1) RELEASE AND EXTINGUISHMENT OF DEED RESERVATIONS.—

(A) RELEASE AND EXTINGUISHMENT OF DEED RESERVATIONS.—The Secretary may release and extinguish the deed reservations for access and communication cables contained in the quitclaim deed, dated January 26, 1965, and recorded February 15, 1965, in the records of Lane County, Oregon; except that such reservations may only be released and extinguished for the lands owned by the city of Lowell as described in the quitclaim deed, dated April 11, 1991, in such records.

(B) ADDITIONAL RELEASE AND EXTINGUISHMENT OF DEED RESERVATIONS.—The Secretary may also release and extinguish the same deed reservations referred to in subparagraph (A) over land owned by Lane County, Oregon, within the city limits of Lowell, Oregon, to accommodate the development proposals of the city of Lowell/St. Vincent de Paul, Lane County, affordable housing project; except that the Secretary may require, at no cost to the United States—

(i) the alteration or relocation of any existing facilities, utilities, roads, or similar improvements on such lands; and

(ii) the right-of-way for such facilities, utilities, or improvements, as a pre-condition of any release or extinguishment of the deed reservations.

(2) CONVEYANCE.—The Secretary may convey to the city of Lowell, Oregon, at fair market value the parcel of land situated in the city of Lowell, Oregon, at fair market value consisting of the strip of federally-owned lands located northeast of West Boundary Road between Hyland Lane and the city of Lowell's eastward city limits.

(3) ADMINISTRATIVE COST.—Notwithstanding paragraphs (1) and (2), the city of Lowell, Oregon, shall pay the administrative costs incurred by the United States to execute the release and extinguishment of the deed reservations under paragraph (1) and the conveyance under paragraph (2).

(g) RICHARD B. RUSSELL LAKE, SOUTH CAROLINA.—

(1) IN GENERAL.—The Secretary shall convey to the State of South Carolina, by quitclaim deed, at fair market value, all right, title, and interest of the United States in and to the real property described in paragraph (2) that is managed, as of the date of enactment of this Act, by the South Carolina department of commerce for public recreation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1420).

(2) LAND DESCRIPTION.—Subject to paragraph (3), the real property referred to in paragraph (1) is the parcel contained in the portion of real property described in Army Lease Number DACW21–1–92–0500.

(3) RESERVATION OF INTERESTS.—The United States shall reserve—

(A) ownership of all real property included in the lease referred to in paragraph (2) that would have been acquired for operational purposes in accordance with the 1971 implementation of the 1962 Army/Interior Joint Acquisition Policy; and

(B) such other rights and interests in and to the real property to be conveyed as the Secretary considers necessary for authorized project purposes, including easement rights-of-way to remaining Federal land.

(4) NO EFFECT ON SHORE MANAGEMENT POLICY.—The Shoreline Management Policy (ER–1130–2–406) of the Corps of Engineers shall not be changed or altered for any proposed development of land conveyed under this subsection.

(5) COST SHARING.—In carrying out the conveyance under this subsection, the Secretary and the State shall comply with all obligations of any cost-sharing agreement between the Secretary and the State with respect to the real property described in paragraph (2) in effect as of the date of the conveyance.

(6) LAND NOT CONVEYED.—The State shall continue to manage the real property described in paragraph (3) not conveyed under this subsection in accordance with the terms and conditions of Army Lease Number DACW21–1–92–0500.

(h) DENISON, TEXAS.—

(1) IN GENERAL.—The Secretary shall offer to convey at fair market value to the city of Denison, Texas, 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.

(2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and description of the real property referred to in paragraph (1) shall be determined by a survey paid for by the city of Denison, Texas, that is satisfactory to the Secretary.

(3) CONVEYANCE.—On acceptance by the city of Denison, Texas, of an offer under paragraph (1), the Secretary may immediately convey the land surveyed under paragraph (2) by quitclaim deed to the city of Denison, Texas.

(i) GENERALLY APPLICABLE PROVISIONS.—

(1) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of any real property to be conveyed under this section shall be determined by a survey that is satisfactory to the Secretary.

(2) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(3) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that any conveyance under this section be subject to such additional terms and conditions as the Secretary considers appropriate and necessary to protect the interests of the United States.

(4) COSTS OF CONVEYANCE.—An entity to which a conveyance is made under this section shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the conveyance.

(5) LIABILITY.—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

SEC. 3123. EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.

(a) IDAHO.—

(1) IN GENERAL.—With respect to the property covered by each deed in paragraph (2)—

(A) the reversionary interests and use restrictions relating to port and industrial use purposes are extinguished;

(B) the restriction that no activity shall be permitted that will compete with services and facilities offered by public marinas is extinguished; and

(C) the human habitation or other building structure use restriction is extinguished if the elevation of the property is above the standard project flood elevation.

(2) AFFECTED DEEDS.—The deeds with the following county auditor's file numbers are referred to in paragraph (1):

(A) Auditor's Instrument No. 399218 of Nez Perce County, Idaho—2.07 acres.

(B) Auditor's Instrument No. 487437 of Nez Perce County, Idaho—7.32 acres.

(b) OLD HICKORY LOCK AND DAM, CUMBERLAND RIVER, TENNESSEE.—

(1) RELEASE OF RETAINED RIGHTS, INTERESTS, RESERVATIONS.—With respect to land conveyed by the Secretary to the Tennessee Society of Crippled Children and Adults, Incorporated (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.

(2) 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 paragraph (1).

(c) PORT OF PASCO, WASHINGTON.—

(1) EXTINGUISHMENT OF USE RESTRICTIONS AND FLOWAGE EASEMENT.—With respect to the property covered by the deed in paragraph (3)(A)—

(A) the flowage easement and human habitation or other building structure use restriction is extinguished if the elevation of the property is above the standard project flood elevation; and

(B) the use of fill material to raise areas of the property above the standard project flood elevation is authorized, except in any area for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is required.

(2) EXTINGUISHMENT OF FLOWAGE EASEMENT.—With respect to the property covered by each deed in paragraph (3)(B), the flowage easement is extinguished if the elevation of the property is above the standard project flood elevation.

(3) AFFECTED DEEDS.—The deeds referred to in paragraphs (1) and (2) are as follows:

(A) Auditor's File Number 262980 of Franklin County, Washington.

(B) Auditor's File Numbers 263334 and 404398 of Franklin County, Washington.

(d) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects the remaining rights and interests of the Corps of Engineers for authorized project purposes.

TITLE IV—STUDIES

SEC. 4001. JOHN GLENN GREAT LAKES BASIN PROGRAM.

Section 455 of the Water Resources Development Act of 1999 (42 U.S.C. 1962d–21) is amended by adding at the end the following:

''(g) IN-KIND CONTRIBUTIONS FOR STUDY.—The non-Federal interest may provide up to 100 percent of the non-Federal share required under subsection (f) in the form of in-kind services and materials.''.

SEC. 4002. LAKE ERIE DREDGED MATERIAL DISPOSAL SITES.

The Secretary shall conduct a study to determine the nature and frequency of avian botulism problems in the vicinity of Lake Erie associated with dredged material disposal sites and shall make recommendations to eliminate the conditions that result in such problems.

SEC. 4003. SOUTHWESTERN UNITED STATES DROUGHT STUDY.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and other appropriate agencies, shall conduct, at Federal expense, a comprehensive study of drought conditions in the southwestern United States, with particular emphasis on the Colorado River basin, the Rio Grande River basin, and the Great Basin.

(b) INVENTORY OF ACTIONS.—In conducting the study, the Secretary shall assemble an inventory of actions taken or planned to be taken to address drought-related situations in the southwestern United States.

(c) PURPOSE.—The purpose of the study shall be to develop recommendations to more effectively address current and future drought conditions in the southwestern United States.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $7,000,000. Such funds shall remain available until expended.

SEC. 4004. DELAWARE RIVER.

The Secretary shall review, in consultation with the Delaware River Basin Commission and the States of Delaware, Pennsylvania, New Jersey, and New York, the report of the Chief of Engineers on the Delaware River, published as House Document Numbered 522, 87th Congress, Second Session, as it relates to the Mid-Delaware River Basin from Wilmington to Port Jervis, and any other pertinent reports (including the strategy for resolution of interstate flow management issues in the Delaware River Basin dated August 2004 and the National Park Service Lower Delaware River Management Plan (1997–1999)), with a view to determining whether any modifications of recommendations contained in the first report referred to are advisable at the present time, in the interest of flood damage reduction, ecosystem restoration, and other related problems.

SEC. 4005. KNIK ARM, COOK INLET, ALASKA.

The Secretary shall conduct, at Federal expense, a study to determine the potential impacts on navigation of construction of a bridge across Knik Arm, Cook Inlet, Alaska.

SEC. 4006. KUSKOKWIM RIVER, ALASKA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation, Kuskokwim River, Alaska, in the vicinity of the village of Crooked Creek.

SEC. 4007. ST. GEORGE HARBOR, ALASKA.

The Secretary shall conduct, at Federal expense, a study to determine the feasibility of providing navigation improvements at St. George Harbor, Alaska.

SEC. 4008. SUSITNA RIVER, ALASKA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for hydropower, recreation, and related purposes on the Susitna River, Alaska.

SEC. 4009. GILA BEND, MARICOPA, ARIZONA.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Gila Bend, Maricopa, Arizona.

(b) REVIEW OF PLANS.—In conducting the study, the Secretary shall review plans and designs developed by non-Federal interests and shall incorporate such plans and designs into the Federal study if the Secretary determines that such plans and designs are consistent with Federal standards.

SEC. 4010. SEARCY COUNTY, ARKANSAS.

The Secretary shall conduct a study to determine the feasibility of using Greers Ferry Lake as a water supply source for Searcy County, Arkansas.

SEC. 4011. ELKHORN SLOUGH ESTUARY, CALIFORNIA.

The Secretary shall conduct a study of the Elkhorn Slough estuary, California, to determine the feasibility of conserving, enhancing, and restoring estuarine habitats by developing strategies to address hydrological management issues.

SEC. 4012. FRESNO, KINGS, AND KERN COUNTIES, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply for Fresno, Kings, and Kern Counties, California.

SEC. 4013. 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 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 $20,000,000.

SEC. 4014. LYTLE CREEK, RIALTO, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and groundwater recharge, Lytle Creek, Rialto, California.

SEC. 4015. MOKELUMNE RIVER, SAN JOAQUIN COUNTY, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply along the Mokelumne River, San Joaquin County, California.

(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to invalidate, preempt, or create any exception to State water law, State water rights, or Federal or State permitted activities or agreements.

SEC. 4016. NAPA RIVER, ST. HELENA, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall conduct a comprehensive study of the Napa River in the vicinity of St. Helena, California, for the purposes of improving flood management through reconnecting the river to its floodplain; restoring habitat, including riparian and aquatic habitat; improving fish passage and water quality; and restoring native plant communities.

(b) PLANS AND DESIGNS.—In conducting the study, the Secretary shall review plans and designs developed by non-Federal interests and shall incorporate such plans and designs into the Federal study if the Secretary determines that such plans and designs are consistent with Federal standards.

SEC. 4017. ORICK, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and ecosystem restoration, Orick, California.

(b) FEASIBILITY OF RESTORING OR REHABILITATING REDWOOK CREEK LEVEES.—In conducting the study, the Secretary shall determine the feasibility of restoring or rehabilitating the Redwood Creek Levees, Humboldt County, California.

SEC. 4018. RIALTO, FONTANA, AND COLTON, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply for Rialto, Fontana, and Colton, California.

SEC. 4019. SACRAMENTO RIVER, CALIFORNIA.

The Secretary shall conduct a comprehensive study to determine the feasibility of, and alternatives for, measures to protect water diversion facilities and fish protective screen facilities in the vicinity of river mile 178 on the Sacramento River, California.

SEC. 4020. SAN DIEGO COUNTY, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, San Diego County, California, including a review of the feasibility of connecting 4 existing reservoirs to increase usable storage capacity.

SEC. 4021. SAN FRANCISCO BAY, SACRAMENTO-SAN JOAQUIN DELTA, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of the beneficial use of dredged material from the San Francisco Bay in the Sacramento-San Joaquin Delta, California, including the benefits and impacts of salinity in the Delta and the benefits to navigation, flood damage reduction, ecosystem restoration, water quality, salinity control, water supply reliability, and recreation.

(b) COOPERATION.—In conducting the study, the Secretary shall cooperate with the California Department of Water Resources and appropriate Federal and State entities in developing options for the beneficial use of dredged material from San Francisco Bay for the Sacramento-San Joaquin Delta area.

(c) REVIEW.—The study shall include a review of the feasibility of using Sherman Island as a rehandling site for levee maintenance material, as well as for ecosystem restoration. The review may include monitoring a pilot project using up to 150,000 cubic yards of dredged material and being carried out at the Sherman Island site, examining larger scale use of dredged materials from the San Francisco Bay and Suisun Bay Channel, and analyzing the feasibility of the potential use of saline materials from the San Francisco Bay for both rehandling and ecosystem restoration purposes.

SEC. 4022. SOUTH SAN FRANCISCO BAY SHORELINE STUDY, CALIFORNIA.

(a) IN GENERAL.—In conducting the South San Francisco Bay shoreline study, the Secretary shall—

(1) review the planning, design, and land acquisition documents prepared by the California State Coastal Conservancy, the Santa Clara Valley Water District, and other local interests in developing recommendations for measures to provide flood protection of the South San Francisco Bay shoreline, restoration of the South San Francisco Bay salt ponds (including lands owned by the Department of the Interior), and other related purposes; and

(2) incorporate such planning, design, and land acquisition documents into the Federal study if the Secretary determines that such documents are consistent with Federal standards.

(b) REPORT.—Not later than December 31, 2008, the Secretary shall transmit a feasibility report for the South San Francisco Bay shoreline study to the Committee on Transportation

and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(c) CREDIT.—

(1) IN GENERAL.—The Secretary shall credit toward the non-Federal share of the cost of any project authorized by law as a result of the South San Francisco Bay shoreline study the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(2) LIMITATION.—In no case may work that was carried out more than 5 years before the date of enactment of this Act be eligible for credit under this subsection.

SEC. 4023. TWENTYNINE PALMS, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Pinto Cove Wash, in the vicinity of Twentynine Palms, California.

SEC. 4024. YUCCA VALLEY, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, West Burnt Mountain basin, in the vicinity of Yucca Valley, California.

SEC. 4025. ROARING FORK RIVER, BASALT, COLORADO.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and other purposes for the Roaring Fork River, Basalt, Colorado.

SEC. 4026. DELAWARE AND CHRISTINA RIVERS AND SHELLPOT CREEK, WILMINGTON, DELAWARE.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and related purposes along the Delaware and Christina Rivers and Shellpot Creek, Wilmington, Delaware.

SEC. 4027. COLLIER COUNTY BEACHES, FLORIDA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for hurricane and storm damage reduction and flood damage reduction in the vicinity of Vanderbilt, Park Shore, and Naples beaches, Collier County, Florida.

SEC. 4028. LOWER ST. JOHNS RIVER, FLORIDA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental protection and restoration, including improved water quality, and related purposes, Lower St. Johns River, Florida.

SEC. 4029. VANDERBILT BEACH LAGOON, FLORIDA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental restoration, water supply, and improvement of water quality at Vanderbilt Beach Lagoon, Florida.

SEC. 4030. MERIWETHER COUNTY, GEORGIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Meriwether County, Georgia.

SEC. 4031. TYBEE ISLAND, GEORGIA.

The Secretary shall conduct a study to determine the feasibility of including the northern end of Tybee Island extending from the north terminal groin to the mouth of Lazaretto Creek as a part of the project for beach erosion control, Tybee Island, Georgia, carried out under section 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d–5).

SEC. 4032. BOISE RIVER, IDAHO.

The study for flood control, Boise River, Idaho, authorized by section 414 of the Water Resources Development Act of 1999 (113 Stat. 324), is modified—

(1) to add ecosystem restoration and water supply as project purposes to be studied; and

(2) to require the Secretary to credit toward the non-Federal share of the cost of the study the cost, not to exceed $500,000, of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 4033. BALLARD'S ISLAND SIDE CHANNEL, ILLINOIS.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for ecosystem restoration, Ballard's Island, Illinois.

SEC. 4034. SALEM, INDIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project to provide an additional water supply source for Salem, Indiana.

SEC. 4035. BUCKHORN LAKE, KENTUCKY.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of modifying the project for flood damage reduction, Buckhorn Lake, Kentucky, authorized by section 2 of the Flood Control Act of June 28, 1938 (52 Stat. 1217), to add ecosystem restoration, recreation, and improved access as project purposes, including permanently raising the winter pool elevation of the project.

(b) IN-KIND CONTRIBUTIONS.—The non-Federal interest may provide the non-Federal share of the cost of the study in the form of in-kind services and materials.

SEC. 4036. DEWEY LAKE, KENTUCKY.

The Secretary shall conduct a study to determine the feasibility of modifying the project for Dewey Lake, Kentucky, to add water supply as a project purpose.

SEC. 4037. LOUISVILLE, KENTUCKY.

The Secretary shall conduct a study of the project for flood control, Louisville, Kentucky, authorized by section 4 of the Flood Control Act of June 28, 1938 (52 Stat. 1217), to investigate measures to address the rehabilitation of the project.

SEC. 4038. FALL RIVER HARBOR, MASSACHUSETTS AND RHODE ISLAND.

The Secretary shall conduct a study to determine the feasibility of deepening that portion of the navigation channel of the navigation project for Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), seaward of the Charles M. Braga, Jr. Memorial Bridge, Fall River and Somerset, Massachusetts.

SEC. 4039. CLINTON RIVER, MICHIGAN.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental restoration, Clinton River, Michigan.

SEC. 4040. HAMBURG AND GREEN OAK TOWNSHIPS, MICHIGAN.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction on Ore Lake and the Huron River for Hamburg and Green Oak Townships, Michigan.

SEC. 4041. DULUTH-SUPERIOR HARBOR, MINNESOTA AND WISCONSIN.

(a) IN GENERAL.—The Secretary shall conduct a study and prepare a report to evaluate the integrity of the bulkhead system located on and in the vicinity of Duluth-Superior Harbor, Duluth, Minnesota, and Superior, Wisconsin.

(b) CONTENTS.—The report shall include—

(1) a determination of causes of corrosion of the bulkhead system;

(2) recommendations to reduce corrosion of the bulkhead system;

(3) a description of the necessary repairs to the bulkhead system; and

(4) an estimate of the cost of addressing the causes of the corrosion and carrying out necessary repairs.

SEC. 4042. NORTHEAST MISSISSIPPI.

The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Tennessee-Tombigbee Waterway, Alabama and Mississippi, to provide water supply for northeast Mississippi.

SEC. 4043. ST. LOUIS, MISSOURI.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, St. Louis, Missouri, to restore or rehabilitate the levee system feature of the project for flood protection, St. Louis, Missouri, authorized by the first section of the Act entitled ''An Act authorizing construction of certain public works on the Mississippi River for the protection of Saint Louis, Missouri'', approved August 9, 1955 (69 Stat. 540).

SEC. 4044. DREDGED MATERIAL DISPOSAL, NEW JERSEY.

The Secretary shall conduct a study to determine the feasibility of carrying out a project in the vicinity of the Atlantic Intracoastal Waterway, New Jersey, for the construction of a dredged material disposal transfer facility to make dredged material available for beneficial reuse.

SEC. 4045. BAYONNE, NEW JERSEY.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental restoration, including improved water quality, enhanced public access, and recreation, on the Kill Van Kull, Bayonne, New Jersey.

SEC. 4046. CARTERET, NEW JERSEY.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for environmental restoration, including improved water quality, enhanced public access, and recreation, on the Raritan River, Carteret, New Jersey.

SEC. 4047. GLOUCESTER COUNTY, NEW JERSEY.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Gloucester County, New Jersey, including the feasibility of restoring the flood protection dikes in Gibbstown, New Jersey, and the associated tidegates in Gloucester County, New Jersey.

SEC. 4048. PERTH AMBOY, NEW JERSEY.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for riverfront development, including enhanced public access, recreation, and environmental restoration, on the Arthur Kill, Perth Amboy, New Jersey.

SEC. 4049. BATAVIA, NEW YORK.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for hydropower and related purposes in the vicinity of Batavia, New York.

SEC. 4050. BIG SISTER CREEK, EVANS, NEW YORK.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Big Sister Creek, Evans, New York.

(b) EVALUATION OF POTENTIAL SOLUTIONS.—In conducting the study, the Secretary shall evaluate potential solutions to flooding from all sources, including flooding that results from ice jams.

SEC. 4051. FINGER LAKES, NEW YORK.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for aquatic ecosystem restoration and protection, Finger Lakes, New York, to address water quality and aquatic nuisance species.

SEC. 4052. LAKE ERIE SHORELINE, BUFFALO, NEW YORK.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for storm damage reduction and shoreline protection in the vicinity of Gallagher Beach, Lake Erie Shoreline, Buffalo, New York.

SEC. 4053. NEWTOWN CREEK, NEW YORK.

The Secretary shall conduct a study to determine the feasibility of carrying out ecosystem restoration improvements on Newtown Creek, Brooklyn and Queens, New York.

SEC. 4054. NIAGARA RIVER, NEW YORK.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for a low-head hydroelectric generating facility in the Niagara River, New York.

SEC. 4055. SHORE PARKWAY GREENWAY, BROOKLYN, NEW YORK.

The Secretary shall conduct a study of the feasibility of carrying out a project for shoreline protection in the vicinity of the confluence of the Narrows and Gravesend Bay, Upper New York Bay, Shore Parkway Greenway, Brooklyn, New York.

SEC. 4056. UPPER DELAWARE RIVER WATERSHED, NEW YORK.

Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and with the consent of the affected local government, a nonprofit organization may serve as the non-Federal interest for a study for the Upper Delaware River watershed, New York, being carried out under Committee Resolution 2495 of the Committee on Transportation and Infrastructure of the House of Representatives, adopted May 9, 1996.

SEC. 4057. LINCOLN COUNTY, NORTH CAROLINA.

The Secretary shall conduct a study of existing water and water quality-related infrastructure in Lincoln County, North Carolina, to assist local interests in determining the most efficient and effective way to connect county infrastructure.

SEC. 4058. WILKES COUNTY, NORTH CAROLINA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Wilkes County, North Carolina.

SEC. 4059. YADKINVILLE, NORTH CAROLINA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Yadkinville, North Carolina.

SEC. 4060. LAKE ERIE, OHIO.

The Secretary shall conduct a study to determine the feasibility of carrying out projects for power generation at confined disposal facilities along Lake Erie, Ohio.

SEC. 4061. OHIO RIVER, OHIO.

The Secretary shall conduct a study to determine the feasibility of carrying out projects for flood damage reduction on the Ohio River in Mahoning, Columbiana, Jefferson, Belmont, Noble, Monroe, Washington, Athens, Meigs, Gallia, Lawrence, and Scioto Counties, Ohio.

SEC. 4062. ECOSYSTEM RESTORATION AND FISH PASSAGE IMPROVEMENTS, OREGON.

(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of undertaking ecosystem restoration and fish passage improvements on rivers throughout the State of Oregon.

(b) REQUIREMENTS.—In carrying out the study, the Secretary shall—

(1) work in coordination with the State of Oregon, local governments, and other Federal agencies; and

(2) place emphasis on—

(A) fish passage and conservation and restoration strategies to benefit species that are listed or proposed for listing as threatened or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(B) other watershed restoration objectives.

(c) PILOT PROGRAM.—

(1) IN GENERAL.—In conjunction with conducting the study under subsection (a), the Secretary may carry out pilot projects to demonstrate the effectiveness of ecosystem restoration and fish passages.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 to carry out this subsection.

SEC. 4063. WALLA WALLA RIVER BASIN, OREGON.

In conducting the study of determine the feasibility of carrying out a project for ecosystem restoration, Walla Walla River Basin, Oregon, the Secretary shall—

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

(2) allow the non-Federal interest to provide the non-Federal share of the cost of the study in the form of in-kind services and materials.

SEC. 4064. CHARTIERS CREEK WATERSHED, PENNSYLVANIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Chartiers Creek watershed, Pennsylvania.

SEC. 4065. KINZUA DAM AND ALLEGHENY RESERVOIR, PENNSYLVANIA.

The Secretary shall conduct a study of the project for flood control, Kinzua Dam and Allegheny Reservoir, Warren, Pennsylvania, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1570), and modified by section 2 of the Flood Control Act of June 28, 1938 (52 Stat. 1215), section 2 of the Flood Control Act of August 18, 1941 (55 Stat. 646), and section 4 of the Flood Control Act of December 22, 1944 (58 Stat. 887), to review operations of and identify modifications to the project to expand recreational opportunities.

SEC. 4066. WESTERN PENNSYLVANIA FLOOD DAMAGE REDUCTION, PENNSYLVANIA.

(a) IN GENERAL.—The Secretary shall conduct a study of structural and nonstructural flood damage reduction, stream bank protection, storm water management, channel clearing and modification, and watershed coordination measures in the Mahoning River basin, Pennsylvania, the Allegheny River basin, Pennsylvania, and the Upper Ohio River basin, Pennsylvania, to provide a level of flood protection sufficient to prevent future losses to communities located in such basins from flooding such as occurred in September 2004, but not less than a 100-year level of flood protection.

(b) PRIORITY COMMUNITIES.—In carrying out this section, the Secretary shall give priority to the following Pennsylvania communities: Marshall Township, Ross Township, Shaler Township, Jackson Township, Harmony, Zelienople, Darlington Township, Houston Borough, Chartiers Township, Washington, Canton Township, Tarentum Borough, and East Deer Township.

SEC. 4067. WILLIAMSPORT, PENNSYLVANIA.

The Secretary shall conduct a study of the project for flood control, Williamsport, Pennsylvania, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1570), to investigate measures to rehabilitate the project.

SEC. 4068. YARDLEY BOROUGH, PENNSYLVANIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, at Yardley Borough, Pennsylvania, including the alternative of raising River Road.

SEC. 4069. RIO VALENCIANO, JUNCOS, PUERTO RICO.

(a) IN GENERAL.—The Secretary shall conduct a study to reevaluate the project for flood damage reduction and water supply, Rio Valenciano, Juncos, Puerto Rico, authorized by section 209 of the Flood Control Act of 1962 (76 Stat. 1197) and section 204 of the Flood Control Act of 1970 (84 Stat. 1828), to determine the feasibility of carrying out the project.

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

SEC. 4070. CROOKED CREEK, BENNETTSVILLE, SOUTH CAROLINA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Crooked Creek, Bennettsville, South Carolina.

SEC. 4071. BROAD RIVER, YORK COUNTY, SOUTH CAROLINA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Broad River, York County, South Carolina.

SEC. 4072. CHATTANOOGA, TENNESSEE.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Chattanooga Creek, Dobbs Branch, Chattanooga, Tennessee.

SEC. 4073. CLEVELAND, TENNESSEE.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Cleveland, Tennessee.

SEC. 4074. CUMBERLAND RIVER, NASHVILLE, TENNESSEE.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for recreation on, riverbank protection for, and environmental protection of, the Cumberland River and riparian habitats in the city of Nashville and Davidson County, Tennessee.

SEC. 4075. LEWIS, LAWRENCE, AND WAYNE COUNTIES, TENNESSEE.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply for Lewis, Lawrence, and Wayne Counties, Tennessee.

SEC. 4076. WOLF RIVER AND NONCONNAH CREEK, MEMPHIS TENNESSEE.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction along Wolf River and Nonconnah Creek, in the vicinity of Memphis, Tennessee, to include the repair, replacement, rehabilitation, and restoration of the following pumping stations: Cypress Creek, Nonconnah Creek, Ensley, Marble Bayou, and Bayou Gayoso.

SEC. 4077. ABILENE, TEXAS.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Abilene, Texas.

SEC. 4078. COASTAL TEXAS ECOSYSTEM PROTECTION AND RESTORATION, TEXAS.

(a) IN GENERAL.—The Secretary shall develop a comprehensive plan to determine the feasibility of carrying out projects for flood damage reduction, hurricane and storm damage reduction, and ecosystem restoration in the coastal areas of the State of Texas.

(b) SCOPE.—The comprehensive plan shall provide for the protection, conservation, and restoration of wetlands, barrier islands, shorelines, and related lands and features that protect critical resources, habitat, and infrastructure from the impacts of coastal storms, hurricanes, erosion, and subsidence.

(c) DEFINITION.—For purposes of this section, the term ''coastal areas in the State of Texas'' means the coastal areas of the State of Texas from the Sabine River on the east to the Rio Grande River on the west and includes tidal waters, barrier islands, marshes, coastal wetlands, rivers and streams, and adjacent areas.

SEC. 4079. JOHNSON CREEK, ARLINGTON, TEXAS.

(a) REEVALUATION OF ENVIRONMENTAL RESTORATION FEATURES.—The Secretary shall reevaluate the project for flood damage reduction, environmental restoration, and recreation, authorized by section 101(b)(14) of the Water Resources Development Act of 1999 (113 Stat. 280), to develop alternatives to the separable environmental restoration element of the project.

(b) STUDY OF ADDITIONAL FLOOD DAMAGE REDUCTION MEASURES.—The Secretary shall conduct a study to determine the feasibility of additional flood damage reduction measures and erosion control measures within the boundaries of the project referred to in subsection (a).

(c) PLANS AND DESIGNS.—In conducting the studies referred to in subsections (a) and (b), the Secretary shall review plans and designs developed by non-Federal interests and shall use such plans and designs to the extent that the Secretary determines that such plans and designs are consistent with Federal standards.

(d) CREDIT TOWARD FEDERAL SHARE.—If an alternative environmental restoration element is authorized by law, the Secretary shall credit toward the Federal share of the cost of that project the costs incurred by the Secretary to carry out the separable environmental restoration element of the project referred to in subsection (a). The non-Federal interest shall not

be responsible for reimbursing the Secretary for any amount credited under this subsection.

(e) CREDIT TOWARD THE NON-FEDERAL SHARE.—The Secretary shall credit toward the non-Federal share of the cost of the studies under subsections (a) and (b), and the cost of any project carried out as a result of such studies the cost of work carried out by the non-Federal interest.

SEC. 4080. PORT OF GALVESTON, TEXAS.

The Secretary shall conduct a study of the feasibility of carrying out a project for dredged material disposal in the vicinity of the project for navigation and environmental restoration, Houston-Galveston Navigation Channels, Texas, authorized by section 101(a)(30) of the Water Resources Development Act of 1996 (110 Stat. 3666).

SEC. 4081. GRAND COUNTY AND MOAB, UTAH.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply for Grand County and the city of Moab, Utah, including a review of the impact of current and future demands on the Spanish Valley Aquifer.

SEC. 4082. SOUTHWESTERN UTAH.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, Santa Clara River, Washington, Iron, and Kane Counties, Utah.

SEC. 4083. CHOWAN RIVER BASIN, VIRGINIA AND NORTH CAROLINA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, environmental restoration, navigation, and erosion control, Chowan River basin, Virginia and North Carolina.

SEC. 4084. ELLIOTT BAY SEAWALL, SEATTLE, WASHINGTON.

(a) IN GENERAL.—The study for rehabilitation of the Elliott Bay Seawall, Seattle, Washington, being carried out under Committee Resolution 2704 of the Committee on Transportation and Infrastructure of the House of Representatives adopted September 25, 2002, is modified to include a determination of the feasibility of reducing future damage to the seawall from seismic activity.

(b) ACCEPTANCE OF CONTRIBUTIONS.—In carrying out the study, the Secretary may accept contributions in excess of the non-Federal share of the cost of the study from the non-Federal interest to the extent that the Secretary determines that the contributions will facilitate completion of the study.

(c) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of any project authorized by law as a result of the study the value of contributions accepted by the Secretary under subsection (b).

SEC. 4085. MONONGAHELA RIVER BASIN, NORTHERN WEST VIRGINIA.

The Secretary shall conduct a study to determine the feasibility of carrying out aquatic ecosystem restoration and protection projects in the watersheds of the Monongahela River Basin lying within the counties of Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood, Doddridge, Monongalia, Marion, Harrison, Taylor, Barbour, Preston, Tucker, Mineral, Grant, Gilmer, Brooke, and Rithchie, West Virginia, particularly as related to abandoned mine drainage abatement.

SEC. 4086. KENOSHA HARBOR, WISCONSIN.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation, Kenosha Harbor, Wisconsin, including the extension of existing piers.

SEC. 4087. WAUWATOSA, WISCONSIN.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and environmental restoration, Menomonee River and Underwood Creek, Wauwatosa, Wisconsin, and greater Milwaukee watersheds, Wisconsin.

SEC. 4088. JOHNSONVILLE DAM, JOHNSONVILLE, WISCONSIN.

The Secretary shall conduct a study of the Johnsonville Dam, Johnsonville, Wisconsin, to determine if the structure prevents ice jams on the Sheboygan River.

TITLE V—MISCELLANEOUS

SEC. 5001. MAINTENANCE OF NAVIGATION CHANNELS.

(a) IN GENERAL.—Upon request of a non-Federal interest, the Secretary shall be responsible for maintenance of the following navigation channels and breakwaters constructed or improved by the non-Federal interest if the Secretary determines that such maintenance is economically justified and environmentally acceptable and that the channel or breakwater was constructed in accordance with applicable permits and appropriate engineering and design standards:

(1) Manatee Harbor basin, Florida.

(2) Bayou LaFourche Channel, Port Fourchon, Louisiana.

(3) Calcasieu River at Devil's Elbow, Louisiana.

(4) Pidgeon Industrial Harbor, Pidgeon Industrial Park, Memphis Harbor, Tennessee.

(5) Pix Bayou Navigation Channel, Chambers County, Texas.

(6) Racine Harbor, Wisconsin.

(b) COMPLETION OF ASSESSMENT.—Not later than 6 months after the date of receipt of a request from a non-Federal interest for Federal assumption of maintenance of a channel listed in subsection (a), the Secretary shall make a determination as provided in subsection (a) and advise the non-Federal interest of the Secretary's determination.

SEC. 5002. WATERSHED MANAGEMENT.

(a) IN GENERAL.—The Secretary may provide technical, planning, and design assistance to non-Federal interests for carrying out watershed management, restoration, and development projects at the locations described in subsection (d).

(b) SPECIFIC MEASURES.—Assistance provided under subsection (a) may be in support of non-Federal projects for the following purposes:

(1) Management and restoration of water quality.

(2) Control and remediation of toxic sediments.

(3) Restoration of degraded streams, rivers, wetlands, and other waterbodies to their natural condition as a means to control flooding, excessive erosion, and sedimentation.

(4) Protection and restoration of watersheds, including urban watersheds.

(5) Demonstration of technologies for nonstructural measures to reduce destructive impacts of flooding.

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

(d) PROJECT LOCATIONS.—The locations referred to in subsection (a) are the following:

(1) Big Creek watershed, Roswell, Georgia.

(2) Those portions of the watersheds of the Chattahoochee, Etowah, Flint, Ocmulgee, and Oconee Rivers lying within the counties of Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Fulton, Forsyth, Gwinnett, Hall, Henry, Paulding, Rockdale, and Walton, Georgia.

(3) Kinkaid Lake, Jackson County, Illinois.

(4) Amite River basin, Louisiana.

(5) East Atchafalaya River basin, Iberville Parish and Pointe Coupee Parish, Louisiana.

(6) Red River watershed, Louisiana.

(7) Lower Platte River watershed, Nebraska.

(8) Rio Grande watershed, New Mexico.

(9) Taunton River basin, Massachusetts.

(10) Marlboro Township, New Jersey.

(11) Esopus, Plattekill, and Rondout Creeks, Greene, Sullivan, and Ulster Counties, New York.

(12) Greenwood Lake watershed, New York and New Jersey.

(13) Long Island Sound watershed, New York.

(14) Ramapo River watershed, New York.

(15) Western Lake Erie basin, Ohio.

(16) Those portions of the watersheds of the Beaver, Upper Ohio, Connoquenessing, Lower Allegheny, Kiskiminetas, Lower Monongahela, Youghiogheny, Shenango, and Mahoning Rivers lying within the counties of Beaver, Butler, Lawrence, and Mercer, Pennsylvania.

(17) Otter Creek watershed, Pennsylvania.

(18) Unami Creek watershed, Milford Township, Pennsylvania.

(19) Sauk River basin, Washington.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.

SEC. 5003. DAM SAFETY.

(a) ASSISTANCE.—The Secretary may provide assistance to enhance dam safety at the following locations:

(1) Fish Creek Dam, Blaine County, Idaho.

(2) Hamilton Dam, Saginaw River, Flint, Michigan.

(3) State Dam, Auburn, New York.

(4) Whaley Lake Dam, Pawling, New York.

(5) Ingham Spring Dam, Solebury Township, Pennsylvania.

(6) Leaser Lake Dam, Lehigh County, Pennsylvania.

(7) Stillwater Dam, Monroe County, Pennsylvania.

(8) Wissahickon Creek Dam, Montgomery County, Pennsylvania.

(b) SPECIAL RULE.—The assistance provided under subsection (a) for State Dam, Auburn, New York, shall be for a project for rehabilitation in accordance with the report on State Dam Rehabilitation, Owasco Lake Outlet, New York, dated March 1999, if the Secretary determines that the project is feasible.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a) $6,000,000.

SEC. 5004. STRUCTURAL INTEGRITY EVALUATIONS.

(a) IN GENERAL.—Upon request of a non-Federal interest, the Secretary shall evaluate the structural integrity and effectiveness of a project for flood damage reduction and, if the Secretary determines that the project does not meet such minimum standards as the Secretary may establish and, absent action by the Secretary, the project will fail, the Secretary may take such action as may be necessary to restore the integrity and effectiveness of the project.

(b) PRIORITY.—The Secretary shall evaluate under subsection (a) the following projects:

(1) Project for flood damage reduction, Arkansas River Levees, Arkansas.

(2) Project for flood damage reduction, Nonconnah Creek, Tennessee.

SEC. 5005. FLOOD MITIGATION PRIORITY AREAS.

(a) IN GENERAL.—Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e); 114 Stat. 2599) is amended—

(1) by striking ''and'' at the end of paragraphs (23) and (27);

(2) by striking the period at the end of paragraph (28) and inserting a semicolon; and

(3) by adding at the end the following:

''(29) Ascension Parish, Louisiana;

''(30) East Baton Rouge Parish, Louisiana;

''(31) Iberville Parish, Louisiana;

''(32) Livingston Parish, Louisiana; and

''(33) Pointe Coupee Parish, Louisiana.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 212(i)(1) of such Act (33 U.S.C. 2332(i)(1)) is amended by striking ''section—'' and all that follows before the period at the end and inserting ''section $20,000,000''.

SEC. 5006. ADDITIONAL ASSISTANCE FOR AUTHORIZED PROJECTS.

(a) IN GENERAL.—Section 219(e) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334) is amended—

(1) by striking ''and'' at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting a semicolon; and

(3) by adding at the end the following:

''(9) $35,000,000 for the project described in subsection (c)(18);

''(10) $27,000,000 for the project described in subsection (c)(19);

''(11) $20,000,000 for the project described in subsection (c)(20);

''(12) $35,000,000 for the project described in subsection (c)(23);

''(13) $20,000,000 for the project described in subsection (c)(25);

''(14) $20,000,000 for the project described in subsection (c)(26);

''(15) $35,000,000 for the project described in subsection (c)(27);

''(16) $20,000,000 for the project described in subsection (c)(28); and

''(17) $30,000,000 for the project described in subsection (c)(40).''.

(b) EAST ARKANSAS ENTERPRISE COMMUNITY, ARKANSAS.—Federal assistance made available under the rural enterprise zone program of the Department of Agriculture may be used toward payment of the non-Federal share of the costs of the project described in section 219(c)(20) of the Water Resources Development Act of 1992 (114 Stat. 2763A–219) if such assistance is authorized to be used for such purposes.

SEC. 5007. EXPEDITED COMPLETION OF REPORTS AND CONSTRUCTION FOR CERTAIN PROJECTS.

The Secretary shall expedite completion of the reports and, if the Secretary determines that the project is feasible, shall expedite completion of construction for the following projects:

(1) False River, Louisiana, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(2) Fulmer Creek, Village of Mohawk, New York, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(3) Moyer Creek, Village of Frankfort, New York, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(4) Steele Creek, Village of Ilion, New York, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(5) Oriskany Wildlife Management Area, Rome, New York, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(6) Whitney Point Lake, Otselic River, Whitney Point, New York, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).

(7) North River, Peabody, Massachusetts, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(8) Chenango Lake, Chenango County, New York, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

SEC. 5008. EXPEDITED COMPLETION OF REPORTS FOR CERTAIN PROJECTS.

(a) IN GENERAL.—The Secretary shall expedite completion of the reports for the following projects and, if the Secretary determines that a project is justified in the completed report, proceed directly to project preconstruction, engineering, and design:

(1) Project for water supply, Little Red River, Arkansas.

(2) Project for shoreline stabilization at Egmont Key, Florida.

(3) Project for ecosystem restoration, University Lake, Baton Rouge, Louisiana.

(4) Project for navigation, Sabine-Neches Waterway, Texas and Louisiana.

(b) SPECIAL RULE FOR EGMONT KEY, FLORIDA.—In carrying out the project for shoreline stabilization at Egmont Key, Florida, referred to in subsection (a)(3), the Secretary shall waive any cost share to be provided by non-Federal interests for any portion of the project that benefits federally owned property.

SEC. 5009. SOUTHEASTERN WATER RESOURCES ASSESSMENT.

(a) IN GENERAL.—The Secretary shall conduct, at Federal expense, an assessment of the water resources needs of the river basins and watersheds of the southeastern United States.

(b) COOPERATIVE AGREEMENTS.—In carrying out the assessment, the Secretary may enter into cooperative agreements with State and local agencies, non-Federal and nonprofit entities, and regional researchers.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $7,000,000 to carry out this section.

SEC. 5010. UPPER MISSISSIPPI RIVER ENVIRONMENTAL MANAGEMENT PROGRAM.

Section 1103(e)(7) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(7)) is amended—

(1) by adding at the end of subparagraph (A) the following: ''The non-Federal interest may provide the non-Federal share of the cost of the project in the form of in-kind services and materials.''; and

(2) by inserting after subparagraph (B) the following:

''(C) Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal interest may include for any project undertaken under this section, a nonprofit entity with the consent of the affected local government.''.

SEC. 5011. MISSOURI AND MIDDLE MISSISSIPPI RIVER ENHANCEMENT PROJECT.

Section 514(g) of the Water Resources Development Act of 1999 (113 Stat. 343; 117 Stat. 142) is amended by striking ''and 2004'' and inserting ''through 2015''.

SEC. 5012. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.

Section 506(f)(3)(B) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22; 114 Stat. 2646) is amended by striking ''50 percent'' and inserting ''100 percent''.

SEC. 5013. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401(c) of the Water Resources Development Act of 1990 (104 Stat. 4644; 33 U.S.C. 1268 note) is amended by striking ''through 2006'' and inserting ''through 2012''.

SEC. 5014. 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 2012''.

SEC. 5015. GREAT LAKES NAVIGATION.

(a) IN GENERAL.—Using available funds, the Secretary shall expedite the operation and maintenance, including dredging, of the navigation features of the Great Lakes and Connecting Channels for the purpose of supporting commercial navigation to authorized project depths.

(b) GREAT LAKES AND CONNECTING CHANNELS DEFINED.—In this section, the term ''Great Lakes and Connecting Channels'' includes Lakes Superior, Huron, Michigan, Erie, and Ontario, all connecting waters between and among such lakes used for commercial navigation, any navigation features in such lakes or waters that are a Federal operation or maintenance responsibility, and areas of the Saint Lawrence River that are operated or maintained by the Federal government for commercial navigation.

SEC. 5016. UPPER MISSISSIPPI RIVER DISPERSAL BARRIER PROJECT.

(a) IN GENERAL.—The Secretary, in consultation with appropriate Federal and State agencies, shall study, design, and carry out a project for preventing and reducing the dispersal of aquatic nuisance species through the Upper Mississippi River system. The Secretary shall complete the study, design, and construction of the project not later than 6 months after the date of enactment of this Act.

(b) DISPERSAL BARRIER.—The Secretary, at Federal expense, shall—

(1) investigate and identify environmentally sound methods for preventing and reducing the dispersal of aquatic nuisance species;

(2) study, design, and carry out a project for a dispersal barrier, using available technologies and measures, to be located in the lock portion of Lock and Dam 11 in the Upper Mississippi River basin;

(3) monitor and evaluate, in cooperation with the Director of the United States Fish and Wildlife Service, the effectiveness of the project in preventing and reducing the dispersal of aquatic nuisance species through the Upper Mississippi River system, and report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate on the results of the evaluation; and

(4) operate and maintain the project.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $4,000,000 to carry out this section.

SEC. 5017. 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 (Public Law 105–18; 111 Stat. 176), section 2.2 of the Susquehanna River Basin Compact (Public Law 91–575), and section 2.2 of 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 for any period for 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 for 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. 5018. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.

(a) FORM OF ASSISTANCE.—Section 510(a)(2) of the Water Resources Development Act of 1996 (110 Stat. 3759) is amended by striking '', and beneficial uses of dredged material'' and inserting '', beneficial uses of dredged material, and restoration of submerged aquatic vegetation''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 510(i) of such Act (110 Stat. 3761) is amended by striking ''$10,000,000'' and inserting ''$50,000,000''.

SEC. 5019. HYPOXIA ASSESSMENT.

The Secretary may participate with Federal, State, and local agencies, non-Federal and nonprofit entities, regional researchers, and other interested parties to assess hypoxia in the Gulf of Mexico.

SEC. 5020. POTOMAC RIVER WATERSHED ASSESSMENT AND TRIBUTARY STRATEGY EVALUATION AND MONITORING PROGRAM.

The Secretary may participate in the Potomac River Watershed Assessment and Tributary Strategy Evaluation and Monitoring Program to identify a series of resource management indicators to accurately monitor the effectiveness of the implementation of the agreed upon tributary strategies and other public policies that pertain to natural resource protection of the Potomac River watershed.

SEC. 5021. LOCK AND DAM SECURITY.

(a) STANDARDS.—The Secretary, in consultation with the Federal Emergency Management Agency, the Tennessee Valley Authority, and the Coast Guard, shall develop standards for the security of locks and dams, including the testing and certification of vessel exclusion barriers.

(b) SITE SURVEYS.—At the request of a lock or dam owner, the Secretary shall provide technical assistance, on a reimbursable basis, to improve lock or dam security.

(c) COOPERATIVE AGREEMENT.—The Secretary may enter into a cooperative agreement with a nonprofit alliance of public and private organizations that has the mission of promoting safe waterways and seaports to carry out testing and certification activities, and to perform site surveys, under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $3,000,000 to carry out this section.

SEC. 5022. REHABILITATION.

The Secretary, at Federal expense and not to exceed $1,000,000, shall rehabilitate and improve the water-related infrastructure and the transportation infrastructure for the historic property in the Anacostia River Watershed located in the District of Columbia, including measures to address wet weather conditions. To carry out this section, the Secretary shall accept funds provided for such project under any other Federal program.

SEC. 5023. RESEARCH AND DEVELOPMENT PROGRAM FOR COLUMBIA AND SNAKE RIVER SALMON SURVIVAL.

Section 511 of the Water Resources Development Act of 1996 (16 U.S.C. 3301 note; 110 Stat. 3761; 113 Stat. 375) is amended—

(1) in subsection (a)(6) by striking ''$10,000,000'' and inserting ''$25,000,000''; and

(2) in subsection (c)(2) by striking ''$1,000,000'' and inserting ''$10,000,000''.

SEC. 5024. AUBURN, ALABAMA.

The Secretary may provide technical assistance relating to water supply to the city of Auburn, Alabama. There is authorized to be appropriated $5,000,000 to carry out this section.

SEC. 5025. PINHOOK CREEK, HUNTSVILLE, ALABAMA.

(a) PROJECT AUTHORIZATION.—The Secretary shall design and construct the locally preferred plan for flood protection at Pinhook Creek, Huntsville, Alabama. In carrying out the project, the Secretary shall utilize, to the extent practicable, the existing detailed project report for the project prepared under the authority of section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(b) PARTICIPATION BY NON-FEDERAL INTEREST.—The Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

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

SEC. 5026. ALASKA.

Section 570 of the Water Resources Development Act of 1999 (113 Stat. 369) is amended—

(1) in subsection (c) by inserting ''environmental restoration,'' after ''water supply and related facilities,'';

(2) in subsection (e)(3)(B) by striking the last sentence;

(3) in subsection (h) by striking ''$25,000,000'' and inserting ''$45,000,000''; and

(4) by adding at the end the following:

''(i) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), a non-Federal interest may include for any project undertaken under this section a nonprofit entity with the consent of the affected local government.

''(j) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.''.

SEC. 5027. BARROW, ALASKA.

The Secretary shall carry out, under section 117 of the Energy and Water Development Appropriations Act, 2005 (118 Stat. 2944), a nonstructural project for coastal erosion and storm damage prevention and reduction at Barrow, Alaska, including relocation of infrastructure.

SEC. 5028. COFFMAN COVE, ALASKA.

The Secretary is authorized to carry out a project for navigation, Coffman Cove, Alaska, at a total cost of $3,000,000.

SEC. 5029. FIRE ISLAND, ALASKA.

(a) IN GENERAL.—The Secretary is authorized to provide planning, design, and construction assistance to the non-Federal interest for the construction of a causeway between Point Campbell and Fire Island, Alaska, including the beneficial use of dredged material in the construction of the causeway.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 to carry out this section.

SEC. 5030. FORT YUKON, ALASKA.

The Secretary shall make repairs to the dike at Fort Yukon, Alaska, so that the dike meets Corps of Engineers standards.

SEC. 5031. KOTZEBUE HARBOR, ALASKA.

The Secretary is authorized to carry out a project for navigation, Kotzebue Harbor, Kotzebue, Alaska, at total cost of $2,200,000.

SEC. 5032. LOWELL CREEK TUNNEL, SEWARD, ALASKA.

(a) LONG-TERM MAINTENANCE AND REPAIR.—The Secretary shall assume responsibility for the long-term maintenance and repair of the Lowell Creek Tunnel.

(b) STUDY.—The Secretary shall conduct a study to determine whether alternative methods of flood diversion in Lowell Canyon are feasible.

SEC. 5033. 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. 5034. TANANA RIVER, ALASKA.

The Secretary shall carry out, on an emergency basis, the removal of the hazard to navigation on the Tanana River, Alaska, near the mouth of the Chena River, as described in the January 3, 2005, memorandum from the Commander, Seventeenth Coast Guard District, to the Corps of Engineers, Alaska District, Anchorage, Alaska.

SEC. 5035. VALDEZ, ALASKA.

The Secretary is authorized to construct a small boat harbor in Valdez, Alaska, at a total cost of $20,000,000, with an estimated Federal cost of $10,500,000 and an estimated non-Federal cost of $9,500,000.

SEC. 5036. WHITTIER, ALASKA.

(a) STUDY.—The Secretary shall conduct, at Federal expense, a study to determine the feasibility of carrying out projects for navigation at Whittier, Alaska, to construct a new boat harbor at the head of Whittier Bay and to expand the existing harbor and, if the Secretary determines that a project is feasible, the Secretary may carry out the project.

(b) NON-FEDERAL COST SHARE.—The non-Federal interest for the project may use, and the Secretary shall accept, funds provided by a Federal agency under any other Federal program, to satisfy, in whole or in part, the non-Federal share of the cost of the project if such funds are authorized to be used to carry out the project.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $35,200,000.

SEC. 5037. WRANGELL HARBOR, ALASKA.

(a) GENERAL NAVIGATION FEATURES.—In carrying out the project for navigation, Wrangell Harbor, Alaska, authorized by section 101(b)(1) of the Water Resources Development Act of 1999 (113 Stat. 279), the Secretary shall consider the dredging of the mooring basin and construction of the inner harbor facilities to be general navigation features for purposes of estimating the non-Federal share of project costs.

(b) REVISION OF PARTNERSHIP AGREEMENT.—The Secretary shall revise the partnership agreement for the project to reflect the change required by subsection (a).

SEC. 5038. AUGUSTA AND CLARENDON, ARKANSAS.

(a) IN GENERAL.—The Secretary is authorized to perform operation, maintenance, and rehabilitation of authorized and completed levees on the White River between Augusta and Clarendon, Arkansas.

(b) REIMBURSEMENT.—After performing the operation, maintenance, and rehabilitation under subsection (a), the Secretary shall seek reimbursement from the Secretary of the Interior of an amount equal to the costs allocated to benefits to a Federal wildlife refuge of such operation, maintenance, and rehabilitation.

SEC. 5039. DES ARC LEVEE PROTECTION, ARKANSAS.

The Secretary shall review the project for flood control, Des Arc, Arkansas, to determine whether bank and channel scour along the White River threaten the existing project and whether the scour is as a result of a design deficiency. If the Secretary determines that such conditions exist as a result of a deficiency, the Secretary shall carry out measures to eliminate the deficiency.

SEC. 5040. LOOMIS LANDING, ARKANSAS.

The Secretary shall conduct a study of shore damage in the vicinity of Loomis Landing, Arkansas, to determine if the damage is the result of a Federal navigation project, and, if the Secretary determines that the damage is the result

of a Federal navigation project, the Secretary shall carry out a project to mitigate the damage under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).

SEC. 5041. ST. FRANCIS RIVER BASIN, ARKANSAS AND MISSOURI.

The Secretary shall conduct a study of increased siltation and streambank erosion in the St. Francis River Basin, Arkansas and Missouri, to determine if the siltation or erosion, or both, are the result of a Federal flood control project and, if the Secretary determines that the siltation or erosion, or both, are the result of a Federal flood control project, the Secretary shall carry out a project to mitigate the siltation or erosion, or both.

SEC. 5042. CAMBRIA, CALIFORNIA.

Section 219(f)(48) of the Water Resources Development Act of 1992 (114 Stat. 2763A–220) is amended—

(1) by striking ''$10,300,000'' and inserting the following:

''(A) IN GENERAL.—$10,300,000'';

(2) by adding at the end the following:

''(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project not to exceed $3,000,000 for the cost of planning and design work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.''; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

SEC. 5043. CONTRA COSTA CANAL, OAKLEY AND KNIGHTSEN, CALIFORNIA; MALLARD SLOUGH, PITTSBURG, CALIFORNIA.

Sections 512 and 514 of the Water Resources Development Act of 2000 (114 Stat. 2650) are each amended by adding at the end the following: ''All planning, study, design, and construction on the project shall be carried out by the office of the district engineer, San Francisco, California.''.

SEC. 5044. DANA POINT HARBOR, CALIFORNIA.

The Secretary shall conduct a study of the causes of water quality degradation within Dana Point Harbor, California, to determine if the degradation is the result of a Federal navigation project, and, if the Secretary determines that the degradation is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the degradation at Federal expense.

SEC. 5045. EAST SAN JOAQUIN COUNTY, CALIFORNIA.

Section 219(f)(22) of the Water Resources Development Act of 1992 (113 Stat. 336) is amended—

(1) by striking ''$25,000,000'' and inserting the following:

''(A) IN GENERAL.—$25,000,000'';

(2) by adding at the end the following:

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

''(C) IN-KIND CONTRIBUTIONS.—The non-Federal interest may provide any portion of the non-Federal share of the cost of the project in the form of in-kind services and materials.''; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

SEC. 5046. EASTERN SANTA CLARA BASIN, CALIFORNIA.

Section 111(c) of the Miscellaneous Appropriations Act, 2001 (as enacted into law by Public Law 106–554; 114 Stat. 2763A–224) is amended—

(1) by striking ''$25,000,000'' and inserting ''$28,000,000''; and

(2) by striking ''$7,000,000'' and inserting ''$10,000,000''.

SEC. 5047. LOS OSOS, CALIFORNIA.

Section 219(c)(27) of the Water Resources Development Act of 1992 (106 Stat. 4835; 114 Stat. 2763A–219) is amended to read as follows:

''(27) LOS OSOS, CALIFORNIA.—Wastewater infrastructure, Los Osos, California.''.

SEC. 5048. PINE FLAT DAM AND RESERVOIR, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall review the Kings River Fisheries Management Program Framework Agreement, dated May 29, 1999, among the California Department of Fish and Game, the Kings River Water Association, and the Kings River Conservation District and, if the Secretary determines that the management program is feasible, the Secretary may participate in the management program.

(b) PROHIBITION.—Nothing in this section authorizes any project for the raising of, or the construction of, a multilevel intake structure at Pine Flat Dam, California.

(c) USE OF EXISTING STUDIES.—In carrying out this section, the Secretary shall use, to the maximum extent practicable, studies in existence on the date of enactment of this Act, including data and environmental documentation in the Report of the Chief of Engineers, Pine Flat Dam and Reservoir, Fresno County, California, dated July 19, 2002.

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

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to $20,000,000 to carry out this section.

SEC. 5049. RAYMOND BASIN, SIX BASINS, CHINO BASIN, AND SAN GABRIEL BASIN, CALIFORNIA.

(a) COMPREHENSIVE PLAN.—The Secretary, in consultation and coordination with appropriate Federal, State, and local entities, shall develop a comprehensive plan for the management of water resources in the Raymond Basin, Six Basins, Chino Basin, and San Gabriel Basin, California. The Secretary may carry out activities identified in the comprehensive plan to demonstrate practicable alternatives for water resources management.

(b) NON-FEDERAL SHARE.—

(1) IN GENERAL.—The non-Federal share of the cost of activities carried out under this section shall be 35 percent.

(2) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of activities carried out under this section the cost of planning, design, and construction work completed by or on behalf of the non-Federal interests for implementation of measures under this section. The amount of such credit shall not exceed the non-Federal share of the cost of such activities.

(3) OPERATION AND MAINTENANCE.—The non-Federal share of the cost of operation and maintenance of any measures constructed under this section shall be 100 percent.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

SEC. 5050. SAN FRANCISCO, CALIFORNIA.

(a) IN GENERAL.—The Secretary, in cooperation with the Port of San Francisco, California, may carry out the project for repair and removal, as appropriate, of Piers 30-32, 35, 36, 70 (including Wharves 7 and 8), and 80 in San Francisco, California, substantially in accordance with the Port's redevelopment plan.

(b) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated $25,000,000 to carry out this subsection.

SEC. 5051. SAN FRANCISCO, CALIFORNIA, WATERFRONT AREA.

(a) AREA TO BE DECLARED NONNAVIGABLE; PUBLIC INTEREST.—Unless the Secretary finds, after consultation with local and regional public officials (including local and regional public planning organizations), that the proposed projects to be undertaken within the boundaries of the portion of the San Francisco, California, waterfront area described in subsection (b) are not in the public interest, such portion is declared to be nonnavigable waters of the United States.

(b) NORTHERN EMBARCADERO SOUTH OF BRYANT STREET.—The portion of the San Francisco, California, waterfront area referred to in subsection (a) is as follows: Beginning at the intersection of the northeasterly prolongation of that portion of the northwesterly line of Bryant Street lying between Beale Street and Main Street with the southwesterly line of Spear Street, which intersection lies on the line of jurisdiction of the San Francisco Port Commission; following thence southerly along said line of jurisdiction as described in the State of California Harbor and Navigation Code Section 1770, as amended in 1961, to its intersection with the easterly line of Townsend Street along a line that is parallel and distant 10 feet southerly from the existing southern boundary of Pier 40 produced to its point of intersection with the United States Government pier-head line; thence northerly along said pier-head line to its intersection with a line parallel with, and distant 10 feet easterly from, the existing easterly boundary line of Pier 30–32; thence northerly along said parallel line and its northerly prolongation, to a point of intersection with a line parallel with, and distant 10 feet northerly from, the existing northerly boundary of Pier 30–32, thence westerly along last said parallel line to its intersection with the United States Government pier-head line; to the northwesterly line of Bryant Street produced northwesterly; thence southwesterly along said northwesterly line of Bryant Street produced to the point of beginning.

(c) REQUIREMENT THAT AREA BE IMPROVED.—The declaration of nonnavigability under subsection (a) applies only to those parts of the area described in subsection (b) that are or will be bulkheaded, filled, or otherwise occupied by permanent structures and does not affect the applicability of any Federal statute or regulation applicable to such parts the day before the date of enactment of this Act, including sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401 and 403; 30 Stat. 1151), commonly known as the Rivers and Harbors Appropriation Act of 1899, section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) EXPIRATION DATE.—If, 20 years from the date of enactment of this Act, any area or part thereof described in subsection (b) is not bulkheaded or filled or occupied by permanent structures, including marina facilities, in accordance with the requirements set out in subsection (c), or if work in connection with any activity permitted in subsection (c) is not commenced within 5 years after issuance of such permits, then the declaration of nonnavigability for such area or part thereof shall expire.

SEC. 5052. SAN PABLO BAY, CALIFORNIA, WATERSHED AND SUISUN MARSH ECOSYSTEM RESTORATION.

(a) SAN PABLO BAY WATERSHED, CALIFORNIA.—

(1) IN GENERAL.—The Secretary shall complete work, as expeditiously as possible, on the ongoing San Pablo Bay watershed, California, study to determine the feasibility of opportunities for restoring, preserving and protecting the San Pablo Bay watershed.

(2) REPORT.—Not later than March 31, 2008, the Secretary shall submit to Congress a report on the results of the study.

(b) SUISUN MARSH, CALIFORNIA.—The Secretary shall conduct a comprehensive study to

determine the feasibility of opportunities for restoring, preserving and protecting the Suisun Marsh, California.

(c) SAN PABLO AND SUISUN BAY MARSH WATERSHED CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in critical restoration projects that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits in the following sub-watersheds of the San Pablo and Suisun Bay Marsh watersheds:

(A) The tidal areas of the Petaluma River, Napa-Sonoma Marsh.

(B) The shoreline of West Contra Costa County.

(C) Novato Creek.

(D) Suisun Marsh.

(E) Gallinas-Miller Creek.

(2) TYPES OF ASSISTANCE.—Participation in critical restoration projects under this subsection may include assistance for planning, design, or construction.

(d) NON-FEDERAL INTERESTS.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), a non-Federal interest may include for any project undertaken under this section a nonprofit entity with the consent of the affected local government.

(e) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of construction of a project under this section—

(1) the value of any lands, easements, rights-of-way, dredged material disposal areas, or relocations provided by the non-Federal interest for carrying out the project, regardless of the date of acquisition;

(2) funds received from the CALFED Bay-Delta program; and

(3) the cost of the studies, design, and construction work carried out by the non-Federal interest before the date of execution of a partnership agreement for the project if the Secretary determines that the work is integral to the project.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000.

SEC. 5053. STOCKTON, CALIFORNIA.

(a) REEVALUATION.—The Secretary shall reevaluate the feasibility of the Lower Mosher Slough element and the levee extensions on the Upper Calaveras River element of the project for flood control, Stockton Metropolitan Area, California, carried out under section 211(f)(3) of the Water Resources Development Act of 1996 (110 Stat. 3683), to determine the eligibility of such elements for reimbursement under section 211 of such Act (33 U.S.C. 701b–13).

(b) SPECIAL RULES FOR REEVALUATION.—In conducting the reevaluation under subsection (a), the Secretary shall not reject a feasibility determination based on one or more of the policies of the Corps of Engineers concerning the frequency of flooding, the drainage area, and the amount of runoff.

(c) REIMBURSEMENT.—If the Secretary determines that the elements referred to subsection (a) are feasible, the Secretary shall reimburse, subject to appropriations, the non-Federal interest under section 211 of the Water Resources Development Act of 1996 for the Federal share of the cost of such elements.

SEC. 5054. CHARLES HERVEY TOWNSHEND BREAKWATER, NEW HAVEN HARBOR, CONNECTICUT.

(a) DESIGNATION.—The western breakwater for the project for navigation, New Haven Harbor, Connecticut, authorized by the first section of the Act of September 19, 1890 (26 Stat. 426), shall be known and designated as the ''Charles Hervey Townshend Breakwater''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the breakwater referred to in subsection (a) shall be deemed to be a reference to the ''Charles Hervey Townshend Breakwater''.

SEC. 5055. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.

Section 109 of the Miscellaneous Appropriations Act, 2001 (enacted into law by Public Law 106–554) (114 Stat. 2763A–222) is amended—

(1) by adding at the end of subsection (e)(2) the following:

''(C) CREDIT FOR WORK PRIOR TO EXECUTION OF THE PARTNERSHIP AGREEMENT.—The Secretary shall credit toward the non-Federal share of the cost of the project—

''(i) the cost of construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and

''(ii) the cost of land acquisition carried out by the non-Federal interest for projects to be carried out under this section.''; and

(2) in subsection (f) by striking ''$100,000,000'' and inserting ''$100,000,000, of which not more than $15,000,000 may be used to provide planning, design, and construction assistance to the Florida Keys Aqueduct Authority for a water treatment plant, Florida City, Florida''.

SEC. 5056. LAKE WORTH, FLORIDA.

The Secretary may carry out necessary repairs for the Lake Worth bulkhead replacement project, West Palm Beach, Florida, at an estimated total cost of $9,000,000.

SEC. 5057. RILEY CREEK RECREATION AREA, IDAHO.

The Secretary is authorized to carry out the Riley Creek Recreation Area Operation Plan of the Albeni Falls Management Plan, dated October 2001, for the Riley Creek Recreation Area, Albeni Falls Dam, Bonner County, Idaho.

SEC. 5058. RECONSTRUCTION OF ILLINOIS FLOOD PROTECTION PROJECTS.

(a) IN GENERAL.—The Secretary may participate in the reconstruction of an eligible flood control project if the Secretary determines that such reconstruction is not required as a result of improper operation and maintenance of the project by the non-Federal interest.

(b) COST SHARING.—The non-Federal share of the costs for the reconstruction of a flood control project authorized by this section shall be the same non-Federal share that was applicable to construction of the project. The non-Federal interest shall be responsible for operation and maintenance and repair of a project for which reconstruction is undertaken under this section.

(c) RECONSTRUCTION DEFINED.—In this section, the term ''reconstruction'', as used with respect to a project, means addressing major project deficiencies caused by long-term degradation of the foundation, construction materials, or engineering systems or components of the project, the results of which render the project at risk of not performing in compliance with its authorized project purposes. In addressing such deficiencies, the Secretary may incorporate current design standards and efficiency improvements, including the replacement of obsolete mechanical and electrical components at pumping stations, if such incorporation does not significantly change the scope, function, and purpose of the project as authorized.

(d) ELIGIBLE PROJECTS.—The following flood control projects are eligible for reconstruction under this section:

(1) Clear Creek Drainage and Levee District, Illinois.

(2) Fort Chartres and Ivy Landing Drainage District, Illinois.

(3) Cairo, Illinois Mainline Levee, Cairo, Illinois.

(4) Goose Pond Pump Station, Cairo, Illinois.

(5) Cottonwood Slough Pump Station, Alexander County, Illinois.

(6) 10th and 28th Street Pump Stations, Cairo, Illinois.

(7) Prairie Du Pont Levee and Sanitary District, including Fish Lake Drainage and Levee District, Illinois.

(8) Flood control levee projects in Brookport, Shawneetown, Old Shawneetown, Golconda, Rosiclare, Harrisburg, and Reevesville, Illinois.

(e) JUSTIFICATION.—The reconstruction of a project authorized by this section shall not be considered a separable element of the project.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated—

(1) $15,000,000 to carry out the projects described in paragraphs (1) through (7) of subsection (d); and

(2) $15,000,000 to carry out the projects described in subsection (d)(8).

Such sums shall remain available until expended.

SEC. 5059. ILLINOIS RIVER BASIN RESTORATION.

(a) EXTENSION OF AUTHORIZATION.—Section 519(c)(2) of the Water Resources Development Act of 2000 (114 Stat. 2654) is amended by striking ''2004'' and inserting ''2010''.

(b) IN-KIND SERVICES.—Section 519(g)(3) of such Act (114 Stat. 2655) is amended by inserting before the period at the end of the first sentence ''if such services are provided not more than 5 years before the date of initiation of the project or activity''.

(c) NONPROFIT ENTITIES AND MONITORING.—Section 519 of such Act (114 Stat. 2654) is amended by adding at the end the following:

''(h) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), a non-Federal interest may include for any project undertaken under this section a nonprofit entity, with the consent of the affected local government.

''(i) MONITORING.—The Secretary shall develop an Illinois river basin monitoring program to support the plan referred to in subsection (b). Data collected under the monitoring program shall incorporate data provided by the State of Illinois and shall be publicly accessible through electronic means.''.

SEC. 5060. KASKASKIA RIVER BASIN, ILLINOIS, RESTORATION.

(a) KASKASKIA RIVER BASIN DEFINED.—In this section, the term ''Kaskaskia River Basin'' means the Kaskaskia River, Illinois, its backwaters, its side channels, and all tributaries, including their watersheds, draining into the Kaskaskia River.

(b) COMPREHENSIVE PLAN.—

(1) DEVELOPMENT.—The Secretary shall develop, as expeditiously as practicable, a comprehensive plan for the purpose of restoring, preserving, and protecting the Kaskaskia River Basin.

(2) TECHNOLOGIES AND INNOVATIVE APPROACHES.—The comprehensive plan shall provide for the development of new technologies and innovative approaches—

(A) to enhance the Kaskaskia River as a transportation corridor;

(B) to improve water quality within the entire Kaskaskia River Basin;

(C) to restore, enhance, and preserve habitat for plants and wildlife;

(D) to ensure aquatic integrity of sidechannels and backwaters and their connectivity with the mainstem river;

(E) to increase economic opportunity for agriculture and business communities; and

(F) to reduce the impacts of flooding to communities and landowners.

(3) SPECIFIC COMPONENTS.—The comprehensive plan shall include such features as are necessary to provide for—

(A) the development and implementation of a program for sediment removal technology, sediment characterization, sediment transport, and beneficial uses of sediment;

(B) the development and implementation of a program for the planning, conservation, evaluation, and construction of measures for fish and wildlife habitat conservation and rehabilitation, and stabilization and enhancement of land and water resources in the basin;

(C) the development and implementation of a long-term resource monitoring program;

(D) a conveyance study of the Kaskaskia River floodplain from Vandalia, Illinois, to Carlyle Lake to determine the impacts of existing and future waterfowl improvements on flood stages, including detailed surveys and mapping information to ensure proper hydraulic and hydrological analysis;

(E) the development and implementation of a computerized inventory and analysis system; and

(F) the development and implementation of a systemic plan to reduce flood impacts by means of ecosystem restoration projects.

(4) CONSULTATION.—The comprehensive plan shall be developed by the Secretary in consultation with appropriate Federal agencies, the State of Illinois, and the Kaskaskia River Watershed Association.

(5) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the comprehensive plan.

(6) ADDITIONAL STUDIES AND ANALYSES.—After transmission of a report under paragraph (5), the Secretary shall conduct studies and analyses of projects related to the comprehensive plan that are appropriate and consistent with this subsection.

(c) GENERAL PROVISIONS.—

(1) WATER QUALITY.—In carrying out activities under this section, the Secretary's recommendations shall be consistent with applicable State water quality standards.

(2) PUBLIC PARTICIPATION.—In developing the comprehensive plan under subsection (b), the Secretary shall implement procedures to facilitate public participation, including providing advance notice of meetings, providing adequate opportunity for public input and comment, maintaining appropriate records, and making a record of the proceedings of meetings available for public inspection.

(d) CRITICAL PROJECTS AND INITIATIVES.—If the Secretary, in cooperation with appropriate Federal agencies and the State of Illinois, determines that a project or initiative for the Kaskaskia River Basin will produce independent, immediate, and substantial benefits, the Secretary may proceed expeditiously with the implementation of the project.

(e) COORDINATION.—The Secretary shall integrate activities carried out under this section with ongoing Federal and State programs, projects, and activities, including the following:

(1) Farm programs of the Department of Agriculture.

(2) Conservation Reserve Enhancement Program (State of Illinois) and Conservation 2000 Ecosystem Program of the Illinois Department of Natural Resources.

(3) Conservation 2000 Conservation Practices Program and the Livestock Management Facilities Act administered by the Illinois Department of Agriculture.

(4) National Buffer Initiative of the Natural Resources Conservation Service.

(5) Nonpoint source grant program administered by the Illinois Environmental Protection Agency.

(6) Other programs that may be developed by the State of Illinois or the Federal Government, or that are carried out by non-profit organizations, to carry out the objectives of the Kaskaskia River Basin Comprehensive Plan.

(f) IN-KIND SERVICES.—The Secretary may credit the cost of in-kind services provided by the non-Federal interest for an activity carried out under this section toward not more than 80 percent of the non-Federal share of the cost of the activity. In-kind services shall include all State funds expended on programs that accomplish the goals of this section, as determined by the Secretary. The programs may include the Kaskaskia River Conservation Reserve Program, the Illinois Conservation 2000 Program, the Open Lands Trust Fund, and other appropriate programs carried out in the Kaskaskia River Basin.

SEC. 5061. FLOODPLAIN MAPPING, LITTLE CALUMET RIVER, CHICAGO, ILLINOIS.

(a) IN GENERAL.—The Secretary shall provide assistance for a project to develop maps identifying 100- and 500-year flood inundation areas along the Little Calumet River, Chicago, Illinois.

(b) REQUIREMENTS.—Maps developed under the project shall include hydrologic and hydraulic information and shall accurately show the flood inundation of each property by flood risk in the floodplain. The maps shall be produced in a high resolution format and shall be made available to all flood prone areas along the Little Calumet River, Chicago, Illinois, in an electronic format.

(c) PARTICIPATION OF FEMA.—The Secretary and the non-Federal interests for the project shall work with the Director of the Federal Emergency Management Agency to ensure the validity of the maps developed under the project for flood insurance purposes.

(d) FORMS OF ASSISTANCE.—In carrying out the project, the Secretary may enter into contracts or cooperative agreements with the non-Federal interests or provide reimbursements of project costs.

(e) FEDERAL SHARE.—The Federal share of the cost of the project shall be 50 percent.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000.

SEC. 5062. PROMONTORY POINT, LAKE MICHIGAN, ILLINOIS.

(a) REVIEW.—

(1) IN GENERAL.—The Secretary may carry out 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.

(3) STANDARDS.—The review shall be based on the standards under part 68 of title 36, Code of Federal Regulations, 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 under subsection (a).

(c) EFFECT OF SECTION.—Nothing in this section affects the authorization for the project for the Chicago Shoreline, Chicago, Illinois.

SEC. 5063. BURNS WATERWAY HARBOR, INDIANA.

The Secretary shall conduct a study of shoaling in the vicinity of Burns Waterway Harbor, Indiana, to determine if the shoaling is the result of a Federal navigation project, and, if the Secretary determines that the shoaling is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the shoaling under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426).

SEC. 5064. CALUMET REGION, INDIANA.

Section 219(f)(12) of the Water Resources Development Act of 1992 (113 Stat. 335; 117 Stat. 1843) is amended—

(1) by striking ''$30,000,000'' and inserting the following:

''(A) IN GENERAL.—$100,000,000'';

(2) by adding at the end the following:

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

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

SEC. 5065. PADUCAH, KENTUCKY.

The Secretary shall complete a feasibility report for rehabilitation of the project for flood damage reduction, Paducah, Kentucky, and, if the Secretary determines that the project is feasible, the Secretary shall carry out the project at a total cost of $3,000,000.

SEC. 5066. SOUTHERN AND EASTERN KENTUCKY.

Section 531 of the Water Resources Development Act of 1996 (110 Stat. 3773; 113 Stat. 348; 117 Stat. 142) is amended by adding the following:

''(i) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.''.

SEC. 5067. WINCHESTER, KENTUCKY.

Section 219(c) of the Water Resources Development Act of 1992 (106 Stat. 4835; 114 Stat. 2763A–219) is amended by adding at the end the following:

''(41) WINCHESTER, KENTUCKY.—Wastewater infrastructure, Winchester, Kentucky.''.

SEC. 5068. BATON ROUGE, LOUISIANA.

Section 219(f)(21) of the Water Resources Development Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220) is amended by striking ''$20,000,000'' and inserting ''$35,000,000''.

SEC. 5069. CALCASIEU SHIP CHANNEL, LOUISIANA.

The Secretary shall expedite completion of a dredged material management plan for the Calcasieu Ship Channel, Louisiana, and may take interim measures to increase the capacity of existing disposal areas, or to construct new confined or beneficial use disposal areas, for the channel.

SEC. 5070. CROSS LAKE, SHREVEPORT, LOUISIANA.

The Secretary may accept from the Department of the Air Force, and may use, not to exceed $4,500,000 to assist the city of Shreveport, Louisiana, with its plan to construct a water intake facility.

SEC. 5071. WEST BATON ROUGE PARISH, LOUISIANA.

(a) MODIFICATION OF STUDY.—The study for waterfront and riverine preservation, restoration, and enhancement, Mississippi River, West Baton Rouge Parish, Louisiana, being carried out under Committee Resolution 2570 of the Committee on Transportation and Infrastructure of the House of Representatives adopted July 23, 1998, is modified—

(1) to add West Feliciana Parish and East Baton Rouge Parish to the geographic scope of the study; and

(2) to direct the Secretary to credit toward the non-Federal share the cost of the study and the non-Federal share of the cost of any project authorized by law as a result of the study the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the study or project, as the case may be.

(b) EXPEDITED CONSIDERATION.—Section 517(5) of the Water Resources Development Act of 1999 (113 Stat. 345) is amended to read as follows:

''(5) Mississippi River, West Baton Rouge, West Feliciana, and East Baton Rouge Parishes, Louisiana, project for waterfront and riverine preservation, restoration, and enhancement modifications.''.

SEC. 5072. CHARLESTOWN, MARYLAND.

(a) IN GENERAL.—The Secretary may carry out a project for nonstructural flood damage reduction and ecosystem restoration at Charlestown, Maryland.

(b) LAND ACQUISITION.—The flood damage reduction component of the project may include the acquisition of private property from willing sellers.

(c) JUSTIFICATION.—Any nonstructural flood damage reduction project to be carried out under this section that will result in the conversion of property to use for ecosystem restoration and wildlife habitat shall be justified based on national ecosystem restoration benefits.

(d) USE OF ACQUIRED PROPERTY.—Property acquired under this section shall be maintained in public ownership for ecosystem restoration and wildlife habitat.

(e) ABILITY TO PAY.—In determining the appropriate non-Federal cost share for the project, the Secretary shall determine the ability of Cecil County, Maryland, to participate as a cost-sharing non-Federal interest in accordance with section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,000,000 to carry out this section.

SEC. 5073. ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND MARYLAND.

(a) COMPREHENSIVE ACTION PLAN.—Not later than one 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 interested entities, 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, including on the Internet.

SEC. 5074. 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 Delaware and Maryland 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. 5075. MASSACHUSETTS DREDGED MATERIAL DISPOSAL SITES.

The Secretary may cooperate with Massachusetts in the management and long-term monitoring of aquatic dredged material disposal sites within the State, and is authorized to accept funds from the State to carry out such activities.

SEC. 5076. ONTONAGON HARBOR, MICHIGAN.

The Secretary shall conduct a study of shore damage in the vicinity of the project for navigation, Ontonagon Harbor, Ontonagon County, Michigan, authorized by section 101 of the Rivers and Harbors Act of 1962 (76 Stat. 1176, 100 Stat. 4213, 110 Stat. 3730), to determine if the damage is the result of a Federal navigation project, and, if the Secretary determines that the damage is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the damage under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).

SEC. 5077. CROOKSTON, MINNESOTA.

The Secretary shall conduct a study for a project for emergency streambank protection along the Red Lake River in Crookston, Minnesota, and, if the Secretary determines that the project is feasible, the Secretary may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r); except that the maximum amount of Federal funds that may be expended for the project shall be $6,500,000.

SEC. 5078. GARRISON AND KATHIO TOWNSHIP, MINNESOTA.

(a) PROJECT DESCRIPTION.—Section 219(f)(61) of the Water Resources Development Act of 1992 (114 Stat. 2763A–221) is amended—

(1) in the paragraph heading by striking ''AND KATHIO TOWNSHIP'' and inserting '', CROW WING COUNTY, MILLE LACS COUNTY, MILLE LACS INDIAN RESERVATION, AND KATHIO TOWNSHIP'';

(2) by striking ''$11,000,000'' and inserting ''$17,000,000'';

(3) by inserting '', Crow Wing County, Mille Lacs County, Mille Lacs Indian Reservation (10 Stat. 1165),'' after ''Garrison''; and

(4) by adding at the end the following: ''Such assistance shall be provided directly to the Garrison-Kathio-West Mille Lacs Lake Sanitary District, Minnesota, except for assistance provided directly to the Mille Lacs Band of Ojibwe at the discretion of the Secretary.''.

(b) PROCEDURES.—In carrying out the project authorized by such section 219(f)(61), the Secretary may use the cost sharing and contracting procedures available to the Secretary under section 569 of the Water Resources Development Act of 1999 (113 Stat. 368).

SEC. 5079. ITASCA COUNTY, MINNESOTA.

The Secretary shall carry out a project for flood damage reduction, Trout Lake and Canisteo Pit, Itasca County, Minnesota, irrespective of normal policy considerations.

SEC. 5080. MINNEAPOLIS, MINNESOTA.

(a) CONVEYANCE.—The Secretary shall convey to the city of Minneapolis by quitclaim deed and without consideration all right, title, and interest of the United States to the property known as the War Department (Fort Snelling Interceptor) Tunnel in Minneapolis, Minnesota.

(b) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to the conveyance under this section.

SEC. 5081. NORTHEASTERN MINNESOTA.

(a) IN GENERAL.—Section 569 of the Water Resources Development Act of 1999 (113 Stat. 368) is amended—

(1) in subsection (a) by striking ''Benton, Sherburne,'' and inserting ''Beltrami, Hubbard, Wadena,'';

(2) by striking the last sentence of subsection (e)(3)(B);

(3) by striking subsection (g) and inserting the following:

''(g) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), a non-Federal interest may include for any project undertaken under this section a nonprofit entity.'';

(4) in subsection (h) by striking ''$40,000,000'' and inserting ''$54,000,000''; and

(5) by adding at the end the following:

''(i) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.''.

(b) BIWABIK, MINNESOTA.—The Secretary shall reimburse the non-Federal interest for the project for environmental infrastructure, Biwabik, Minnesota, carried out under section 569 of the Water Resources Development Act of 1999 (113 Stat. 368), for planning, design, and construction costs that were incurred by the non-Federal interest with respect to the project before the date of the partnership agreement for the project and that were in excess of the non-Federal share of the cost of the project if the Secretary determines that the costs are appropriate.

SEC. 5082. WILD RICE RIVER, MINNESOTA.

The Secretary shall expedite the completion of the general reevaluation report, authorized by section 438 of the Water Resources Development Act of 2000 (114 Stat. 2640), for the project for flood protection, Wild Rice River, Minnesota, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825), to develop alternatives to the Twin Valley Lake feature, and upon the completion of such report, shall construct the project at a total cost of $20,000,000.

SEC. 5083. HARRISON, HANCOCK, AND JACKSON COUNTIES, MISSISSIPPI.

In carrying out projects for the protection, restoration, and creation of aquatic and ecologically related habitats located in Harrison, Hancock, and Jackson Counties, Mississippi, under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326), the Secretary shall accept any portion of the non-Federal share of the cost of the project in the form of in-kind services and materials.

SEC. 5084. MISSISSIPPI RIVER, MISSOURI AND ILLINOIS.

As a part of the operation and maintenance of the project for the Mississippi River (Regulating Works), between the Ohio and Missouri Rivers, Missouri and Illinois, authorized by the first section of an Act entitled ''Making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved June 25, 1910, the Secretary may carry out activities necessary to restore and protect fish and wildlife habitat in the middle Mississippi River system. Such activities may include modification of navigation training structures, modification and creation of side channels, modification and creation of islands, and studies and analysis necessary to apply adaptive management principles in design of future work.

SEC. 5085. ST. LOUIS, MISSOURI.

Section 219(f)(32) of the Water Resources Development Act of 1992 (113 Stat. 337) is amended—

(1) by striking ''project'' and inserting ''projects'';

(2) by striking ''$15,000,000'' and inserting ''$35,000,000''; and

(3) by inserting ''and St. Louis County'' before '', Missouri''.

SEC. 5086. HACKENSACK MEADOWLANDS AREA, NEW JERSEY.

Section 324 of the Water Resources Development Act of 1992 (106 Stat. 4849; 110 Stat. 3779) is amended—

(1) in subsection (a)—

(A) by striking ''design'' and inserting ''planning, design,''; and

(B) by striking ''Hackensack Meadowlands Development'' and all that follows through ''Plan for'' and inserting ''New Jersey Meadowlands Commission for the development of an environmental improvement program for'';

(2) in subsection (b)—

(A) in the subsection heading by striking ''REQUIRED'';

(B) by striking ''shall'' and inserting ''may'';

(C) by striking paragraph (1) and inserting the following:

''(1) Restoration and acquisitions of significant wetlands and aquatic habitat that contribute to the Meadowlands ecosystem.'';

(D) in paragraph (2) by inserting ''and aquatic habitat'' before the period at the end; and

(E) by striking paragraph (7) and inserting the following:

''(7) Research, development, and implementation for a water quality improvement program, including restoration of hydrology and tidal flows and remediation of hot spots and other sources of contaminants that degrade existing or planned sites.'';

(3) in subsection (c) by inserting before the last sentence the following: ''The non-Federal sponsor may also provide in-kind services, not to exceed the non-Federal share of the total project cost, and may also receive credit for reasonable cost of design work completed prior to entering into the partnership agreement with the Secretary for a project to be carried out under the program developed under subsection (a).''; and

(4) in subsection (d) by striking ''$5,000,000'' and inserting ''$35,000,000''.

SEC. 5087. ATLANTIC COAST OF NEW YORK.

(a) DEVELOPMENT OF PROGRAM.—Section 404(a) of the Water Resources Development Act of 1992 (106 Stat. 4863) is amended—

(1) by striking ''processes'' and inserting ''and related environmental processes'';

(2) by inserting after ''Atlantic Coast'' the following: ''(and associated back bays)'';

(3) by inserting after ''actions'' the following: '', environmental restoration or conservation measures for coastal and back bays,''; and

(4) by adding at the end the following: ''The plan for collecting data and monitoring information included in such annual report shall be fully coordinated with and agreed to by appropriate agencies of the State of New York.''.

(b) ANNUAL REPORTS.—Section 404(b) of such Act is amended—

(1) by striking ''INITIAL PLAN.—Not later than 12 months after the date of the enactment of this Act, the'' and inserting ''ANNUAL REPORTS.—The'';

(2) by striking ''initial plan for data collection and monitoring'' and inserting ''annual report of data collection and monitoring activities''; and

(3) by striking the last sentence.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 404(c) of such Act (113 Stat. 341) is amended by striking ''and an additional total of $2,500,000 for fiscal years thereafter'' and inserting ''$2,500,000 for fiscal years 2000 through 2004, and $7,500,000 for fiscal years beginning after September 30, 2004,''.

(d) TSUNAMI WARNING SYSTEM.—Section 404 of the Water Resources Development Act of 1992 (106 Stat. 4863) is amended by adding at the end the following:

''(d) TSUNAMI WARNING SYSTEM.—There is authorized to be appropriated $800,000 for the Secretary to carry out a project for a tsunami warning system, Atlantic Coast of New York.''.

SEC. 5088. COLLEGE POINT, NEW YORK CITY, NEW YORK.

In carrying out section 312 of the Water Resources Development Act of 1990 (104 Stat. 4639), the Secretary shall give priority to work in College Point, New York City, New York.

SEC. 5089. FLUSHING BAY AND CREEK, NEW YORK CITY, NEW YORK.

The Secretary shall credit toward the non-Federal share of the cost of the project for ecosystem restoration, Flushing Bay and Creek, New York City, New York, the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 5090. HUDSON RIVER, NEW YORK.

The Secretary may participate with the State of New York, New York City, and the Hudson River Park Trust in carrying out activities to restore critical marine habitat, improve safety, and protect and rehabilitate critical infrastructure. There is authorized to be appropriated $5,000,000 to carry out this section.

SEC. 5091. MOUNT MORRIS DAM, NEW YORK.

As part of the operation and maintenance of the Mount Morris Dam, New York, the Secretary may make improvements to the access road for the dam to provide safe access to a Federal visitor's center.

SEC. 5092. JOHN H. KERR DAM AND RESERVOIR, NORTH CAROLINA.

The Secretary shall expedite the completion of the calculations necessary to negotiate and execute a revised, permanent contract for water supply storage at John H. Kerr Dam and Reservoir, North Carolina, among the Secretary and the Kerr Lake Regional Water System and the city of Henderson, North Carolina.

SEC. 5093. STANLY COUNTY, NORTH CAROLINA.

Section 219(f)(64) of the Water Resources Development Act of 1992 (114 Stat. 2763A–221) is amended by inserting ''water and'' before ''wastewater''.

SEC. 5094. CINCINNATI, OHIO.

(a) IN GENERAL.—The Secretary is authorized to undertake the ecosystem restoration and recreation components of the Central Riverfront Park Master Plan, dated December 1999, at a total cost of $25,000,000.

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

SEC. 5095. TOUSSAINT RIVER, OHIO.

(a) IN GENERAL.—The project for navigation, Toussaint River, Carroll Township, Ohio, authorized by section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to authorize the Secretary to enter into an agreement with the non-Federal interest under which the Secretary may—

(1) acquire, and transfer to the non-Federal interest, a dredge and associated equipment with the capacity to perform operation and maintenance of the project; and

(2) provide the non-Federal interest with a lump-sum payment to cover all future costs of operation and maintenance of the project.

(b) AGREEMENT.—The Secretary may carry out subsection (a)(1) by entering into an agreement with the non-Federal interest under which the non-Federal interest may acquire the dredge and associated equipment directly and be reimbursed by the Secretary.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,800,000 to carry out this section. Of such funds, $500,000 may be used to carry out subsection (a)(1).

(d) RELEASE.—Upon the acquisition and transfer of a dredge and associated equipment under subsection (a)(1), and the payment of funds under subsection (a)(2), all future Federal responsibility for operation and maintenance of the project is extinguished.

SEC. 5096. EUGENE, OREGON.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of restoring the millrace in Eugene, Oregon, and, if the Secretary determines that the restoration is feasible, the Secretary shall carry out the restoration.

(b) CONSIDERATION OF NONECONOMIC BENEFITS.—In determining the feasibility of restoring the millrace, the Secretary shall include noneconomic benefits associated with the historical significance of the millrace and associated with preservation and enhancement of resources.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

SEC. 5097. FERN RIDGE DAM, OREGON.

The Secretary may treat all work carried out for emergency corrective actions to repair the embankment dam at the Fern Ridge Lake project, Oregon, as a dam safety project. The cost of work carried out may be recovered in accordance with section 1203 of the Water Resources Development Act of 1986 (33 U.S.C. 467n; 100 Stat. 4263).

SEC. 5098. ALLEGHENY COUNTY, PENNSYLVANIA.

Section 219(f)(66) of the Water Resources Development Act of 1992 (114 Stat. 2763A–221) is amended—

(1) by striking ''$20,000,000'' and inserting the following:

''(A) IN GENERAL.—$20,000,000'';

(2) by adding at the end the following:

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

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

SEC. 5099. KEHLY RUN DAMS, PENNSYLVANIA.

Section 504(a)(2) of the Water Resources Development Act of 1999 (113 Stat. 338; 117 Stat. 1842) is amended by striking ''Dams'' and inserting ''Dams No. 1–5''.

SEC. 5100. LEHIGH RIVER, LEHIGH COUNTY, PENNSYLVANIA.

The Secretary shall use existing water quality data to model the effects of the Francis E. Walter Dam, at different water levels, to determine its impact on water and related resources in and along the Lehigh River in Lehigh County, Pennsylvania. There is authorized to be appropriated $500,000 to carry out this section.

SEC. 5101. NORTHEAST PENNSYLVANIA.

Section 219(f)(11) of the Water Resources Development Act of 1992 (113 Stat. 335) is amended by striking ''and Monroe'' and inserting ''Northumberland, Union, Snyder, Luzerne, and Monroe''.

SEC. 5102. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

(a) STUDY AND STRATEGY DEVELOPMENT.—Section 567(a) of the Water Resources Development Act of 1996 (110 Stat. 3787; 114 Stat. 2662) is amended—

(1) in the matter preceding paragraph (1) by inserting ''and carry out'' after ''develop''; and

(2) in paragraph (2) by striking ''$10,000,000.'' and inserting ''$20,000,000, of which the Secretary may utilize not more than $5,000,000 to design and construct feasible pilot projects during the development of the strategy to demonstrate alternative approaches for the strategy. The total cost for any single pilot project may not exceed $500,000. The Secretary shall evaluate the results of the pilot projects and consider the results in the development of the strategy.''.

(b) COOPERATIVE AGREEMENTS.—Section 567(c) of such Act (114 Stat. 2662) is amended—

(1) in the subsection heading by striking ''COOPERATION'' and inserting ''COOPERATIVE''; and

(2) in the first sentence—

(A) by inserting ''and carrying out'' after ''developing''; and

(B) by striking ''cooperation'' and inserting ''cost-sharing and cooperative''.

(c) IMPLEMENTATION OF STRATEGY.—Section 567(d) of such Act (114 Stat. 2663) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary'';

(2) in the second sentence of paragraph (1) (as so designated)—

(A) by striking ''implement'' and inserting ''carry out''; and

(B) by striking ''implementing'' and inserting ''carrying out'';

(3) by adding at the end the following:

''(2) PRIORITY PROJECT.—In carrying out projects to implement the strategy, the Secretary shall give priority to the project for ecosystem restoration, Cooperstown, New York, described in the Upper Susquehanna River Basin—Cooperstown Area Ecosystem Restoration Feasibility Study, dated December 2004, prepared by the Corps of Engineers and the New York State Department of Environmental Conservation.''; and

(4) by aligning the remainder of the text of paragraph (1) (as designated by paragraph (1) of this subsection) with paragraph (2) (as added by paragraph (3) of this subsection).

(d) CREDIT.—Section 567 of such Act (110 Stat. 3787; 114 Stat. 2662) is amended by adding at the end the following:

''(e) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of a project under this section—

''(1) the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and

''(2) the cost of in-kind services and materials provided for the project by the non-Federal interest.''.

SEC. 5103. CANO MARTIN PENA, SAN JUAN, PUERTO RICO.

The Secretary shall review a report prepared by the non-Federal interest concerning flood protection and environmental restoration for Cano Martin Pena, San Juan, Puerto Rico, and, if the Secretary determines that the report meets the evaluation and design standards of the Corps of Engineers and that the project is feasible, the Secretary may carry out the project at

a total cost of $130,000,000, with an estimated Federal cost of $85,000,000 and an estimated non-Federal cost of $45,000,000.

SEC. 5104. 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, to 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; 114 Stat. 2664) 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 amounts in the Fund in accordance with 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 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) $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; 114 Stat. 2665) 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 the amounts in each of the Funds in accordance with 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 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) $500,000 for each of fiscal years 2006 and 2007; and

''(2) such sums as are necessary for each subsequent fiscal year.''.

SEC. 5105. FRITZ LANDING, TENNESSEE.

The Secretary shall—

(1) conduct a study of the Fritz Landing Agricultural Spur Levee, Tennessee, to determine the extent of levee modifications that would be required to make the levee and associated drainage structures consistent with Federal standards;

(2) design and construct such modifications; and

(3) after completion of such modifications, incorporate the levee into the project for flood control, Mississippi River and Tributaries, authorized by the Act entitled ''An Act for the control of floods on the Mississippi River and its tributaries, and for other purposes'', approved May 15, 1928 (45 Stat. 534–539), commonly known as the ''Flood Control Act of 1928''.

SEC. 5106. J. PERCY PRIEST DAM AND RESERVOIR, TENNESSEE.

The Secretary shall plan, design, and construct a trail system at the J. Percy Priest Dam and Reservoir, Tennessee, authorized by section 4 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved June 28, 1938 (52 Stat. 1217), and adjacent public property, including design and construction of support facilities. In carrying out such improvements, the Secretary is authorized to use funds made available by the State of Tennessee from any Federal or State source, or both.

SEC. 5107. TOWN CREEK, LENOIR CITY, TENNESSEE.

The Secretary shall design and construct the project for flood damage reduction designated as Alternative 4 in the Town Creek, Lenoir City, Loudon County, Tennessee, feasibility report of the Nashville district engineer, dated November 2000, under the authority of section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), notwithstanding section 1 of the Flood Control Act of June 22, 1936 (33 U.S.C. 701a; 49 Stat. 1570). The non-Federal share of the cost of the project shall be subject to section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)).

SEC. 5108. TENNESSEE RIVER PARTNERSHIP.

(a) IN GENERAL.—As part of the operation and maintenance of the project for navigation, Tennessee River, Tennessee, Alabama, Mississippi, and Kentucky, authorized by the first section of the River and Harbor Act of July 3, 1930 (46 Stat. 927), the Secretary may enter into a partnership with a nonprofit entity to remove debris from the Tennessee River in the vicinity of Knoxville, Tennessee, by providing a vessel to such entity, at Federal expense, for such debris removal purposes.

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

SEC. 5109. UPPER MISSISSIPPI EMBAYMENT, TENNESSEE, ARKANSAS, AND MISSISSIPPI.

The Secretary may participate with non-Federal and nonprofit entities to address issues concerning managing groundwater as a sustainable resource through the Upper Mississippi Embayment, Tennessee, Arkansas, and Mississippi, and coordinating the protection of groundwater supply and groundwater quality with local surface water protection programs. There is authorized to be appropriated $5,000,000 to carry out this section.

SEC. 5110. BOSQUE RIVER WATERSHED, TEXAS.

(a) COMPREHENSIVE PLAN.—The Secretary, in consultation with appropriate Federal, State, and local entities, shall develop, as expeditiously as practicable, a comprehensive plan for development of new technologies and innovative approaches for restoring, preserving, and protecting the Bosque River watershed within Bosque, Hamilton, McLennan, and Erath Counties, Texas. The Secretary, in cooperation with the Secretary of Agriculture, may carry out activities identified in the comprehensive plan to demonstrate practicable alternatives for stabilization and enhancement of land and water resources in the basin.

(b) SERVICES OF PUBLIC NON-PROFIT INSTITUTIONS AND OTHER ENTITIES.—In carrying out subsection (a), the Secretary may utilize, through contracts or other means, the services of public non-profit institutions and such other entities as the Secretary considers appropriate.

(c) NON-FEDERAL SHARE.—

(1) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of activities carried out under this section the cost of planning, design, and construction work completed by or on behalf of the non-Federal interests for implementation of measures constructed with assistance provided under this section. The amount of such credit shall not exceed the non-Federal share of the cost of such activities.

(2) OPERATION AND MAINTENANCE.—The non-Federal share of the cost of operation and maintenance for measures constructed with assistance provided under this section shall be 100 percent.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

SEC. 5111. DALLAS FLOODWAY, DALLAS TEXAS.

(a) IN GENERAL.—The project for flood control, Trinity River and tributaries, Texas, authorized by section 2 of the Act entitled, ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1945 (59 Stat. 18), is modified to—

(1) direct the Secretary to review the Balanced Vision Plan for the Trinity River Corridor, Dallas, Texas, dated December 2003 and amended in March 2004, prepared by the non-Federal interest for the project;

(2) direct the Secretary to review the Interior Levee Drainage Study Phase-I report, Dallas, Texas, dated September 2006, prepared by the non-Federal interest; and

(3) if the Secretary determines that the project is technically sound and environmentally acceptable, authorize the Secretary to construct the project at a total cost of $459,000,000, with an estimated Federal cost of $298,000,000 and an estimated non-Federal cost of $161,000,000.

(b) CREDIT.—

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

(2) CASH CONTRIBUTIONS.—The Secretary shall accept funds provided by the non-Federal interest for use in carrying out planning, engineering, and design for the project. The Federal share of such planning, engineering, and design carried out with non-Federal contributions shall be credited against the non-Federal share of the cost of the project.

SEC. 5112. HARRIS COUNTY, TEXAS.

(a) IN GENERAL.—Section 575(a) of the Water Resources Development Act of 1996 (110 Stat. 3789; 113 Stat. 311) is amended by inserting before the period at the end the following: '', whether or not such works or actions are partially funded under the hazard mitigation grant program of the Federal Emergency Management Agency''.

(b) SPECIFIC PROJECTS.—Section 575(b) of such Act (110 Stat. 3789; 113 Stat. 311) is amended—

(1) in paragraph (3) by striking ''and'' at the end;

(2) in paragraph (4) by striking the period at the end and inserting ''; and''; and

(3) by adding the following:

''(5) the project for flood control, Upper White Oak Bayou, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125).''.

SEC. 5113. ONION CREEK, TEXAS.

In carrying out the study for the project for flood damage reduction, recreation, and ecosystem restoration, Onion Creek, Texas, the Secretary shall include the costs and benefits associated with the relocation of flood-prone residences in the study area for the project in the period beginning 2 years before the date of initiation of the study and ending on the date of execution of the partnership agreement for construction of the project to the extent the Secretary determines such relocations are compatible with the project. The Secretary shall credit toward the non-Federal share of the cost of the project the cost of relocation of such flood-prone residences incurred by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the relocation of such residences is integral to the project.

SEC. 5114. EASTERN SHORE AND SOUTHWEST VIRGINIA.

Section 219(f)(10) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335) is amended—

(1) by striking ''$20,000,000 for water supply and wastewater infrastructure'' and inserting the following:

''(A) IN GENERAL.—$20,000,000 for water supply, wastewater infrastructure, and environmental restoration'';

(2) by adding at the end the following:

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

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

SEC. 5115. DYKE MARSH, FAIRFAX COUNTY, VIRGINIA.

The Secretary shall accept funds from the National Park Service to restore Dyke Marsh, Fairfax County, Virginia.

SEC. 5116. BAKER BAY AND ILWACO HARBOR, WASHINGTON.

The Secretary shall conduct a study of increased siltation in Baker Bay and Ilwaco Harbor, Washington, to determine if the siltation is the result of a Federal navigation project (including diverted flows from the Columbia River) and, if the Secretary determines that the siltation is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the siltation as part of maintenance of the Federal navigation project.

SEC. 5117. HAMILTON ISLAND CAMPGROUND, WASHINGTON.

The Secretary is authorized to plan, design, and construct a campground for Bonneville Lock and Dam at Hamilton Island (also know as ''Strawberry Island'') in Skamania County, Washington.

SEC. 5118. PUGET ISLAND, WASHINGTON.

The Secretary is directed to place dredged and other suitable material along portions of the Columbia River shoreline of Puget Island, Washington, between river miles 38 to 47 in order to protect economic and environmental resources in the area from further erosion, at a Federal cost of $1,000,000. This action shall be coordinated with appropriate resource agencies and comply with applicable Federal laws.

SEC. 5119. WILLAPA BAY, WASHINGTON.

Section 545 of the Water Resources Development Act of 2000 (114 Stat. 2675) is amended—

(1) in subsection (b)(1) by striking ''may construct'' and inserting ''shall construct''; and

(2) by inserting ''and ecosystem restoration'' after ''erosion protection'' each place it appears.

SEC. 5120. WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL.

(a) CHEAT AND TYGART RIVER BASINS, WEST VIRGINIA.—Section 581(a)(1) of the Water Resources Development Act of 1996 (110 Stat. 3790; 113 Stat. 313) is amended—

(1) by striking ''flood control measures'' and inserting ''structural and nonstructural flood control, streambank protection, stormwater management, and channel clearing and modification measures''; and

(2) by inserting ''with respect to measures that incorporate levees or floodwalls'' before the semicolon.

(b) PRIORITY COMMUNITIES.—Section 581(b) of the Water Resources Development Act of 1996 (110 Stat. 3791) is amended—

(1) by striking ''and'' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting a semicolon; and

(3) by adding at the end the following:

''(7) Etna, Pennsylvania, in the Pine Creek watershed; and

''(8) Millvale, Pennsylvania, in the Girty's Run River basin.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 581(c) of the Water Resources Development Act of 1996 (110 Stat. 3791) is amended by striking ''$12,000,000'' and inserting ''$90,000,000''.

SEC. 5121. CENTRAL WEST VIRGINIA.

Section 571 of the Water Resources Development Act of 1999 (113 Stat. 371) is amended—

(1) in subsection (a)—

(A) by striking ''Nicholas,''; and

(B) by striking ''Gilmer,''; and

(2) by adding at the end the following:

''(i) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), a non-Federal interest may include for any project undertaken under this section a nonprofit entity with the consent of the affected local government.

''(j) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.''.

SEC. 5122. SOUTHERN WEST VIRGINIA.

(a) CORPS OF ENGINEERS.—Section 340 of the Water Resources Development Act of 1992 (106 Stat. 4856; 113 Stat. 320) is amended by adding at the end the following:

''(h) CORPS OF ENGINEERS.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.''.

(b) SOUTHERN WEST VIRGINIA DEFINED.—Section 340(f) of such Act is amended by inserting ''Nicholas,'' after ''Greenbrier,''.

(c) NONPROFIT ENTITIES.—Section 340 of the Water Resources Development Act of 1992 (106 Stat. 4856) is further amended by adding at the end the following:

''(i) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), a non-Federal interest may include for any project undertaken under this section a nonprofit entity with the consent of the affected local government.''.

SEC. 5123. 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:

''(12) PERRIS, CALIFORNIA.—The project for flood control, Perris, California.

''(13) THORNTON RESERVOIR, COOK COUNTY, ILLINOIS.—An element of the project for flood control, Chicagoland Underflow Plan, Illinois.

''(14) LAROSE TO GOLDEN MEADOW, LOUISIANA.—The project for flood control, Larose to Golden Meadow, Louisiana.

''(15) BUFFALO BAYOU, TEXAS.—A project for flood control, Buffalo Bayou, Texas, to provide an alternative to the project authorized by the first section of the River and Harbor Act of June 20, 1938 (52 Stat. 804) and modified by section 3a of the Flood Control Act of August 11, 1939 (53 Stat. 1414).

''(16) HALLS BAYOU, TEXAS.—A project for flood control, Halls Bayou, Texas, to provide an alternative to the project for flood control, Buffalo Bayou and tributaries, Texas, authorized by section 101(a)(21) of the Water Resources Development Act of 1990 (104 Stat. 4610).''.

TITLE VI—FLORIDA EVERGLADES

SEC. 6001. HILLSBORO AND OKEECHOBEE AQUIFER, FLORIDA.

(a) MODIFICATION.—The project for Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the Water Resources Development Act of 1999 (113 Stat. 276), is modified to authorize the Secretary to carry out the project at a total cost of $42,500,000.

(b) TREATMENT.—Section 601(b)(2)(A) of the Water Resources Development Act of 2000 (114 Stat. 2681) is amended—

(1) in clause (i) by adding at the end the following: ''The project for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the Water Resources Development Act of 1999 (113 Stat. 276), shall be treated for purposes of this section as being in the Plan, except that operation and maintenance costs of the project shall remain a non-Federal responsibility.''; and

(2) in clause (iii) by inserting after ''subparagraph (B)'' the following: ''and the project for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer''.

SEC. 6002. PILOT PROJECTS.

Section 601(b)(2)(B) of the Water Resources Development Act of 2000 (114 Stat. 2681) is amended—

(1) in the matter preceding clause (i)—

(A) by striking ''$69,000,000'' and inserting ''$71,200,000''; and

(B) by striking ''$34,500,000'' each place it appears and inserting ''$35,600,000''; and

(2) in clause (i)—

(A) by striking ''$6,000,000'' and inserting ''$8,200,000''; and

(B) by striking ''$3,000,000'' each place it appears and inserting ''$4,100,000''.

SEC. 6003. MAXIMUM COSTS.

(a) MAXIMUM COST OF PROJECTS.—Section 601(b)(2)(E) of the Water Resources Development Act of 2000 (114 Stat. 2683) is amended by inserting ''and section (d)'' before the period at the end.

(b) MAXIMUM COST OF PROGRAM AUTHORITY.—Section 601(c)(3) of such Act (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. 6004. PROJECT AUTHORIZATION.

Section 601(d) of the Water Resources Development Act of 2000 (114 Stat. 2684) is amended by adding at the end the following:

''(3) PROJECT AUTHORIZATION.—The following project for water resources development and conservation and other purposes is authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the report designated in this paragraph:

''(A) INDIAN RIVER LAGOON SOUTH, FLORIDA.—The project for ecosystem restoration, water supply, flood damage reduction, and protection of water quality, Indian River Lagoon South, Florida: Report of the Chief of Engineers dated August 6, 2004, at a total cost of $1,365,000,000, with an estimated Federal cost of $682,500,000

and an estimated non-Federal cost of $682,500,000.

''(B) PICAYUNE STRAND, FLORIDA.—The project for environmental restoration, Picayune Strand, Florida: Report of the Chief of Engineers dated September 15, 2005, at a total cost of $375,330,000, with an estimated Federal cost of $187,665,000 and an estimated non-Federal cost of $187,665,000.

''(C) SITE 1 IMPOUNDMENT, FLORIDA.—The project for environmental restoration, Site 1 Impoundment, Florida: Report of the Chief of Engineers dated December 19, 2006, at a total cost of $80,840,000, with an estimated Federal cost of $40,420,000 and an estimated non-Federal cost of $40,420,000.''.

SEC. 6005. CREDIT.

Section 601(e)(5)(B) of the Water Resources Development Act of 2000 (114 Stat. 2685) is amended—

(1) in clause (i)—

(A) by striking ''or'' at the end of subclause (I);

(B) by adding ''or'' at the end of subclause (II); and

(C) by adding at the end the following:

''(III) the credit is provided for work carried out before the date of the partnership agreement between the Secretary and the non-Federal sponsor, as defined in an agreement between the Secretary and the non-Federal sponsor providing for such credit;''; and

(2) in clause (ii)—

(A) by striking ''design agreement or the project cooperation''; and

(B) by inserting before the semicolon the following: '', including in the case of credit provided under clause (i)(III) conditions relating to design and construction''.

SEC. 6006. OUTREACH AND ASSISTANCE.

Section 601(k) of the Water Resources Development Act of 2000 (114 Stat. 2691) is amended by adding at the end the following:

''(3) MAXIMUM EXPENDITURES.—The Secretary may expend up to $3,000,000 per fiscal year for fiscal years beginning after September 30, 2004, to carry out this subsection.''.

SEC. 6007. CRITICAL RESTORATION PROJECTS.

Section 528(b)(3)(C) of the Water Resources Development Act of 1996 (110 Stat. 3769; 113 Stat. 286) is amended—

(1) in clause (i) by striking ''$75,000,000'' and all that follows through ''2003'' and inserting ''$95,000,000''; and

(2) in clause (ii) by striking ''$25,000,000'' and inserting ''$30,000,000''.

SEC. 6008. MODIFIED WATER DELIVERIES.

(a) IN GENERAL.—The project, Modified Water Deliveries to Everglades National Park, authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-8), as described in the General Design Memorandum and Environmental Impact Statement for Modified Water Deliveries to Everglades National Park, June 1992, is modified to authorize the Secretary to construct the project substantially in accordance with the Revised General Reevaluation Report/Second Supplemental Environmental Impact Statement for the Tamiami Trail Modifications, Modified Water Deliveries to Everglades National Park, August 2005, at a total cost of $144,131,000.

(b) USE OF FUNDS.—Funds made available under section 102(f) of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–6), may be used to carry out the project modification under subsection (a).

(c) SOURCE AND ALLOCATION OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), Federal costs incurred for construction of the project modification under subsection (a) on or after October 1, 2004, shall be shared equally between the Secretary and the Secretary of the Interior.

(2) ACCEPTANCE AND USE OF FUNDS.—The Secretary may accept and expend funds, without further appropriation, provided from another Federal agency or from non-Federal interests for construction of the project modification under subsection (a) or for carrying out such other work that the Secretary determines to be appropriate and consistent with authorized purposes of the modified project.

SEC. 6009. DEAUTHORIZATIONS.

The following projects are not authorized after the date of enactment of this Act:

(1) The uncompleted portions of the project for the C–44 Basin Storage Reservoir of the Comprehensive Everglades Restoration Plan, authorized by section 601(b)(2)(C)(i) of the Water Resources Development Act of 2000 (114 Stat. 2682), 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.

(2) The uncompleted portions of the Martin County, Florida, modifications to the project for Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 740), 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.

(3) The uncompleted portions of the East Coast Backpumping, St. Lucie–Martin County, Spillway Structure S–311 modifications to the project for Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 740), 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.

SEC. 6010. REGIONAL ENGINEERING MODEL FOR ENVIRONMENTAL RESTORATION.

(a) IN GENERAL.—The Secretary shall complete the development and testing of the regional engineering model for environmental restoration as expeditiously as practicable.

(b) USAGE.—The Secretary shall consider using, as appropriate, the regional engineering model for environmental restoration in the development of future water resource projects, including projects developed pursuant to section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out subsection (a).

TITLE VII—LOUISIANA COASTAL AREA

SEC. 7001. DEFINITIONS.

In this title, the following definitions apply:

(1) COASTAL LOUISIANA ECOSYSTEM.—The term ''coastal Louisiana ecosystem'' means the coastal area of Louisiana from the Sabine River on the west to the Pearl River on the east, including those parts of the Deltaic Plain and the Chenier Plain included within the study area of the Plan.

(2) GOVERNOR.—The term ''Governor'' means the Governor of the State of Louisiana.

(3) PLAN.—The term ''Plan'' means the report of the Chief of Engineers for ecosystem restoration for the Louisiana Coastal Area dated January 31, 2005.

(4) TASK FORCE.—The term ''Task Force'' means the Coastal Louisiana Ecosystem Protection and Restoration Task Force established by section 7003.

SEC. 7002. COMPREHENSIVE PLAN.

(a) IN GENERAL.—The Secretary, in coordination with the Governor, shall develop a comprehensive plan for protecting, preserving, and restoring the coastal Louisiana ecosystem.

(b) INTEGRATION OF PLAN INTO COMPREHENSIVE HURRICANE PROTECTION STUDY.—In developing the comprehensive plan, the Secretary shall integrate the plan into the analysis and design of the comprehensive hurricane protection study authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(c) CONSISTENCY WITH COMPREHENSIVE COASTAL PROTECTION MASTER PLAN.—In developing the comprehensive plan, the Secretary shall ensure that the plan is consistent with the goals, analysis, and design of the comprehensive coastal protection master plan authorized and defined pursuant to Act 8 of the First Extraordinary Session of the Louisiana State Legislature, 2005, including—

(1) investigation and study of the maximum effective use of the water and sediment of the Mississippi and Atchafalaya Rivers for coastal restoration purposes consistent with flood control and navigation;

(2) a schedule for the design and implementation of large-scale water and sediment reintroduction projects and an assessment of funding needs from any source; and

(3) an investigation and assessment of alterations in the operation of the Old River Control Structure, consistent with flood control and navigation purposes.

(d) INCLUSIONS.—The comprehensive plan shall include a description of—

(1) the framework of a long-term program integrated with hurricane and storm damage reduction, flood damage reduction, and navigation activities that provide 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 critical resources, habitat, and infrastructure from the effects of a coastal storm, a hurricane, erosion, or subsidence;

(2) the means by which a new technology, or an improved technique, can be integrated into the program referred to in paragraph (1);

(3) the role of other Federal and State agencies and programs in carrying out such program;

(4) specific, measurable ecological success criteria by which success of the plan will be measured; and

(5) proposed projects in order of priority as determined by their respective potential to contribute to—

(A) creation of coastal wetlands; and

(B) flood protection of communities ranked by population density and level of protection.

(e) CONSIDERATIONS.—In developing the comprehensive plan, the Secretary shall consider the advisability of integrating into the program referred to in subsection (d)(1)—

(1) any related Federal or State project being carried out on the date on which the plan is developed;

(2) any activity in the Plan; or

(3) any other project or activity identified in—

(A) the Mississippi River and Tributaries program;

(B) the Louisiana Coastal Wetlands Conservation Plan;

(C) the Louisiana Coastal Zone Management Plan; or

(D) the plan of the State of Louisiana entitled ''Coast 2050: Toward a Sustainable Coastal Louisiana''.

(f) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the comprehensive plan.

(2) UPDATES.—Not later that 5 years after the date of submission of a report under paragraph (1), and at least once every 5 years thereafter until implementation of the comprehensive plan is complete, the Secretary shall submit to Congress a report containing an update of the plan and an assessment of the progress made in implementing the plan.

SEC. 7003. LOUISIANA COASTAL AREA.

(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) will protect a major population area of the Pontchartain, Pearl, Breton Sound, Barataria, or Terrebonne basins; and

(ii) will produce an environmental benefit to the coastal Louisiana ecosystem;

(C) any barrier island, or barrier shoreline, project that—

(i) will be carried out in conjunction with a Mississippi River diversion project; and

(ii) will protect a major population area;

(D) any project that will reduce storm surge and prevent or reduce the risk of loss of human life and the risk to public safety; and

(E) a project to physically modify the Mississippi River-Gulf outlet and to restore the areas affected by the Mississippi River-Gulf outlet in accordance with the comprehensive plan to be developed under section 7002(a), subject to the conditions and recommendations in a final report of the Chief of Engineers.

SEC. 7004. COASTAL LOUISIANA ECOSYSTEM PROTECTION AND RESTORATION TASK FORCE.

(a) ESTABLISHMENT.—There is established a task force to be known as the Coastal Louisiana Ecosystem Protection and Restoration Task Force (in this section referred to as the ''Task Force'').

(b) 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):

(1) The Secretary.

(2) The Secretary of the Interior.

(3) The Secretary of Commerce.

(4) The Administrator of the Environmental Protection Agency.

(5) The Secretary of Agriculture.

(6) The Secretary of Transportation.

(7) The Secretary of Energy.

(8) The Director of the Federal Emergency Management Agency.

(9) The Commandant of the Coast Guard.

(10) The Coastal Advisor to the Governor.

(11) The Secretary of the Louisiana Department of Natural Resources.

(12) A representative of the Governor's Advisory Commission on Coastal Restoration and Conservation.

(c) DUTIES.—The Task Force shall make recommendations to the Secretary regarding—

(1) policies, strategies, plans, programs, projects, and activities for addressing conservation, protection, restoration, and maintenance of the coastal Louisiana ecosystem;

(2) financial participation by each agency represented on the Task Force in conserving, protecting, restoring, and maintaining the coastal Louisiana ecosystem, including recommendations—

(A) that identify funds from current agency missions and budgets; and

(B) for coordinating individual agency budget requests; and

(3) the comprehensive plan to be developed under section 7002(a).

(d) REPORT.—The Task Force shall submit to Congress a biennial report that summarizes the activities of the Task Force.

(e) WORKING GROUPS.—

(1) GENERAL AUTHORITY.—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 section.

(2) HURRICANES KATRINA AND RITA.—

(A) IN GENERAL.—The Task Force may establish a working group for the purpose of advising the Task Force of opportunities to integrate the planning, engineering, design, implementation, and performance of Corps of Engineers projects for hurricane and storm damage reduction, flood damage reduction, ecosystem restoration, and navigation in those areas in Louisiana for which a major disaster has been declared by the President as a result of Hurricane Katrina or Rita.

(B) EXPERTISE; REPRESENTATION.—In establishing the working group under subparagraph (A), the Task Force shall ensure that the group—

(i) has expertise in coastal estuaries, diversions, coastal restoration and wetlands protection, ecosystem restoration, hurricane protection, storm damage reduction systems, navigation, and ports; and

(ii) represents the State of Louisiana and local governments in south Louisiana.

(f) COMPENSATION.—Members of the Task Force and members of a working group established by the Task Force may not receive compensation for their services as members of the Task Force or working group, as the case may be.

(g) TRAVEL EXPENSES.—Travel expenses incurred by members of the Task Force and members of a working group established by the Task Force, in the performance of their service on the Task Force or working group, as the case may be, shall be paid by the agency or entity that the member represents.

(h) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force or any working group established by the Task Force.

SEC. 7005. PROJECT MODIFICATIONS.

(a) REVIEW.—The Secretary, in cooperation with the non-Federal interest of the project involved, shall review each Federally-authorized water resources project in the coastal Louisiana ecosystem being carried out or completed as of the date of enactment of this Act to determine whether the project needs to be modified—

(1) under the program authorized by section 7003; or

(2) to contribute to ecosystem restoration under section 7003.

(b) MODIFICATIONS.—Subject to subsections (c) and (d), the Secretary may carry out the modifications described in subsection (a).

(c) PUBLIC NOTICE AND COMMENT.—Before completing the report required under subsection (d), the Secretary shall provide an opportunity for public notice and comment.

(d) REPORT.—

(1) IN GENERAL.—Before modifying an operation or feature of a project under subsection (b), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the modification.

(2) INCLUSION.—A report describing a modification under paragraph (1) shall include such information relating to the timeline for and cost of the modification, as the Secretary determines to be relevant.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

SEC. 7006. CONSTRUCTION.

(a) SCIENCE AND TECHNOLOGY.—

(1) IN GENERAL.—The Secretary shall carry out a coastal Louisiana ecosystem program substantially in accordance with the Plan, at a total cost of $100,000,000.

(2) PURPOSES.—The purposes of the program under paragraph (1) shall be—

(A) to identify any uncertainty relating to the physical, chemical, geological, biological, and cultural baseline conditions in coastal Louisiana ecosystem;

(B) to improve knowledge of the physical, chemical, geological, biological, and cultural baseline conditions in coastal Louisiana ecosystem; 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.

(b) DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may carry out demonstration projects substantially in accordance with the Plan and within the coastal Louisiana ecosystem for the purpose of resolving critical areas of scientific or technological uncertainty related to the implementation of the comprehensive plan to be developed under section 7002(a).

(2) MAXIMUM COST.—

(A) TOTAL COST.—The total cost for planning, design, and construction of all projects under this subsection shall not exceed $100,000,000.

(B) INDIVIDUAL PROJECT.—The total cost of an individual project under this subsection shall not exceed $25,000,000.

(c) INITIAL PROJECTS.—

(1) IN GENERAL.—The Secretary is authorized to carry out the following projects substantially in accordance with the Plan:

(A) Mississippi River Gulf Outlet environmental restoration at a total cost of $105,300,000.

(B) Small diversion at Hope Canal at a total cost of $68,600,000.

(C) Barataria basin barrier shoreline restoration at a total cost of $242,600,000.

(D) Small Bayou Lafourche reintroduction at a total cost of $133,500,000.

(E) Medium diversion at Myrtle Grove with dedicated dredging at a total cost of $278,300,000.

(2) MODIFICATIONS.—

(A) IN GENERAL.—In carrying out each project under paragraph (1), the Secretary shall carry out such modifications as may be necessary to the ecosystem restoration features identified in the Plan to address the impacts of Hurricanes Katrina and Rita on the areas of the project.

(B) INTEGRATION.—The Secretary shall ensure that each modification under subparagraph (A) is taken into account in conducting the study of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (119 Stat. 2247).

(3) CONSTRUCTION REPORTS.—Before the Secretary may begin construction of any project under this subsection, the Secretary shall submit a report documenting any modifications to the project, including cost changes, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(4) APPLICABILITY OF OTHER PROVISIONS.—Notwithstanding section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), the cost of a project described in paragraph (1) and any modifications to the project shall not exceed 150 percent of the cost of such project set forth in paragraph (1).

(d) BENEFICIAL USE OF DREDGED MATERIAL.—The Secretary, substantially in accordance with the Plan, shall implement in the coastal Louisiana ecosystem a program for the beneficial use of material dredged from federally maintained waterways at a total cost of $100,000,000.

(e) ADDITIONAL PROJECTS.—

(1) IN GENERAL.—The Secretary is authorized to carry out a project for ecosystem restoration for the Chenier Plain, Louisiana, and the following projects referred to in the Plan if the Secretary determines such projects are feasible:

(A) Land Bridge between Caillou Lake and the Gulf of Mexico at a total cost of $56,300,000.

(B) Gulf Shoreline at Point Au Fer Island at a total cost of $43,400,000.

(C) Modification of Caernarvon Diversion at a total cost of $20,700,000.

(D) Modification of Davis Pond Diversion at a total cost of $64,200,000.

(2) REPORTS.—Not later than December 31, 2009, the Secretary shall submit feasibility reports on the projects described in paragraph (1) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(3) CONSTRUCTION.—No appropriations shall be made to construct any project under this subsection if the report under paragraph (2) has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

SEC. 7007. NON-FEDERAL COST SHARE.

(a) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of a study or project under this title the cost of work carried out in the coastal Louisiana ecosystem by the non-Federal interest before the date of the execution of the partnership agreement for the study or project if the Secretary determines that the work is integral to the study or project.

(b) SOURCES OF FUNDS.—The non-Federal interest may use, and the Secretary shall accept, funds provided under any other Federal program to satisfy, in whole or in part, the non-Federal share of the construction of any project carried out under this section if such funds are authorized to be used to carry out such project.

(c) TREATMENT OF CREDIT BETWEEN PROJECTS.—Any credit provided under this section toward the non-Federal share of the cost of a study or project under this title may be applied toward the non-Federal share of the cost of any other study or project under this title.

(d) PERIODIC MONITORING.—

(1) IN GENERAL.—To ensure that the contributions of the non-Federal interest equal the non-Federal share of the cost of a study or project under this title during each 5-year period beginning after the date of commencement of the first study or project under this title, the Secretary shall—

(A) monitor for each study or project under this title the non-Federal provision of cash, in-kind services and materials, and land, easements, rights-of-way, relocations, and disposal areas; and

(B) manage the requirement of the non-Federal interest to provide for each such study or project cash, in-kind services and materials, and land, easements, rights-of-way, relocations, and disposal areas.

(2) OTHER MONITORING.—The Secretary shall conduct monitoring separately for the study phase, construction phase, preconstruction engineering and design phase, and planning phase for each project authorized on or after date of enactment of this Act for all or any portion of the coastal Louisiana ecosystem.

(e) AUDITS.—Credit for land, easements, rights-of-way, relocations, and disposal areas (including land value and incidental costs) provided under this section, and the cost of work provided under this section, shall be subject to audit by the Secretary.

SEC. 7008. PROJECT JUSTIFICATION.

(a) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out any project or activity under this title or any other provision of law to protect, conserve, and restore the coastal Louisiana ecosystem, the Secretary may determine that—

(1) the project or activity is justified by the environmental benefits derived by the coastal Louisiana ecosystem; and

(2) no further economic justification for the project or activity is required if the Secretary determines that the project or activity is cost effective.

(b) LIMITATION ON APPLICABILITY.—Subsection (a) shall not apply to any separable element of a project intended to produce benefits that are predominantly unrelated to the protection, preservation, and restoration of the coastal Louisiana ecosystem.

SEC. 7009. INDEPENDENT REVIEW.

The Secretary shall establish the Louisiana Water Resources Council which shall serve as the exclusive peer review panel for projects under this title as required by section 2037 of this Act.

SEC. 7010. EXPEDITED REPORTS.

The Secretary shall expedite completion of the reports for the following projects and, if the Secretary determines that a project is justified in the completed report, proceed directly to project preconstruction engineering and design:

(1) The projects identified in the study of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (119 Stat. 2447).

(2) A project for ecosystem restoration for the Chenier Plain, Louisiana.

(3) The project for Multipurpose Operation of Houma Navigation Lock.

(4) The project for Terrebonne Basin Barrier Shoreline Restoration.

(5) The project for Small Diversion at Convent/Blind River.

(6) The project for Amite River Diversion Canal Modification.

(7) The project for Medium Diversion at White's Ditch.

(8) The project to convey Atchafalaya River Water to Northern Terrebonne Marshes.

(9) The projects identified in the Southwest Coastal Louisiana hurricane and storm damage reduction study authorized by the Committee on Transportation and Infrastructure of the House of Representatives on December 7, 2005.

SEC. 7011. REPORTING.

(a) IN GENERAL.—Not later than 6 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report including a description of—

(1) the projects authorized and undertaken under this title;

(2) the construction status of the projects;

(3) the cost to date and the expected final cost of each project undertaken under this title; and

(4) the benefits and environmental impacts of the projects.

(b) EXTERNAL REVIEW.—The Secretary shall enter into a contract with the National Academy of Sciences under which the National Academy of Sciences shall perform and submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate an external review of the demonstration program authorized by subsection 7006(b).

SEC. 7012. NEW ORLEANS AND VICINITY.

(a) IN GENERAL.—The Secretary is authorized to—

(1) raise levee heights where necessary and otherwise enhance the Lake Pontchartrain and Vicinity Project and the West Bank and Vicinity Project to provide the levels of protection necessary to achieve the certification required for participation in the national flood insurance program under the National Flood Insurance Act of 1965 (42 U.S.C. 2001 et seq.);

(2) modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront at Lake Pontchartrain;

(3) armor critical elements of the New Orleans hurricane and storm damage reduction system;

(4) modify the Inner Harbor Navigation Canal to increase the reliability of the flood protection system for the city of New Orleans;

(5) replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the New Orleans to Venice Hurricane Protection Project;

(6) reinforce or replace flood walls in the existing Lake Pontchartrain and Vicinity Project and the existing West Bank and Vicinity Project to improve performance of the flood and storm damage reduction systems;

(7) perform one time stormproofing of interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events;

(8) repair, replace, modify and improve non-Federal levees and associated protection measures in Terrebonne Parish; and

(9) reduce the risk of storm damage to the greater New Orleans metropolitan area by restoring the surrounding wetlands through measures to begin to reverse wetland losses in areas affected by navigation, oil and gas, and other channels and through modification of the Caernarvon Freshwater Diversion structure or its operations.

(b) FUNDING AUTHORITY.—Activities authorized by subsection (a) and section 7013 shall be carried out in a manner that is consistent with the cost-sharing requirements specified in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

(c) CONDITIONS.—The Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate if estimates for the expenditure of funds on any single project or activity identified in subsection (a) exceeds the amount specified for that project or activity in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234). No appropriation in excess of 25 percent above the amount specified for a project or activity in such Act shall be made until an increase in the level of expenditure has been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

SEC. 7013. MISSISSIPPI RIVER GULF OUTLET.

(a) IN GENERAL.—The project for navigation, Mississippi River-Gulf outlet, authorized by the Act entitled ''An Act to authorize construction of the Mississippi River-Gulf outlet'', approved March 29, 1956 (70 Stat. 65), as modified by section 844 of the Water Resources Development Act of 1986 (100 Stat. 4177), is not authorized.

(b) PLAN FOR CLOSURE AND RESTORATION.—The Secretary shall carry out a study and implement a project to physically modify the Mississippi River-Gulf outlet and to restore the areas affected by the Mississippi River-Gulf outlet in accordance with the plan to be developed under section 7002(a), subject to the conditions and recommendations in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than 180 days after the date of enactment of this Act. The plan shall incorporate the recommendations of the Interim Mississippi River Gulf Outlet Deep-Draft De-Authorization Report submitted to Congress in December 2006.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the project described in subsection (b).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for the costs of carrying out the study and developing the report of the Chief of Engineers required by subsection (b). Such costs shall be a Federal expense.

TITLE VIII—UPPER MISSISSIPPI RIVER AND ILLINOIS WATER-WAY SYSTEM

SEC. 8001. DEFINITIONS.

In this title, the following definitions apply:

(1) PLAN.—The term ''Plan'' means the project for navigation and ecosystem improvements for

the Upper Mississippi River and Illinois Waterway System: Report of the Chief of Engineers, dated December 15, 2004.

(2) UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.—The term ''Upper Mississippi River and Illinois Waterway System'' means the projects for navigation and ecosystem restoration authorized by Congress for—

(A) the segment of the Mississippi River from the confluence with the Ohio River, River Mile 0.0, to Upper St. Anthony Falls Lock in Minneapolis-St. Paul, Minnesota, River Mile 854.0; and

(B) the Illinois Waterway from its confluence with the Mississippi River at Grafton, Illinois, River Mile 0.0, to T.J. O'Brien Lock in Chicago, Illinois, River Mile 327.0.

SEC. 8002. NAVIGATION IMPROVEMENTS AND RESTORATION.

Except as modified by this title, the Secretary shall undertake navigation improvements and restoration of the ecosystem for the Upper Mississippi River and Illinois Water System substantially in accordance with the Plan and subject to the conditions described therein.

SEC. 8003. AUTHORIZATION OF CONSTRUCTION OF NAVIGATION IMPROVEMENTS.

(a) SMALL SCALE AND NONSTRUCTURAL MEASURES.—

(1) IN GENERAL.—The Secretary shall—

(A) construct mooring facilities at Locks 12, 14, 18, 20, 22, 24, and LaGrange Lock or other alternative locations that are economically and environmentally feasible;

(B) provide switchboats at Locks 20 through 25; and

(C) conduct development and testing of an appointment scheduling system.

(2) AUTHORIZATION OF APPROPRIATIONS.—The total cost of projects authorized under this subsection shall be $235,000,000. Such costs are to be paid 1/2 from amounts appropriated from the general fund of the Treasury and 1/2 from amounts appropriated from the Inland Waterways Trust Fund. Such sums shall remain available until expended.

(b) NEW LOCKS.—

(1) IN GENERAL.—The Secretary shall construct new 1,200-foot locks at Locks 20, 21, 22, 24, and 25 on the Upper Mississippi River and at LaGrange Lock and Peoria Lock on the Illinois Waterway.

(2) AUTHORIZATION OF APPROPRIATIONS.—The total cost of projects authorized under this subsection shall be $1,795,000,000. Such costs are to be paid 1/2 from amounts appropriated from the general fund of the Treasury and 1/2 from amounts appropriated from the Inland Waterways Trust Fund. Such sums shall remain available until expended.

(c) CONCURRENCE.—The mitigation required for the projects authorized under subsections (a) and (b), including any acquisition of lands or interests in lands, shall be undertaken or acquired concurrently with lands and interests in lands for the projects authorized under subsections (a) and (b), and physical construction required for the purposes of mitigation shall be undertaken concurrently with the physical construction of such projects.

SEC. 8004. ECOSYSTEM RESTORATION AUTHORIZATION.

(a) OPERATION.—To ensure the environmental sustainability of the existing Upper Mississippi River and Illinois Waterway System, the Secretary shall modify, consistent with requirements to avoid adverse effects on navigation, the operation of the Upper Mississippi River and Illinois Waterway System to address the cumulative environmental impacts of operation of the system and improve the ecological integrity of the Upper Mississippi River and Illinois River.

(b) ECOSYSTEM RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary shall carry out, consistent with requirements to avoid adverse effects on navigation, ecosystem restoration projects to attain and maintain the sustainability of the ecosystem of the Upper Mississippi River and Illinois River in accordance with the general framework outlined in the Plan.

(2) PROJECTS INCLUDED.—Ecosystem restoration projects may include—

(A) island building;

(B) construction of fish passages;

(C) floodplain restoration;

(D) water level management (including water drawdown);

(E) backwater restoration;

(F) side channel restoration;

(G) wing dam and dike restoration and modification;

(H) island and shoreline protection;

(I) topographical diversity;

(J) dam point control;

(K) use of dredged material for environmental purposes;

(L) tributary confluence restoration;

(M) spillway, dam, and levee modification to benefit the environment; and

(N) land and easement acquisition.

(3) COST SHARING.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the Federal share of the cost of carrying out an ecosystem restoration project under this subsection shall be 65 percent.

(B) EXCEPTION FOR CERTAIN RESTORATION PROJECTS.—In the case of a project under this section for ecosystem restoration, the Federal share of the cost of carrying out the project shall be 100 percent if the project—

(i) is located below the ordinary high water mark or in a connected backwater;

(ii) modifies the operation of structures for navigation; or

(iii) is located on federally owned land.

(C) SAVINGS CLAUSE.—Nothing in this subsection affects the applicability of section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(e)).

(D) NONGOVERNMENTAL ORGANIZATIONS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this title, a non-Federal sponsor may include a nonprofit entity, with the consent of the affected local government.

(4) LAND ACQUISITION.—The Secretary may acquire land or an interest in land for an ecosystem restoration project from a willing seller through conveyance of—

(A) fee title to the land; or

(B) a flood plain conservation easement.

(c) MONITORING.—The Secretary shall carry out a long term resource monitoring, computerized data inventory and analysis, and applied research program for the Upper Mississippi River and Illinois River to determine trends in ecosystem health, to understand systemic changes, and to help identify restoration needs. The program shall build upon the monitoring program established under section 1103(e)(1)(A)(ii) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(1)(A)(ii)).

(d) ECOSYSTEM RESTORATION PRECONSTRUCTION ENGINEERING AND DESIGN.—

(1) RESTORATION DESIGN.—Before initiating the construction of any individual ecosystem restoration project, the Secretary shall—

(A) establish ecosystem restoration goals and identify specific performance measures designed to demonstrate ecosystem restoration;

(B) establish the without-project condition or baseline for each performance indicator; and

(C) for each separable element of the ecosystem restoration, identify specific target goals for each performance indicator.

(2) OUTCOMES.—Performance measures identified under paragraph (1)(A) shall include specific measurable environmental outcomes, such as changes in water quality, hydrology, or the well-being of indicator species the population and distribution of which are representative of the abundance and diversity of ecosystem-dependent aquatic and terrestrial species.

(3) RESTORATION DESIGN.—Restoration design carried out as part of ecosystem restoration shall include a monitoring plan for the performance measures identified under paragraph (1)(A), including—

(A) a timeline to achieve the identified target goals; and

(B) a timeline for the demonstration of project completion.

(e) CONSULTATION AND FUNDING AGREEMENTS.—

(1) IN GENERAL.—In carrying out the environmental sustainability, ecosystem restoration, and monitoring activities authorized in this section, the Secretary shall consult with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin.

(2) FUNDING AGREEMENTS.—The Secretary is authorized to enter into agreements with the Secretary of the Interior, the Upper Mississippi River Basin Association, and natural resource and conservation agencies of the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin to provide for the direct participation of and transfer of funds to such entities for the planning, implementation, and evaluation of projects and programs established by this section.

(f) SPECIFIC PROJECTS AUTHORIZATION.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this subsection $1,580,000,000, of which not more than $226,000,000 shall be available for projects described in subsection (b)(2)(B) and not more than $43,000,000 shall be available for projects described in subsection (b)(2)(J). Such sums shall remain available until expended.

(2) LIMITATION ON AVAILABLE FUNDS.—Of the amounts made available under paragraph (1), not more than $35,000,000 in any fiscal year may be used for land acquisition under subsection (b)(4).

(3) INDIVIDUAL PROJECT LIMIT.—Other than for projects described in subparagraphs (B) and (J) of subsection (b)(2), the total cost of any single project carried out under this subsection shall not exceed $25,000,000.

(4) MONITORING.—In addition to amounts authorized under paragraph (1), there are authorized $10,420,000 per fiscal year to carry out the monitoring program under subsection (c) if such sums are not appropriated pursuant to section 1103(e)(4) the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(4)).

(g) IMPLEMENTATION REPORTS.—

(1) IN GENERAL.—Not later than June 30, 2008, and every 4 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an implementation report that—

(A) includes baselines, milestones, goals, and priorities for ecosystem restoration projects; and

(B) measures the progress in meeting the goals.

(2) ADVISORY PANEL.—

(A) IN GENERAL.—The Secretary shall appoint and convene an advisory panel to provide independent guidance in the development of each implementation report under paragraph (1).

(B) PANEL MEMBERS.—Panel members shall include—

(i) one 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) one representative of the Department of Agriculture;

(iii) one representative of the Department of Transportation;

(iv) one representative of the United States Geological Survey;

(v) one representative of the United States Fish and Wildlife Service;

(vi) one representative of the Environmental Protection Agency;

(vii) one representative of affected landowners;

(viii) two representatives of conservation and environmental advocacy groups; and

(ix) two representatives of agriculture and industry advocacy groups.

(C) CHAIRPERSON.—The Secretary shall serve as chairperson of the advisory panel.

(D) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—The Advisory Panel and any working group established by the Advisory Panel shall not be considered an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.).

(h) RANKING SYSTEM.—

(1) IN GENERAL.—The Secretary, in consultation with the Advisory Panel, shall develop a system to rank proposed projects.

(2) PRIORITY.—The ranking system shall give greater weight to projects that restore natural river processes, including those projects listed in subsection (b)(2).

SEC. 8005. COMPARABLE PROGRESS.

(a) IN GENERAL.—As the Secretary conducts pre-engineering, design, and construction for projects authorized under this title, the Secretary shall—

(1) select appropriate milestones;

(2) determine, at the time of such selection, whether the projects are being carried out at comparable rates; and

(3) make an annual report to Congress, beginning in fiscal year 2008, regarding whether the projects are being carried out at a comparable rate.

(b) NO COMPARABLE RATE.—If the Secretary or Congress determines under subsection (a)(2) that projects authorized under this title are not moving toward completion at a comparable rate, annual funding requests for the projects shall be adjusted to ensure that the projects move toward completion at a comparable rate in the future.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–100. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. OBERSTAR

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–100, as modified by the earlier order of the House.

Mr. OBERSTAR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. OBERSTAR:

In section 1001(21) of the bill, add at the end the following:

(C) 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).

In section 1001 of the bill, after paragraph (41) insert the following (and redesignate subsequent paragraphs accordingly):

(42) RIVERSIDE OXBOW, TEXAS.—The project for environmental restoration, Riverside Oxbow, Texas: Report of the Chief of Engineers, dated May 29, 2003, at a total cost of $27,110,000, with an estimated Federal cost of $11,210,000 and an estimated non-Federal cost of $15,900,000.

In section 1002(b) of the bill, after paragraph (4) insert the following (and redesignate subsequent paragraphs accordingly):

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

In section 1003 of the bill, before paragraph (1) insert the following (and redesignate subsequent paragraphs accordingly):

(1) ALISO CREEK, CALIFORNIA.—Projects for emergency streambank protection, Aliso Creek, California.

In section 1006(a) of the bill, after paragraph (2) insert the following (and redesignate subsequent paragraphs accordingly):

(3) ALISO CREEK, CALIFORNIA.—Project for aquatic ecosystem restoration, Aliso Creek, California.

In section 1006(a) of the bill, after paragraph (15) insert the following (and redesignate subsequent paragraphs accordingly):

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

In section 1006 of the bill, strike subsection (b) (and strike the subsection designation and heading for subsection (a)).

In section 2015(a)(1)(B) of the bill, after ''Guam,'' insert ''the State of Hawaii,''.

In section 2039(a) of the bill, insert before ''the Secretary shall include'' the following: ''and for the project for navigation, Houma Navigation Canal, Louisiana, being conducted pursuant to the Energy and Water Development Appropriations Act, 1995 (Public Law 103–316),''.

At the end of title II of the bill, add the following (and conform the table of contents accordingly):

SEC. 2041. SUPPORT OF ARMY CIVIL WORKS PROGRAM.

(a) IN GENERAL.—Notwithstanding section 2361 of title 10, United States Code, the Secretary is authorized to provide assistance through contracts, cooperative agreements, and grants to—

(1) the University of Tennessee, Knoxville, Tennessee, for establishment and operation of the Southeastern Water Resources Institute to study sustainable development and utilization of water resources in the southeastern United States;

(2) Lewis and Clark Community College, Illinois, for the Great Rivers National Research and Education Center (including facilities that have been or will be constructed at one or more locations in the vicinity of the confluence of the Illinois River, the Missouri River, and the Mississippi River), a collaborative effort of Lewis and Clark Community College, the University of Illinois, the Illinois Department of Natural Resources and Environmental Sciences, and other entities, for the study of river ecology, developing watershed and river management strategies, and educating students and the public on river issues; and

(3) the University of Texas at Dallas for support and operation of the International Center for Decision and Risk Analysis to study risk analysis and control methods for transboundary water resources management in the southwestern United States and other international water resources management problems.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out subsection (a)(1) $5,000,000, to carry out subsection (a)(2) $5,000,000, and to carry out subsection (a)(3) $5,000,000. Such sums shall remain available until expended.

SEC. 2042. FEDERAL HOPPER DREDGES.

Section 3(c) of the Act of August 11, 1888 (33 U.S.C. 622; 25 Stat. 423), is amended—

(1) in paragraph (7)(B) 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.''; and

(2) by adding at the end the following:

''(9) READY RESERVE FOR THE HOPPER DREDGE MCFARLAND.—The Secretary shall place the Federal hopper dredge McFarland of the Corps of Engineers in ready reserve status not later than October 1, 2008.''.

Strike section 3020 of the bill and insert the following:

SEC. 3020. SACRAMENTO AND AMERICAN RIVERS FLOOD CONTROL, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall provide credit to the Sacramento Area Flood Control Agency, in the amount of $20,503,000, for the non-reimbursed Federal share of costs incurred by the Agency in connection the project for flood control and recreation, Sacramento and American Rivers, California (Natomas Levee features), authorized by section 9159 of the Department of Defense Appropriations Act, 1993 (106 Stat. 1944).

(b) ALLOCATION OF CREDIT.—The Secretary shall allocate the amount to be credited under subsection (a) toward the non-Federal share of such projects as are requested by the Sacramento Area Flood Control Agency.

In section 3023 of the bill, strike ''a study for the reallocation of water storage'' and insert ''a study of water conservation and water quality''.

In section 3079(c) of the bill, strike ''$5,000,000'' and insert ''$7,000,000''.

After section 3087 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 3088. WESTERN SARPY AND CLEAR CREEK, NEBRASKA.

The project for ecosystem restoration and flood damage reduction, authorized by section 101(b)(21) of the Water Resources Development Act of 2000 (114 Stat. 2578), is modified to authorize the Secretary to construct the project at a total cost of $21,664,000, with an estimated Federal cost of $14,082,000 and an estimated non-Federal cost of $7,582,000.

Strike section 3110 of the bill (and redesignate subsequent sections, and conform the table of contents, accordingly).

After section 3113 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 3114. BLUESTONE LAKE, OHIO RIVER BASIN, WEST VIRGINIA.

Section 102(ff) of the Water Resources Development Act of 1992 (106 Stat. 4810, 110 Stat. 3726, 113 Stat. 312) is amended to read as follows:

''(ff) BLUESTONE LAKE, OHIO RIVER BASIN, WEST VIRGINIA.—

''(1) IN GENERAL.—The project for flood control, Bluestone Lake, Ohio River Basin, West Virginia, authorized by section 4 of the Flood Control Act of 1938 (52 Stat. 1217) is modified to direct the Secretary to implement Plan C/G, as defined in the Evaluation Report of the District Engineer dated December 1996, to prohibit the release of drift

and debris into waters downstream of the project, except for that organic matter necessary to maintain and enhance the biological resources of such waters and such nonobtrusive items of debris as may not be economically feasible to prevent being released through such project, including measures to prevent the accumulation of drift and debris at the project, the collection and removal of drift and debris on the segment of the New River upstream of the project, and the removal (through use of temporary or permanent systems) and disposal of accumulated drift and debris at Bluestone Dam.

''(2) COOPERATIVE AGREEMENT.—In carrying out the downstream cleanup under the plan referred to in paragraph (1), the Secretary may enter into a cooperative agreement with the West Virginia Department of Environmental Protection for the department to carry out the cleanup, including contracting and procurement services, contract administration and management, transportation and disposal of collected materials, and disposal fees.

''(3) INITIAL CLEANUP.—The Secretary may provide the department up to $150,000 from funds previously appropriated for this purpose for the Federal share of the costs of the initial cleanup under the plan.''.

In section 3119(a) of the bill, redesignate paragraph (3) as paragraph (4) and insert after paragraph (2) the following:

(3) The project for navigation, Baltimore Harbor and Channels, Maryland and Virginia, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818).

In section 3121(a) of the bill, after paragraph (3) insert the following (and redesignate subsequent paragraphs accordingly):

(4) ROCKLAND HARBOR, MAINE.—The portion of the project for navigation, Rockland Harbor, Maine, authorized by the Act of June 3, 1896 (29 Stat. 202), consisting of a 14-foot channel located in Lermond Cove and beginning at a point with coordinates N9977.37, E340290.02, thence running easterly about 200.00 feet to a point with coordinates N99978.49, E340490.02, thence running northerly about 138.00 feet to a point with coordinates N100116.49, E340289.25, thence running westerly about 200.00 feet to a point with coordinates N100115.37, E340289.25, thence running southerly about 138.00 feet to the point of origin.

In section 3123 of the bill, after subsection (a) insert the following (and redesignate subsequent subsections accordingly):

(b) LAKE TEXOMA, OKLAHOMA.—

(1) RELEASE OF REVERSIONARY INTEREST.—Any reversionary interest relating to public parks and recreation on the land conveyed by the Secretary to the State of Oklahoma at Lake Texoma pursuant to the Act entitled ''An Act to authorize the sale of certain lands to the State of Oklahoma'', approved June 16, 1953 (67 Stat. 63), is terminated as of the date of enactment of this Act.

(2) INSTRUMENT OF RELEASE.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, an amended deed, or another appropriate instrument to release each reversionary interest described in subsection (a).

(3) PRESERVATION OF RESERVED RIGHTS.—Release of a reversionary interest in accordance with this section shall not be construed to affect any other right excepted or reserved for the United States in a deed of conveyance made pursuant to such Act of June 16, 1953.

After section 4010 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 4011. ALISO CREEK, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for streambank protection and environmental restoration along Aliso Creek, California.

Strike section 4038 of the bill (and redesignate subsequent sections, and conform the table of contents, accordingly).

Strike section 4079 of the bill (and redesignate subsequent sections, and conform the table of contents, accordingly).

In section 5001(a) of the bill, after paragraph (1) insert the following (and redesignate subsequent paragraphs accordingly):

(2) West turning basin, Canaveral Harbor, Florida.

In section 5002(d) of the bill, before paragraph (1) insert the following (and redesignate subsequent paragraphs accordingly):

(1) Charlotte Harbor watershed, Florida.

In section 5002(d) of the bill, after paragraph (14) insert the following (and redesignate subsequent paragraphs accordingly):

(15) Tuscarawas River basin, Ohio.

In section 5003(a)(2) of the bill, strike ''Saginaw'' and insert ''Flint''.

In section 5007 of the bill, before paragraph (1) insert the following (and redesignate subsequent paragraphs accordingly):

(1) Daytona Beach shore protection project, Florida.

(2) Flagler Beach shore protection project, Florida.

(3) St. Johns County shore protection project, Florida.

After section 5015 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly)

SEC. 5016. GREAT LAKES PILOT PROJECT.

Using available funds, the Secretary, in coordination with the Administrator of the Environmental Protection Agency, the Commandant of the Coast Guard, the Director of the United States Fish and Wildlife Service, and the Director of the Animal and Plant Health Inspection Service, shall carry out a pilot project, on an emergency basis, to control and prevent further spreading of viral hemorrhagic septicemia in the Great Lakes and their connecting channels.

SEC. 5017. SAINT LAWRENCE SEAWAY.

(a) IN GENERAL.—The Secretary is authorized, using amounts contributed by the Saint Lawrence Seaway Development Corporation under subsection (b), to carry out projects for operations, maintenance, repair, and rehabilitation, including associated maintenance dredging, of the Eisenhower and Snell lock facilities and related navigational infrastructure for the Saint Lawrence Seaway, at a total cost of $134,650,000.

(b) SOURCE OF FUNDS.—The Secretary is authorized to accept funds from the Saint Lawrence Seaway Development Corporation to carry out projects under this section. Such funds may include amounts made available to the Corporation from the Harbor Maintenance Trust Fund and the general fund of the Treasury of the United States pursuant to section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238).

Strike section 5029 of the bill and insert the following:

SEC. 5029. FIRE ISLAND, ALASKA.

(a) IN GENERAL.—The Secretary is authorized to provide planning, design, and construction assistance to the non-Federal interest for the construction of a barge landing facility on Fire Island, Alaska.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 to carry out this section.

After section 5046 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 5047. LANCASTER, CALIFORNIA.

Section 219(f)(50) of the Water Resources Development Act of 1992 (114 Stat. 2763A-220) is amended—

(1) by inserting after ''water'' the following: ''and wastewater''; and

(2) by striking ''$14,500,000'' and inserting ''$24,500,000''.

After section 5056 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 5057. EAST CENTRAL AND NORTHEAST FLORIDA.

(a) EAST CENTRAL AND NORTHEAST FLORIDA REGION DEFINED.—In this section, the term ''East Central and Northeast Florida Region'' means Flagler County, St. Johns County, Putman County (east of the St. Johns River), Seminole County, Volusia County, the towns of Winter Park, Maitland, and Palatka, Florida.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in the East Central and Northeast Florida Region.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in the East Central and Northeast Florida Region, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(d) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement for a project entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the project costs under each partnership agreement entered into under this subsection shall be 75 percent. The Federal share may be provided in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The non-Federal interests shall receive credit for the reasonable cost of design work on a project completed by the non-Federal interest before entering into a partnership agreement with the Secretary for such project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal

share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but such credit may not exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity.

(h) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000. Such sums shall remain available until expended.

SEC. 5058. LAKE LANIER, GEORGIA.

The Secretary may assist local interests with planning, design, and construction of facilities at the Lake Lanier Olympic Center, Georgia, at a total cost of $5,300,000.

After section 5062 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 5063. SOUTHWEST ILLINOIS.

(a) SOUTHWEST ILLINOIS DEFINED.—In this section, the term ''Southwest Illinois'' means the counties of Madison, St. Clair, Monroe, Randolph, Perry, Franklin, Jackson, Union, Alexander, Pulaski, and Williamson, Illinois.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in Southwest Illinois.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in Southwest Illinois, including projects for wastewater treatment and related facilities, water supply and related facilities, and surface water resource protection and development.

(d) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the project costs under each partnership agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The non-Federal interests shall receive credit for the reasonable cost of design work on a project completed by the non-Federal interest before entering into a partnership agreement with the Secretary for such project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity.

(h) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000. Such sums shall remain available until expended.

After section 5064 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 5065. FLOODPLAIN MAPPING, MISSOURI RIVER, IOWA.

(a) IN GENERAL.—The Secretary shall provide assistance for a project to develop maps identifying 100- and 500-year flood inundation areas in the State of Iowa, along the Missouri River.

(b) REQUIREMENTS.—Maps developed under the project shall include hydrologic and hydraulic information and shall accurately portray the flood hazard areas in the floodplain. The maps shall be produced in a high resolution format and shall be made available to the State of Iowa in an electronic format.

(c) PARTICIPATION OF FEMA.—The Secretary and the non-Federal interests for the project shall work with the Director of the Federal Emergency Management Agency to ensure the validity of the maps developed under the project for flood insurance purposes.

(d) FORMS OF ASSISTANCE.—In carrying out the project, the Secretary may enter into contracts or cooperative agreements with the non-Federal interests or provide reimbursements of project costs.

(e) FEDERAL SHARE.—The Federal share of the cost of the project shall be 50 percent.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000.

In section 5065 of the bill, before ''and, if'' insert the following: ''authorized by section 4 of the Flood Control Act of June 28, 1938 (52 Stat. 1217)''.

Strike section 5070 of the bill (and redesignate subsequent sections, and conform the table of contents, accordingly).

After section 5070 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 5071. EAST ATCHAFALAYA BASIN AND AMITE RIVER BASIN REGION, LOUISIANA.

(a) EAST ATCHAFALAYA BASIN AND AMITE RIVER BASIN REGION DEFINED.—In this section, the term ''East Atchafalaya Basin and Amite River Basin Region'' means the following parishes and municipalities in the State of Louisiana: Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, West Baton Rouge, and West Feliciana.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in the East Atchafalaya Basin and Amite River Basin Region.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in the East Atchafalaya Basin and Amite River Basin Region, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(d) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement of a project entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the project costs under each partnership agreement entered into under this subsection shall be 75 percent. The Federal share may be provided in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The non-Federal interests shall receive credit for the reasonable cost of design work on a project completed by the non-Federal interest before entering into a partnership agreement with the Secretary for such project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but such credit may not exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity.

(h) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000. Such sums shall remain available until expended.

After section 5098 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 5099. CLINTON COUNTY, PENNSYLVANIA.

Section 219(f)(13) of the Water Resources Development Act of 1992 (113 Stat. 335) is amended by striking ''$1,000,000'' and inserting ''$2,000,000''.

After section 5104 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 5105. EAST TENNESSEE.

(a) EAST TENNESSEE DEFINED.—In this section, the term ''East Tennessee'' means the counties of Blount, Knox, Loudon, McMinn, Monroe, and Sevier, Tennessee.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in East Tennessee.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in East Tennessee, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(d) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the project cost under each partnership agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The non-Federal interests shall receive credit for the reasonable cost of design work on a project completed by the non-Federal interest before entering into a partnership agreement with the Secretary for such project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project cost.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project cost (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project cost.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

(h) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000. Such sums shall remain available until expended.

After section 5110 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 5111. DALLAS COUNTY REGION, TEXAS.

(a) DALLAS COUNTY REGION DEFINED.—In this section, the term ''Dallas County region'' means the city of Dallas, and the municipalities of DeSoto, Duncanville, Lancaster, Wilmer, Hutchins, Balch Springs, Cedar Hill, Glenn Heights, and Ferris, Texas.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in the Dallas County region.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in the Dallas County region, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(d) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the project costs under each partnership agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The non-Federal interests shall receive credit for the reasonable cost of design work on a project completed by the non-Federal interest before entering into a partnership agreement with the Secretary for such project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but such credit may not exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity.

(h) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000. Such sums shall remain available until expended.

After section 5112 of the bill, insert the following (and redesignate subsequent sections,

and conform the table of contents, accordingly):

SEC. 5113. JOHNSON CREEK, ARLINGTON, TEXAS.

(a) IN GENERAL.—The project for flood damage reduction, environmental restoration, and recreation, Johnson Creek, Arlington, Texas, authorized by section 101(b)(14) of the Water Resources Development Act of 1999 (113 Stat 280), is modified to authorize the Secretary to construct the project substantially in accordance with the report entitled ''Johnson Creek: A Vision of Conservation'', dated March 30, 2006, at a total cost of $80,000,000, with an estimated Federal cost of $52,000,000 and an estimated non-Federal cost of $28,000,000, if the Secretary determines that the project is feasible.

(b) NON-FEDERAL SHARE.—

(1) IN GENERAL.—The non-Federal share of the cost of the project may be provided in cash or in the form of in-kind services or materials.

(2) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest for implementation of the project, if the Secretary determines that the work is integral to the project.

(c) SPECIAL RULE.—In evaluating and implementing the project, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184).

(d) CONFORMING AMENDMENT.—Section 134 of the Energy and Water Development Appropriations Act, 2006 (119 Stat. 2263) is repealed.

In section 5121 of the bill, strike ''and'' at the end of paragraph (1)(B), redesignate paragraph (2) as paragraph (3), and insert after paragraph (1) the following:

(2) in subsection (h) by striking ''$10,000,000'' and inserting ''$20,000,000''; and

After section 5123 of the bill, insert the following (and conform the table of contents accordingly):

SEC. 5124. WAGE SURVEYS.

Employees of the United States Army Corps of Engineers who are paid wages determined under the last undesignated paragraph under the heading ''Administrative Provisions'' of chapter V of the Supplemental Appropriations Act, 1982 (5 U.S.C. 5343 note; 96 Stat. 832) shall be allowed, through appropriate employee organization representatives, to participate in wage surveys under such paragraph to the same extent as are prevailing rate employees under subsection (c)(2) of section 5343 of title 5, United States Code. Nothing in such section 5343 shall be considered to affect which agencies are to be surveyed under such paragraph.

SEC. 5125. ADDITIONAL ASSISTANCE FOR CRITICAL PROJECTS.

Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335–337; 114 Stat. 2763A–220–221) is amended—

(1) by striking the undesignated paragraph relating to Charleston, South Carolina, and inserting the following:

''(72) CHARLESTON, SOUTH CAROLINA.—$10,000,000 for wastewater infrastructure, including wastewater collection systems, and stormwater system improvements, Charleston, South Carolina.'';

(2) by redesignating the paragraph (71) relating to Placer and El Dorado Counties, California, as paragraph (73);

(3) by redesignating the paragraph (72) relating to Lassen, Plumas, Butte, Sierra, and Nevada Counties, California, as paragraph (74);

(4) by striking the paragraph (71) relating to Indianapolis, Indiana, and inserting the following:

''(75) INDIANAPOLIS, INDIANA.—$6,430,000 for environmental infrastructure for Indianapolis, Indiana.'';

(5) by redesignating the paragraph (73) relating to St. Croix Falls, Wisconsin, as paragraph (76); and

(6) by adding at the end the following:

''(77) ST. CLAIR COUNTY, ALABAMA.—$5,000,000 for water related infrastructure, St. Clair County, Alabama.

''(78) CRAWFORD COUNTY, ARKANSAS.—$35,000,000 for water supply infrastructure, Crawford County, Arkansas.

''(79) ALAMEDA AND CONTRA COSTA COUNTIES, CALIFORNIA.—$25,000,000 for recycled water treatment facilities within the East Bay Municipal Utility District service area, Alameda and Contra Costa Counties, California.

''(80) ARCADIA, SIERRA MADRE, AND UPLAND, CALIFORNIA.—$33,000,000 for water and wastewater infrastructure, Arcadia, Sierra Madre, and Upland, California, including $13,000,000 for stormwater infrastructure for Upland, California.

''(81) BIG BEAR AREA REGIONAL WASTEWATER AGENCY, CALIFORNIA.—$15,000,000 for water reclamation and distribution, Big Bear Area Regional Wastewater Agency, California.

''(82) BRAWLEY COLONIA, IMPERIAL COUNTY, CALIFORNIA.—$1,400,000 for water infrastructure to improve water quality in the Brawley Colonia Water District, Imperial County, California.

''(83) CONTRA COSTA WATER DISTRICT, CALIFORNIA.—$23,000,000 for water and wastewater infrastructure for the Contra Costa Water District, California.

''(84) EAST BAY, SAN FRANCISCO, AND SANTA CLARA AREAS, CALIFORNIA.—$4,000,000 for a desalination project to serve the East Bay, San Francisco, and Santa Clara areas, California.

''(85) IMPERIAL COUNTY, CALIFORNIA.—$10,000,000 for wastewater infrastructure, including a wastewater disinfection facility and polishing system, to improve water quality in the vicinity of Calexico, California, on the southern New River, Imperial County, California.

''(86) LOS ANGELES COUNTY, CALIFORNIA.—$3,000,000 for wastewater and water related infrastructure, Diamond Bar, La Habra Heights, and Rowland Heights, Los Angeles County, California.

''(87) NEW RIVER, CALIFORNIA.—$10,000,000 for wastewater infrastructure to improve water quality in the New River, California.

''(88) ORANGE COUNTY, CALIFORNIA.—$15,000,000 for wastewater and water related infrastructure, Anaheim, Brea, La Habra, Mission Viejo, Rancho Santa Margarita, and Yorba Linda, Orange County, California.

''(89) SAN BERNARDINO COUNTY, CALIFORNIA.—$9,000,000 for wastewater and water related infrastructure, Chino and Chino Hills, San Bernardino County, California.

''(90) SANTA CLARA COUNTY, CALIFORNIA.—$5,500,000 for an advanced recycling water treatment plant in Santa Clara County, California.

''(91) SOUTHERN LOS ANGELES COUNTY, CALIFORNIA.—$15,000,000 for environmental infrastructure for the groundwater basin optimization pipeline, Southern Los Angeles County, California.

''(92) STOCKTON, CALIFORNIA.—$33,000,000 for water treatment and distribution infrastructure, Stockton, California.

''(93) SWEETWATER RESERVOIR, SAN DIEGO COUNTY, CALIFORNIA.—$375,000 to improve water quality, and remove nonnative aquatic species from the Sweetwater Reservoir, San Diego County, California.

''(94) WHITTIER, CALIFORNIA.—$8,000,000 for water, wastewater, and water related infrastructure, Whittier, California.

''(95) MONTEZUMA AND LA PLATA COUNTIES, COLORADO.—$1,000,000 for water and wastewater related infrastructure for the Ute Mountain project, Montezuma and La Plata Counties, Colorado.

''(96) OTERO, BENT, CROWLEY, KIOWA, AND PROWERS COUNTIES, COLORADO.—$35,000,000 for water transmission infrastructure, Otero, Bent, Crowley, Kiowa, and Prowers Counties, Colorado.

''(97) PUEBLO AND OTERO COUNTIES, COLORADO.—$34,000,000 for water transmission infrastructure, Pueblo and Otero Counties, Colorado.

''(98) LEDYARD AND MONTVILLE, CONNECTICUT.—$7,113,000 for water infrastructure, Ledyard and Montville, Connecticut.

''(99) ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND MARYLAND.—$20,000,000 for environmental infrastructure and resource protection and development to enhance water quality and living resources in the Anacostia River watershed, District of Columbia and Maryland.

''(100) WASHINGTON, DISTRICT OF COLUMBIA.—$35,000,000 for implementation of a combined sewer overflow long-term control plan, Washington, District of Columbia.

''(101) CHARLOTTE COUNTY, FLORIDA.—$3,000,000 for water supply infrastructure, Charlotte County, Florida.

''(102) CHARLOTTE, LEE, AND COLLIER COUNTIES, FLORIDA.—$20,000,000 for water supply interconnectivity infrastructure, Charlotte, Lee, and Collier Counties, Florida.

''(103) COLLIER COUNTY, FLORIDA.—$5,000,000 for water infrastructure to improve water quality in the vicinity of the Gordon River, Collier County, Florida.

''(104) JACKSONVILLE, FLORIDA.—$25,000,000 for wastewater related infrastructure, including septic tank replacements, Jacksonville, Florida.

''(105) SARASOTA COUNTY, FLORIDA.—$10,000,000 for water and wastewater infrastructure in Sarasota County, Florida.

''(106) SOUTH SEMINOLE AND NORTH ORANGE COUNTY, FLORIDA.—$30,000,000 for wastewater infrastructure for the South Seminole and North Orange Wastewater Transmission Authority, Florida.

''(107) FAYETTEVILLE, GRANTVILLE, LAGRANGE, PINE MOUNTAIN (HARRIS COUNTY), DOUGLASVILLE, AND CARROLLTON, GEORGIA.—$24,500,000 for water and wastewater infrastructure, Fayetteville, Grantville, LaGrange, Pine Mountain (Harris County), Douglasville, and Carrollton, Georgia.

''(108) MERIWETHER AND SPALDING COUNTIES, GEORGIA.—$7,000,000 for water and wastewater infrastructure, Meriwether and Spalding Counties, Georgia.

''(109) NORTH VERNON AND BUTLERVILLE, INDIANA.—$1,700,000 for wastewater infrastructure, North Vernon and Butlerville, Indiana.

''(110) SALEM, WASHINGTON COUNTY, INDIANA.—$3,200,000 for water supply infrastructure, Salem, Washington County, Indiana.

''(111) CENTRAL KENTUCKY.—$10,000,000 for water related infrastructure and resource protection and development, Scott, Franklin, Woodford, Anderson, Fayette, Mercer, Jessamine, Boyle, Lincoln, Garrard, Madison, Estill, Powell, Clark, Montgomery, and Bourbon Counties, Kentucky.

''(112) PLAQUEMINE, LOUISIANA.—$7,000,000 for sanitary sewer and wastewater infrastructure, Plaquemine, Louisiana.

''(113) SHREVEPORT, LOUISIANA.—$20,000,000 for water supply infrastructure in Shreveport, Louisiana.

''(114) CENTRAL IRON RANGE SANITARY SEWER DISTRICT, MINNESOTA.—$12,000,000 for wastewater infrastructure for the Central Iron Range Sanitary Sewer District to serve the cities of Hibbing, Chisholm, Buhl, and Kinney, and Balkan and Great Scott Townships, Minnesota.

''(115) GRAND RAPIDS, MINNESOTA.—$5,000,000 for wastewater infrastructure, Grand Rapids, Minnesota.

''(116) CITY OF BILOXI, CITY OF GULFPORT, AND HARRISON COUNTY, MISSISSIPPI.—$15,000,000 for water and wastewater related infrastructure, city of Biloxi, city of Gulfport, and Harrison County, Mississippi.

''(117) JACKSON, MISSISSIPPI.—$25,000,000 for water and wastewater infrastructure, Jackson, Mississippi.

''(118) CLARK COUNTY, NEVADA.—$30,000,000 for wastewater infrastructure, Clark County, Nevada.

''(119) HENDERSON, NEVADA.—$5,000,000 for wastewater infrastructure, Henderson, Nevada.

''(120) PATERSON, NEW JERSEY.—$35,000,000 for wastewater infrastructure, Paterson, New Jersey.

''(121) ELLICOTTVILLE, NEW YORK.—$2,000,000 for water supply, water, and wastewater infrastructure in Ellicottville, New York.

''(122) SENNETT, NEW YORK.—$1,500,000 for water infrastructure, Town of Sennett, New York.

''(123) WELLSVILLE, NEW YORK.—$2,000,000 for water supply, water, and wastewater infrastructure in Wellsville, New York.

''(124) SPRINGPORT AND FLEMING, NEW YORK.—$10,000,000 for water related infrastructure, including water mains, pump stations, and water storage tanks, Springport and Fleming, New York.

''(125) CABARRUS COUNTY, NORTH CAROLINA.—$4,500,000 for water related infrastructure, Cabarrus County, North Carolina.

''(126) CHARLOTTE, NORTH CAROLINA.—$11,000,000 for phase II of the Briar Creek wastewater project, Charlotte, North Carolina.

''(127) RICHMOND COUNTY, NORTH CAROLINA.—$13,500,000 for water related infrastructure, Richmond County, North Carolina.

''(128) UNION COUNTY, NORTH CAROLINA.—$6,000,000 for wastewater infrastructure, Union County, North Carolina.

''(129) SAIPAN, NORTHERN MARIANA ISLANDS.—$20,000,000 for water related infrastructure, Saipan, Northern Mariana Islands.

''(130) LAKE COUNTY, OHIO.—$1,500,000 for wastewater infrastructure, Lake County, Ohio.

''(131) MENTOR-ON-LAKE, OHIO.—$625,000 for water and wastewater infrastructure, Mentor-on-Lake, Ohio.

''(132) WILLOWICK, OHIO.—$665,000 for water and wastewater infrastructure, Willowick, Ohio.

''(133) ALBANY, OREGON.—$35,000,000 for wastewater infrastructure to improve habitat restoration, Albany, Oregon.

''(134) BOROUGH OF STOCKERTON, BOROUGH OF TATAMY, AND PALMER TOWNSHIP, PENNSYLVANIA.—$10,000,000 for stormwater control measures, particularly to address sinkholes, in the vicinity of the Borough of Stockerton, the Borough of Tatamy, and Palmer Township, Pennsylvania.

''(135) HATFIELD BOROUGH, PENNSYLVANIA.—$310,000 for wastewater related infrastructure for Hatfield Borough, Pennsylvania.

''(136) LEHIGH COUNTY, PENNSYLVANIA.—$5,000,000 for stormwater control measures and storm sewer improvements, Lehigh County, Pennsylvania.

''(137) NORTH WALES BOROUGH, PENNSYLVANIA.—$1,516,584 for wastewater related infrastructure for North Wales Borough, Pennsylvania.

''(138) PEN ARGYL, PENNSYLVANIA.—$5,250,000 for wastewater infrastructure, Pen Argyl, Pennsylvania.

''(139) PHILADELPHIA, PENNSYLVANIA.—$1,600,000 for wastewater related infrastructure for Philadelphia, Pennsylvania.

''(140) VERA CRUZ, PENNSYLVANIA.—$5,500,000 for wastewater infrastructure, Vera Cruz, Pennsylvania.

''(141) COMMONWEALTH OF PUERTO RICO.—$35,000,000 for water and wastewater infrastructure in the Commonwealth of Puerto Rico.

''(142) CHARLESTON, SOUTH CAROLINA.—$1,000,000 for stormwater control measures and storm sewer improvements, Spring Street/Fishburne Street drainage project, Charleston, South Carolina.

''(143) CROOKED CREEK, MARLBORO COUNTY, SOUTH CAROLINA.—$25,000,000 for a project for water storage and water supply infrastructure on Crooked Creek, Marlboro County, South Carolina.

''(144) MYRTLE BEACH, SOUTH CAROLINA.—$8,000,000 for environmental infrastructure, including ocean outfalls, Myrtle Beach, South Carolina.

''(145) NORTH MYRTLE BEACH, SOUTH CAROLINA.—$8,000,000 for environmental infrastructure, including ocean outfalls, North Myrtle Beach, South Carolina.

''(146) SURFSIDE, SOUTH CAROLINA.—$8,000,000 for environmental infrastructure, including stormwater system improvements and ocean outfalls, Surfside, South Carolina.

''(147) ATHENS, TENNESSEE.—$16,000,000 for wastewater infrastructure, Athens, Tennessee.

''(148) CENTRAL TEXAS.—$20,000,000 for water and wastewater infrastructure in Bosque, Brazos, Burleson, Grimes, Hill, Hood, Johnson, Madison, McLennan, Limestone, Robertson, and Somervell Counties, Texas.

''(149) EL PASO COUNTY, TEXAS.—$25,000,000 for water related infrastructure and resource protection, including stormwater management, and development, El Paso County, Texas.

''(150) FT. BEND COUNTY, TEXAS.—$20,000,000 for water and wastewater infrastructure, Ft. Bend County, Texas.

''(151) DUCHESNE, IRON, AND UINTAH COUNTIES, UTAH.—$10,800,000 for water related infrastructure, Duchesne, Iron, and Uintah Counties, Utah.

''(152) NORTHERN WEST VIRGINIA.—$20,000,000 for water and wastewater infrastructure in Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood, Doddridge, Monongalia, Marion, Harrison, Taylor, Barbour, Preston, Tucker, Mineral, Grant, Gilmer, Brooke, Ritchie Counties, West Virginia.

''(153) UNITED STATES VIRGIN ISLANDS.—$25,000,000 for wastewater infrastructure for the St. Croix Anguilla wastewater treatment plant and the St. Thomas Charlotte Amalie wastewater treatment plant, United States Virgin Islands.

''(154) CHEYENNE RIVER SIOUX RESERVATION (DEWEY AND ZIEBACH COUNTIES) AND PERKINS AND MEADE COUNTIES, SOUTH DAKOTA.—$25,000,000 for water supply infrastructure for the Cheyenne River Sioux Reservation in Dewey and Ziebach Counties, and for communities in Perkins and Meade Counties, South Dakota.''.

After section 6002 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 6003. INITIAL PROJECTS.

Section 601(b)(2)(C) of the Water Resources Development Act of 2000 (114 Stat. 2682) is amended—

(1) in the matter preceding clause (i) by striking ''at a total cost of $1,100,918,000'' and all that follows before the colon;

(2) in clause (iv)—

(A) by striking ''$100,335,000'' and inserting ''$162,630,000''; and

(B) by striking ''$50,167,500'' each place it appears and inserting ''$81,315,000'';

(3) in clause (v)—

(A) by striking ''$124,837,000'' and inserting ''$385,010,000''; and

(B) by striking ''$62,418,500'' each place it appears and inserting ''$192,505,000''; and

(4) in clause (vi)—

(A) by striking ''$89,146,000'' and inserting ''$199,340,000''; and

(B) by striking ''$44,573,000'' each place it appears and inserting ''$99,670,000''.

In section 7002(e)(3) of the bill, strike subparagraph (D) and insert the following:

(D) the plan of the State of Louisiana entitled ''Integrated Ecosystem Restoration and Hurricane Protection—Louisiana's Comprehensive Master Plan for a Sustainable Coast''.

At the end of section 7006(a) of the bill, insert the following:

(5) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—A working group established under this subsection shall not be considered to be an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.).

In section 7007(b) of the bill, strike ''this section'' and insert ''this title''.

In section 7013 of the bill, strike subsection (a) and insert the following:

(a) DEAUTHORIZATION.—

(1) IN GENERAL.—The navigation channel portion of the project for navigation, Mississippi River-Gulf outlet, authorized by the Act entitled, ''An Act to authorize construction of the Mississippi River-Gulf outlet'', approved March 29, 1956 (70 Stat. 65), as modified by section 844 of the Water Resources Development Act of 1986 (100 Stat. 4177), and further modified by section 326 of the Water Resources Development Act of 1996 (110 Stat. 3717), which extends from the Gulf of Mexico to mile 60 at the southern bank of the Gulf Intracoastal Waterway is not authorized.

(2) SCOPE.—Paragraph (1) shall not be construed to modify or deauthorize the Inner Harbor Navigation Canal Replacement Project, authorized by the Act referred to in paragraph (1).

In section 8004(c) of the bill, strike ''build upon'' and insert ''adopt and continue''.

The CHAIRMAN. Pursuant to House Resolution 319, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

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

This is the so-called traditional manager's amendment that we have worked on for weeks in a bipartisan manner across the aisle within the committee to work out technical changes and modifications to the bill that came to the attention of the committee after consideration of the bill in March. A project of this magnitude always has some issues that we need to resolve, and we have done that quite well in this manager's amendment.

Among some of the highlights are a provision that is of great importance to the 35 million people who live along the Great Lakes. There is a provision to direct the Secretary of the Army, along with directors of other agencies and entities, to carry out an emergency project to control and prevent spreading a viral hemorrhagic septicemia (VHS) virus in the Great Lakes and the connecting channels. I alluded to this issue at the outset of my remarks at the beginning of the legislation. It is an infectious viral disease of

fish and has caused fish kills throughout the lakes. It has been a problem in Europe, it is a problem in Japan, and now we have confirmed presence in Lake Ontario, Lake St. Clair, Erie, St. Lawrence River. It was discovered in Lake Huron. It is migrating up the lakes, killing fish in its wake caused by ballast water that is infected on vessels plying the Great Lakes.

It spreads rapidly. We don't really know how it spreads, but we need to attack this issue now. There is a multibillion dollar fishery industry throughout the Great Lakes, sport fish and commercial fishery, and this provision will help us deal with and hopefully find a way to contain this devastating virus.

We also have authorizations for new projects in water and wastewater-related infrastructure. For years, these were traditionally practices of the Environmental Protection Agency, but they have run out of money, frankly. Even though we have passed the State Revolving Loan fund bill in this committee to deal with the matter, there still are huge needs. No one better than the Corps of Engineers is equipped to deal with the needs of environmental infrastructure. So in cooperation with the Department of Agriculture's Rural Utilities Service program, the State Revolving Loan fund of the EPA, Corps of Engineers will help communities rebuild their infrastructure and provide for public health and economic vitality of our towns all across America. The needs of communities have not gone away; the ability to deal with them has simply diminished.

The Corps can do this work; they have proven they can. And we have a very vigorous and I think constructive environmental infrastructure program in the manager's amendment.

Mr. Chairman, I would yield such time as she may wish to the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Thank you very much, Mr. Chairman.

I support the manager's amendment on this water resources bill.

The manager's amendment reflects project and policy revisions that have come to the attention of the subcommittee that I chair, and the subcommittee of Water Resources Environment.

Since the bill was passed out of committee, the Transportation and Infrastructure, in March, the amendment contains authorizations that are by no means inequitable to those that were contained in the bill that passed out of committee. Likewise, the projects in the manager's amendment were not considered on a partisan basis but on a need basis and merit. And this has been a long tradition in our committee, and I hope we will always have that.

I support the amendment. And I want to express my appreciation to the persons who did do all of the certifications and all the new paperwork we have to do. And I want to thank the ranking member on the subcommittee as well as the full committee and our general chairman. Thank you so very much.

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

Mr. BAKER. Mr. Chairman, I rise to claim the time in opposition, although I am not in opposition and therefore ask unanimous consent to claim such time.

The CHAIRMAN. Without objection, the gentleman from Louisiana is recognized for 5 minutes.

There was no objection.

Mr. BAKER. Mr. Chairman, I just want to speak for a moment as to process and my appreciation for the manner in which the chairman handled this particular legislation. At the time of some of the subcommittee consideration, there were some Members who had not completed the necessary documents for submission of their projects in the required form, and the chairman made clear that should a Member provide the necessary information in a timely manner, that their projects would be included for consideration. And the manager's amendment reflects the closure of that verbal agreement in allowing many Members to complete the necessary documentation, therefore enabling the committee to include their projects of interest in the final mark before the House this evening. That is a model of how appropriate legislative consideration should be engaged, and I want to express appreciation to him.

I can verify for him if there is ever any question that there are a large number of Members who have a very deep and abiding interest in this subject matter, I have a list. And they also are appreciative of the willingness to give opportunity for appropriate consideration.

The manager's amendment is extraordinarily important in that it touches about a hundred projects which otherwise would not be included. I certainly hope that those present will support the adoption of the amendment.

Mr. Chairman, at this time, I would yield such time as the gentleman may consume to my ranking member, Mr. MICA.

Mr. MICA. Might I inquire of the Chair as to how much time is remaining.

The CHAIRMAN. The gentleman from Louisiana has 3½ minutes remaining.

Mr. MICA. I thank the gentleman for yielding.

First of all, I rise in strong support of the manager's amendment. Mr. OBERSTAR, after the election, became the Chair, I became the ranking member of the Transportation Committee. And we inherited, indeed, a huge backlog of projects. We also inherited a bill that required earmarking because they are Members' projects, and everyone knows the problems that we have had with earmarks in the past. So I can assure the Members that on both sides of the aisle we have done everything possible to vet these projects. I am also sorry that we can't put even more projects in.

We just had Mrs. BONO here, and her heart and soul in her work in Congress, which is something she inherited, actually the work, too, of her late husband, Sonny Bono, a good friend and colleague.

□ 1730

She wanted that so badly in this, and it is so important, the restoration of the Salton Sea, for her district. You can see how important these projects are to Members and their districts. So we have a good work product.

Let me make one point I did not make in opposition to the administration's position on this piece of legislation in that it cost too much. If you look at 2000 when we started these projects, maybe they did cost $5 million. I can tell you that just with inflation and the cost of doing construction projects, having been in the development business, that every day we delay will cost us more; and that is why these projects cost us more, and that is why I am in opposition to the administration's point there.

We have evenly divided the projects. I don't think we could have had a fairer distribution. They are Republican, they are not Democrat, but they are of national and district importance, and I think we have done as good a job as you can. I am sure you can find something wrong or questionable, if anyone seeks to do that.

Mr. Chairman, I urge adoption of the manager's amendment, and I urge all Members on both sides of the aisle to move and urge the passage of this bill, not only through the House but through the other body and conference, so that we can do a better job for the people that we represent in these important environmental and water resources projects.

I thank the gentleman.

Mr. BAKER. I thank the gentleman for his remarks, and I certainly would be remiss if I did not comment on his effort to provide for transparency and disclosure of Members' requests. It was a new process. We had a lot of new paperwork to engage in. But at the end of the day, I think the public interest is well served and every Member is well served by having such disclosure made in a timely manner; and for his leadership in providing that counsel, I am most appreciative.

Mr. Chairman, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Chairman, we have labored mightily to comply with the new rules of the House, to cut every one of the projects back with each of the Members, each of 300 Members who had a project in the last Congress that carried over to this Congress. We have worked very diligently to serve as a filter for Members, to filter out problems that they had, projects that really might not comply,

that should not be considered at this stage.

We bring forward to you a bill that has been on the Internet, that is fully vetted, and should pass with overwhelming support.

The CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. BOSWELL

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–100.

Mr. BOSWELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 147, after line 2, insert the following (and redesignate subsequent sections, and conform the table of contents accordingly):

SEC. 3055. RATHBUN LAKE, IOWA.

(a) RIGHT OF FIRST REFUSAL.—The Secretary shall provide, in accordance with the recommendations in the Rathbun Lake Reallocation Report approved by the Chief of Engineers on July 22, 1985, the Rathbun Regional Water Association with the right of first refusal to contract for or purchase any increment of the remaining allocation (8,320 acre-feet) of water supply storage in Rathbun Lake, Iowa.

(b) PAYMENT OF COST.—The Rathbun Regional Water Association shall pay the cost of any water supply storage allocation provided under subsection (a).

The CHAIRMAN. Pursuant to House Resolution 319, the gentleman from Iowa (Mr. BOSWELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

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

Before I explain the amendment, I would like to thank Ms. JOHNSON and Mr. OBERSTAR for their hard work. We have finally got something out here to work with. I thank the gentleman from Louisiana and the gentleman from Florida for working together with us. It is something that our country needed very, very badly, and was overdue.

Mr. Chairman, I rise in support of this amendment that is highly important to the State of Iowa constituents and also a number of folks in northern Missouri. As a member of the Transportation and Infrastructure Committee, I would like to especially give my appreciation for this opportunity that is before us today.

My amendment is critical to the future availability of quality drinking water for farmers, residents and businesses in southern Iowa and northern Missouri. Rathbun Regional Water Association is the largest rural water system in Iowa and one of the largest in the United States. Rathbun Regional Water Association supplies potable water to 60,000 people in the rural areas of 15 counties and 41 communities in southern Iowa and northern Missouri from the association's water treatment plant at Rathbun Lake. Rathbun Lake is the source of raw water for the treatment plant.

Rathbun Rural Water Association has experienced steady growth in the demand for potable water. In response to this demand, Rathbun Rural Water Association doubled the capacity of its treatment plant in 2000 and made improvements to its distribution system.

Rathbun Rural Water Association has completed an analysis of future water demand in its service territory. This analysis indicates that Rathbun Regional Water Association must take steps to meet continued growth in demand for potable water. The ability to secure the rights of the remaining drinking water pool in Lake Rathbun, a facility managed by the U.S. Army Corps of Engineers, is critical to meet demand.

There are 15,000 acre-feet of water supply storage in Rathbun Lake. Rathbun Regional Water Association has purchased the rights to 6,680 acre-feet of this water and storage from the U.S. Army Corps of Engineers. It is essential that they be able to acquire the rights of the remaining over 8,000 acre-feet of water supply storage in Rathbun Lake in order to satisfy the growing demand for potable water in its service territory. This remaining acre-feet in water would provide access to approximately 2.7 billion gallons of water.

The amendment submitted today takes two critical steps to ensure the availability of water for the region. First, it directs the U.S. Army Corps of Engineers to grant Rathbun Rural Water the right of first refusal to contract for any increment of the remaining water supply storage allocation in Rathbun Lake. This language is in accordance with the recommendations in the Rathbun Lake Reallocation Report approved by the chief of engineers on July 22, 1985.

Second, it allows Rathbun Regional Water Association to contract for the remaining water supply storage allocation in total, or incrementally as dictated by the demand of the potable water demand in the association's service territory, at such time as the full amount of storage may be purchased.

This amendment ensures access to quality water supply for rural residents, small communities and businesses in southern Iowa and northern Missouri. It enables Rathbun Rural Water to better manage the expense of purchasing water storage allocation in a manner that reduces the financial burden on its customers and ensures the vitality of Rathbun Regional Water Association to fulfill its commitment to an extensive rural area.

I join with my colleague from Iowa, Congressman LOEBSACK, in this request, and I urge my colleagues to support this amendment.

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

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent, though I am not in opposition to the amendment, to claim the time in opposition to the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. Mr. Chairman, I support the amendment offered by the gentleman from Iowa. We have had a bipartisan agreement on this.

I yield to the distinguished gentleman from Louisiana.

Mr. BAKER. I thank the gentleman for yielding.

Mr. Chairman, I just wish to compliment the gentleman on his amendment. We have reviewed it. We have no objection to its consideration and adoption.

Mr. OBERSTAR. The gentleman from Iowa (Mr. BOSWELL) and our former colleague from Iowa, Mr. Leach, have long worked with the committee on this issue of Rathbun Lake. It is as much a tribute to the gentleman from Iowa (Mr. BOSWELL) as to our former colleague, Mr. Leach. The gentleman has described the issue very well.

In initial consideration of this legislation, there was a PAYGO issue, and the gentleman from Iowa has worked with us on both sides of the aisle to resolve the matter. We no longer have an impact on direct Federal spending in the amendment. Therefore, it passes our committee standards.

Mr. Chairman, I strongly support the amendment and appreciate the support of the gentleman from Louisiana.

Mr. Chairman, I yield back the balance of my time.

Mr. BOSWELL. Thank you, Mr. OBERSTAR, and the gentleman from Louisiana, I appreciate your help and your work with us on this. I would join again with Congressman LOEBSACK and urge passage of this amendment.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I support the amendment offered by my colleague, Mr. BOSWELL.

Congressman BOSWELL has been working with the Committee to resolve scoring issues related to modifications for the Rathbun Lake, Iowa project that had surfaced since the project was last included in the Water Resources Development Act of 2005.

It is my understanding that these issues have now been settled.

I urge the adoption of this amendment.

Mr. BOSWELL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Iowa (Mr. BOSWELL).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–100.

Does any Member seek recognition?

AMENDMENT NO. 4 OFFERED BY MR. STUPAK

The CHAIRMAN. If not, it is now in order to consider amendment No. 4 printed in House Report 110–100.

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. STUPAK:

Page 116, after line 8, insert the following (and conform the table of contents of the bill accordingly):

SEC. 2041. CRITERIA FOR OPERATION AND MAINTENANCE OF HARBOR DREDGING PROJECTS.

The Secretary shall budget and request appropriations for operation and maintenance of harbor dredging projects based only upon criteria used for such projects in fiscal year 2004 and shall not use a budget standard for such projects based on the amount of tonnage a harbor handles.

The CHAIRMAN. Pursuant to House Resolution 319, the gentleman from Michigan (Mr. STUPAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. STUPAK. Mr. Chairman, in fiscal year 2006, the U.S. Army Corps of Engineers and the Office of Management and Budget set new guidelines for maintenance dredging of commercial harbors in their budget for fiscal year 2006. The Corps excluded harbors that move less than 1 million tons of cargo each year.

The House is on record that the Corps' neglect of these harbors is unwise and unreasonable. With Members' help during consideration of WRDA, the Stupak-Hoekstra-Delahunt amendment to prohibit the Corps from using a tonnage-based standard was included in the House bill by voice vote.

Now the Corps is back with a similar tonnage-based formula. This formula essentially credits $2 for maintenance dredging for every ton of product moved. The harbor is then provided only the amount from the formula, regardless of the actual cost to dredge a harbor. This policy not only discriminates against rural America by significantly limiting dredging of harbors in smaller communities, but it is pound wise and penny foolish.

For example, under the Corps proposal, my harbor in Ontonogan, Michigan, will move just over 300,000 tons of material, so the Corps will provide $643,000 worth of maintenance dredging, even though its dredging cost is more than $1 million.

Again, there are almost 300 harbors across this country that face the same problem. Our small harbors will never be able to adequately dredge, but will silt in with each passing year. Thus, pound wise, penny foolish.

These Corps guidelines will have a detrimental effect on small-town, rural America, causing job losses, increased hardship for business, and endanger our Nation's entire shipping infrastructure.

Each harbor that has been maintained by the Corps for years has unique characteristics other than just the amount of tonnage it moves. For example, annual dredging helps prevent flooding in Ontonogan, and dredging plays an essential role in preserving the economy and lifeline of this harbor town. By only considering the amount of tonnage a harbor handles, the administration ignores the benefits provided to businesses and residents that depend on electricity, flood mitigation and other purposes beyond the tonnage handled.

With this new policy, the Corps also disregards the fact that approximately two-thirds of all shipping in the United States either starts or finishes at a small port. By ignoring the smaller communities, the Corps is also significantly harming the Nation's economy.

With the Corps' proposed maintenance dredging guidelines, in each year our small harbors' maintenance remains uncertain. Without this Stupak-Hoekstra-Delahunt amendment, the economic vitality and the dream of economic expansion for these 300 communities remain uncertain.

As the House considers this WRDA legislation, I am again offering this amendment with Congressmen Hoekstra and Delahunt, which keeps the maintenance dredging the same as it has been before the Corps and OMB came up with these tonnage proposals.

For the sake of our Nation's small harbors, from which two-thirds of all shipping in the United States either starts or finishes at small ports, I encourage my colleagues to adopt our amendment, which would ensure that all harbor maintenance is funded fairly, regardless of the amount of tonnage a harbor handles.

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

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, although I do not oppose the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. BAKER. Reserving the right to object, if I may make an inquiry of the gentleman, we have a cosponsor on our side of the amendment. Will the gentleman be happy to yield?

Mr. OBERSTAR. Mr. Chairman, I will yield time to the gentleman, of course.

Mr. BAKER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

□ 1745

Mr. OBERSTAR. In the preceding Congress, this amendment was offered on the floor during consideration of the WRDA bill, and it passed by voice vote; WRDA passed by 406 votes. It requires adequate budgeting by the administration for maintenance of small, low-use harbors. These are relatively smaller harbors; they may not handle thousands of containers or millions of tons of bulk commodities shipped on the Great Lakes, as we do in the Harbor of Duluth, but they are important projects and facilities that place lives and livelihoods at risk on the fierce storms of the Great Lakes, because these are also harbors of refuge. So I strongly support it.

Mr. Chairman, I am happy to yield to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. I thank my colleague for yielding and I am thankful for his support and help on this amendment.

I would also like to thank my colleague from Michigan for bringing this amendment together. I think we both recognize the importance of this amendment. My congressional district, I think we kind of represent God's country. I represent about 200 miles of Lake Michigan shoreline. I don't think I want to get into an argument with my colleague from Michigan as to how much shoreline he represents from the Great Lakes, but it is well in excess of that number.

But we both have recognized that the current Corps guidelines present a distinct hardship to our communities, many of the communities along the Great Lakes. We don't meet the newest guidelines that establish the roughly 1 million tons or whatever of cargo that need to flow through a harbor. And this is a change in the Corps' position. For the last 14 years that my colleague and I have been in Congress, the Corps has done a very, very good job and recognized its responsibility for taking care of these small and medium-sized harbors which they classify as recreational harbors.

But they are much more than recreational harbors. For many of our communities they do, we do transfer cargo through these ports, but the harbors form the economic development zone for these communities. And if the harbors and the channels are not dredged, this economic lifeline goes away. And when the economic lifeline goes away, eventually these communities go away.

This is a policy that Congress needs to address because, from a disappointing standpoint, the administration has made an administrative decision that these harbors will not be taken care of. Congress needs to speak on this issue. I am glad that we can move this forward in a bipartisan basis and send a piece of legislation to the administration that no longer provides them with the latitude as to whether these harbors will be dredged or not. These harbors need to be dredged. They will be dredged. This is exactly the appropriate message to send.

I thank my colleagues on the other side of the aisle for taking the initiative in bringing this legislation forward.

Mr. OBERSTAR. I thank the gentleman from Michigan for his statement. I just wanted to point out that the Great Lakes have gone through 15 years, in the 1960s, into the 1970s, into the 1980s, nearly a 20-year period of abnormally high level. Now we are going

through a seventh year of low water drought in the watershed of the Great Lakes. The Corps of Engineers has avoided dredging costs all during those two decades of high water on the Great Lakes. It is time now to recoup, to do the dredging that is needed, especially for these small harbors, harbors of refuge, small commercial harbors. And the gentleman's amendment will ensure that this issue stays on the agenda of this and future administrations. So I urge support of the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. STUPAK. Mr. Chairman, in closing, I would like to thank Chairman OBERSTAR. He has been a great help throughout my whole career here, but especially on issues confronting the Great Lakes and WRDA and other areas of his expertise in transportation infrastructure. And Mr. BAKER has also been a friend and very helpful, as has Ms. JOHNSON.

It is a bipartisan piece of legislation. I would hope that the Members support it. If we are going to truly care about waterborne commerce and transportation in this Nation, we must remember that two-thirds of all commerce on our Nation's waterways start and begin at the small ports the Army Corps no longer wishes to dredge and maintain. We need support on this amendment, and I ask for your support.

Mr. DELAHUNT. Mr. Chairman, for my district—coastal Massachusetts—our waterways are as important as our roadways. They are also a vital part of the Nation's transportation infrastructure.

It is the responsibility of the Army Corps of Engineers to help keep our harbors, rivers and other channels in navigable condition. In New England, the Corps is responsible for maintaining 171 ports and harbor channels, yet the Bush Administration budget includes funding to take care of just one. That is because the rules for Army Corps projects were changed by the Bush Administration to now favor large, commercial waterways. This constitutes an abandonment of Federal responsibility and quite simply, is an assault on smaller communities all over the country, putting lives and the economic health of coastal communities at risk.

The rationale for these changes is that financial constraints require us to abruptly change Army Corps' priorities to favor projects with "true value to the Nation." This sounds good—but is dangerously misleading. The changed formula focuses only on commercial tonnage and mileage, so smaller projects do not have a chance—even though they are critical to the economy and public safety.

When waterways close due to sediment build-up, the commercial fishing industry suffers. Tourism is compromised. And our transport stops—sometimes dead in the water. The Coast Guard can't undertake "search and rescue" because they can't move—literally.

Just as a deteriorating highway or bridge needs repair, our waterways need maintenance. If the traffic through a harbor requires an eight-foot draft and sediment builds up, leaving only five feet available, vessels cannot pass. It is larger, commercial vessels like tankers, fishing boats and barges that face the greatest difficulty and are most likely to run aground.

Entire portions of our local economy are organized around the sea and the easy transport of people and products in and out of our harbors. When you consider our island communities—such as Martha's Vineyard, Nantucket, and Cuttyhunk—the waterways carry all the necessities for local citizens, everything from food and water to lumber and heating oil.

In Chatham Harbor, which hosts the largest fleet of commercial fishing vessels in my district, we face a constant problem with shoaling. It is a 900-foot channel and when it is not clear, millions of dollars are at risk. Each year it is now a fight to keep the fishing industry on Cape Cod in business.

It's the same thing with Green Harbor in Marshfield, where we have the second highest lobster catch harbor in New England. In Woods Hole, we have a major Coast Guard station which launches many cutter search-and-rescue missions a year. Without regular dredging, that emergency equipment is landbound. In that same harbor, the Federal government has invested millions in a state-of-the-art NOAA research vessel, the Bigelow. But, these WHOI vessels and Navy vessels cannot do essential research because the harbor is clogged with sentiment.

For coastal communities, our waterways are critical to their economic well-being. I urge my colleagues to support this Amendment and support our mariners, our fishermen, the Coast Guard, and small coastal communities throughout the country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. STUPAK).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. BLUMENAUER

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–100.

Mr. BLUMENAUER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. BLUMENAUER:

Strike section 2036 of the bill and insert the following (and conform the table of contents accordingly):

SEC. 2036. PRINCIPLES AND GUIDELINES.

(a) IN GENERAL.—The Secretary shall issue revised principles and guidelines for use in the formulation, evaluation, and implementation of water resources projects. Subject to the requirements of this section, the revised principles and guidelines shall apply to water resources projects carried out by the Secretary instead of the principles and guidelines for such projects in effect on the date of enactment of this Act.

(b) CONTENT.—The principles and guidelines shall, among other things—

(1) provide for the consideration of environmental restoration costs and benefits under Corps of Engineers economic models;

(2) incorporate new techniques in risk and uncertainty analysis;

(3) eliminate biases and disincentives for nonstructural flood damage reduction projects as compared to structural flood damage reduction projects;

(4) incorporate new analytical techniques;

(5) encourage, to the maximum extent practicable, the restoration of aquatic ecosystems; and

(6) ensure that water resources projects are justified by benefits that accrue to the public at large.

(c) PROPOSED PRINCIPLES AND GUIDELINES.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register proposed principles and guidelines under subsection (a).

(2) CONSULTATION.—In developing the proposed principles and guidelines, the Secretary shall consult with the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Housing and Urban Development, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of Homeland Security, the National Academy of Sciences, and the Council on Environmental Quality.

(3) PUBLIC PARTICIPATION.—The Secretary shall provide notice and an opportunity for the public to participate in the development of the proposed principles and guidelines.

(d) PUBLIC COMMENT FOLLOWING ISSUANCE OF PROPOSED PRINCIPLES AND GUIDELINES.—After publication of the proposed principles and guidelines, the Secretary shall provide an opportunity for the public to comment on the proposed principles and guidelines. The comment period shall not be fewer than 60 days.

(e) FINAL PRINCIPLES AND GUIDELINES.—

(1) IN GENERAL.—Not later than 90 days following the last day of the comment period under subsection (d), the Secretary shall issue final principles and guidelines under subsection (a).

(2) APPLICABILITY.—After the date of issuance of the final principles and guidelines, the final principles and guidelines shall apply—

(A) to all water resources projects carried out by the Secretary, other than projects for which the Secretary has commenced a feasibility report before the date of such issuance;

(B) at the request of a non-Federal interest, to a water resources project for which the Secretary has commenced a feasibility report before the date of such issuance; and

(C) to reevaluation or modification of a water resources project, other than a reevaluation or modification that has been commenced by the Secretary before the date of such issuance.

(f) EXISTING STUDIES.—Principles and guidelines issued under subsection (a) shall not affect the validity of any completed study of a water resources development project.

The CHAIRMAN. Pursuant to House Resolution 319, the gentleman from Oregon (Mr. BLUMENAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment simply requires the Secretary of the Army to update the principles and guidelines used by the Army Corps of Engineers in formulating, evaluating, and implementing water resource projects. As I said on the floor earlier today, they have not been updated since 1983. It is embarrassing that the Corps is operating under guidance a quarter century old.

We have learned a lot in the last 25 months, as I look to my colleague from Louisiana, about Katrina and others in

terms of the Corps. Imagine how things have changed in the last 25 years.

Under this amendment, the Army Secretary would incorporate the latest scientific and economic knowledge, eliminate biases and disincentives, would be required to consult with the public and other Federal agencies while updating the principles and guidelines.

I want to be clear about what it would not do. It would not impact any project already underway or impact any project that is in the bill that has been created here today. It would not prevent the Corps from doing structural projects and would not delay any projects at all. It is why it is supported by the American Society of Civil Engineers, the professionals who actually do the work, taxpayer organizations, and environmental groups.

The National Academy of Sciences in a report from the year 2000 pointed out that the current principles and guidelines were state-of-the-art thinking when it was written, and some of the concepts and paradigms that underpin it are relevant today. However, in over 20 years since it has been updated and revised, it needs to be revised to reflect contemporary management paradigms; analytical methods; legislative directives; social, economic, and political realities.

I deeply appreciate the work with the committee's staff, the Chair and subcommittee Chair in getting this to this point.

Mr. BAKER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Louisiana is recognized for 5 minutes.

Mr. BAKER. Mr. Chairman, I am certainly appreciative of the gentleman's interest and have worked with him closely on a number of matters through the course of the years. And just in this instance we have a matter of policy difference.

The P&G planning process utilized by the Corps does not begin with an idea that something must be done. It is not a process through which a commercial activity will automatically or inordinately be concluded must be implemented. The plan that is proposed must seek certain levels of justification; that is an iterative process where various parties are heard from over time.

As to the element of whether the P&G has been modified or not, I have done some work on the matter over the last days, knowing of the gentleman's interest in this amendment. And I can go back further over time, but on September 30 of 1999, the Corps issued Engineering Regulation 1165–2–501, which speaks directly to the gentleman's interest to encourage to the maximum extent practicable the restoration of aquatic ecosystems.

From the gentleman's amendment, the 1999 issuance speaks directly to a nonmonetary output compatible with P&G selection criteria; meaning, we should look at things broader than just dollars and cents.

On April 22, 2000, regulation 1105–2–200 recognized the national ecosystem restoration plan on a par with national economic development.

March 26, 2002, chief of engineers issues the environmental operating principles affirming sustainable development.

May 1, 2003: to provide for procedural guidance for formulating and evaluating projects consistent with environmental sustainability.

There was another on May 5, 2005. But to ensure the gentleman has time for his question, I will wrap up by saying, I have been assured by the Corps that they are working as diligently as one can work to accommodate environmental sensitivities while at the same time assuring that projects move forward in a timely manner.

The reason for my concern, as the gentleman knows, I am highly sensitized to our recovery from the Katrina-Rita days, and I know the gentleman's amendment is worded in such a fashion that, if it is authorized prior to the adoption of this language, it has no effect. But going forward, we are going to be doing this stuff for a very long time in our State.

The unintended consequences of these additional standards are going to be costly to local sponsors, and they are going to require significant additional programmatic time to achieve, not to ignore the gentleman's concerns that ecosystem restoration is a valuable and salutary goal that we should pursue.

I am happy to yield to the gentleman.

Mr. BLUMENAUER. I want to be clear that what you just stated that our goals, the things that you just cited, have never been incorporated into the principles and guidelines, have they?

Mr. BAKER. Yes. We may have a dispute as to the meaning of the words that we have on the page, but I will be happy to provide the gentleman.

May 5, 2005: planning in a collaborative environment to build on modernized guidance, improve Corps projects through greater collaboration with all stakeholders. I am skipping a little bit here. Broaden project selection criteria to encompass net beneficial effects in all four P&G accounts; national economic development, regional development, economic development, environmental quality, and other social effects.

So it goes beyond even environmental aspects in their planning process.

Mr. BLUMENAUER. And my question was, Is it not true that the Corps has not adopted those things into the principles and guidelines?

Mr. BAKER. All I can speak to from my knowledge is Corps-issued Engineering Circular 1105–2–409 on May 5, 2005.

Mr. BLUMENAUER. Engineering Circular that has not been incorporated into their principles and guidelines.

Mr. BAKER. The distinction between a statutory adoption and a circular being issued is managerial direction to people who are implementing the programmatic requirements. It may be a difference of no distinction to the gentleman; but my opinion is, after spending some time with the Corps individuals, they feel they are on top of and are trying as best they can within financial constraints to achieve the goals the gentleman is prescribing. My worry is this will now transfer a financial liability to the local sponsor which does not now exist and may well, because of the times outlined in the gentleman's amendment, protract the timely construction of worthwhile projects.

I, for example, am not sure whether this applies to aids to navigation. I don't know. I am not suggesting it does, but the way the amendment is constructed, I am worried about scope and reach. And please understand, I want to be helpful to the gentleman's interest. I am not at all averse to constructing projects in an environmentally safe and sound manner. I am just not sure that the goals the gentleman seeks are the results we would get out of the adoption of the amendment.

Mr. BLUMENAUER. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. I thank my colleague for yielding.

Mr. Chairman, I rise in support of the Blumenauer amendment, the bill before us, which would require the Army Corps of Engineers to revise the principles and guidelines under which the Secretary formulates and evaluates water resource projects.

It has been almost 25 years since any type of revision has been made to the Corps' decision-making process for formulating, evaluating, and implementing a project. The National Academy of Sciences has twice recommended that these guidelines be updated.

We want to be sure that we have a fair and impartial analysis of projects and that we don't set in place a procedure that inevitably leads to the largest projects getting built, not the most cost-effective ones.

The amendment is supported by many organizations, including the American Rivers, Taxpayers for Common Sense, and Republicans for Environmental Protection.

Up-to-date scientific engineering and environmental tools should be taken into account when looking at projects. As Representative BLUMENAUER has said, it is time to bring the Corps into the 20th and 21st centuries.

□ 1800

Mr. BLUMENAUER. Mr. Chairman, I yield 1 minute to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. Mr. Chairman, as you know, this legislation will authorize projects that are vitally important to our communities, to our citizens, to our environment.

This amendment is intended to begin the process of reforming the Army Corps of Engineers process so it can be done better. I support and applaud the leadership of the Committee on Transportation and the cosponsors of this amendment. We must establish transparency, collaboration and accountability within the Corps of Engineers so as to better serve our communities.

What this amendment does is begin that process by citing improvements that can be made in the principles and the guidelines. This is essential because some of the things that have happened that have been adverse to our communities and to our citizens have been foreseeable and predictable. The reforms that we are beginning to take with this amendment are to foresee, predict and avoid.

Secondly, independent peer review. I want to recognize the work of the committee of including that in this legislation. It is my hope that going forward in the conference committee that will actually be strengthened.

Mr. BAKER. Mr. Chairman, I ask unanimous consent that each side be given an additional 2 minutes for a total of 4 minutes for debate on this amendment only.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. The time is divided. Who seeks recognition?

Mr. BAKER. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. I thank the gentleman from Louisiana for yielding me this time, and I thank the majority side for agreeing to this unanimous consent request.

I simply wanted to rise to say this. During my 6 years as chairman of the Water Resources and Environment Subcommittee, I do not believe we had a better member or more active member than the gentleman from Oregon, and I certainly have the greatest admiration and respect for him and his concern about this legislation.

I simply wanted to rise to say this. I don't believe this Congress could pass a stronger environmental bill than this legislation that is before us at this time; Chairman OBERSTAR has continually made sure of that. And when we started with this bill several years ago, some people wanted no Corps reform at all; some people wanted so much Corps reform that really they were trying to stop every project that was included in this bill.

Mr. COSTELLO, who was my ranking member at that time, we compromised, we worked out things.

I want to commend the staff for their work in this regard, and we put in many environmental concerns the first time around. Then we put in even more the second time around when we passed this bill.

We are now here again. We have given reform on peer review now so that all the major projects, all the projects over $50 million are subject to peer review. We have put in environmental reform and Corps reform in regard to mitigation issues. We have put in Corps reform in regard to project planning so that all the concerns of all the environmental groups who want to be involved in this process will be included.

I just want to point that out, how environmentally strong this legislation is thanks to not only our efforts on this side and the staff and Mr. BAKER, but also Chairman OBERSTAR, Mr. COSTELLO, Chairwoman JOHNSON with a lot of contribution from the gentleman from Oregon (Mr. BLUMENAUER) himself.

Mr. BLUMENAUER. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. Mr. Chairman, there is a lot of confusion over the Blumenauer amendment, and let me just say that the Blumenauer amendment does not affect the language on independent review. The Blumenauer amendment will make the study process more efficient, and for that reason I ask my colleagues to support the Blumenauer amendment and support the bill.

Mr. BLUMENAUER. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. OBERSTAR), our distinguished chairman.

Mr. OBERSTAR. I thank the gentleman for yielding.

I appreciate the concerns of the distinguished ranking member of the subcommittee about time and cost. We certainly don't want to add any more time than Corps projects already take to evolve, nor do we want to foist additional costs on local governments.

The language of the amendment of the gentleman, though, is simply to take current practice that the Corps has in its principles and guidelines, but to make those principles and guidelines into current law. I have talked with the Corps representatives in the chief's office, and they say, well, we're looking for direction from Congress.

This language will not add time, will not create costs that are not already being incurred under our existing practice, and in that spirit, I think the amendment should be accepted.

Mr. BLUMENAUER. Mr. Chairman, may I inquire as to the time remaining?

The CHAIRMAN. The gentleman from Oregon has 1½ minutes remaining.

Mr. BLUMENAUER. Then I will close.

I deeply appreciate the words of support that have been offered here by my colleague from Wisconsin (Mr. PETRI); from my distinguished chairman, Mr. OBERSTAR; and from the former ranking member of the Water Resources Committee, Mr. COSTELLO.

I want to be clear that what was offered up by my friend, the distinguished ranking member of the subcommittee, in no way undermines what I said. These principles and guidelines have not been updated. There are procedures and circulars discussed by the gentlemen from LA. They have not been incorporated into an updated, revised principle and guideline for the Corps of Engineers.

That is why the National Academy of Public Administration, one of the many scientific organizations to recommend updating the principles and guidelines, they released their recommendation after the circular that the gentleman from Louisiana mentioned. His information simply is not current in terms of how the Corps is operating and all the independent bodies, the Science Board, the public administrators, why the American Engineering Association, as well as taxpayers and environmental groups say it is past time to fix this situation.

For those of you who care about getting something actually through Congress, you ought to support this amendment. One of the hang-ups between the House and the Senate has been this issue of reform. The Senate has stronger language than this. I think it will help bridge the gap. I urge its adoption.

The CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. KIRK

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110–100.

Mr. KIRK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. KIRK:

At the end of title II of the bill, add the following (and conform the table of contents accordingly):

SEC. 2041. 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.

MODIFICATION TO AMENDMENT NO. 6 OFFERED BY MR. KIRK

Mr. KIRK. Mr. Chairman, this amendment concerns removing small dams from rivers, especially in my congressional district; and working with the chairman and the minority, what I would like to do now is ask unanimous consent to modify the amendment as agreed to by both sides.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 6 offered by Mr. KIRK:

In lieu of the matter proposed to be inserted, insert the following on page 40, after line 23, (and redesignate subsequent paragraphs accordingly):

(13) LAKE COUNTY, ILLINOIS.—Project for aquatic ecosystem restoration, Ryerson Forest Preserve Dam, Dam 1A, Dam 1B, and Dam 1C, Lake County, Illinois.

The CHAIRMAN. Without objection, the modification is approved.

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 319, the gentleman from Illinois (Mr. KIRK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. KIRK. Mr. Chairman, the scope of this amendment now is focused exclusively on Lake County, Illinois, and mainly the watershed of the Des Plaines River. This is a river in which several outdated and unused dams are preventing the return of higher-end predator fish, specifically pike and walleye, through the upper Des Plaines and Fox River Valleys.

Now, I have worked on this amendment and consulted with my colleague, Congresswoman MELISSA BEAN, and we both agree on a bipartisan basis that the return of these high-end predator fish will not only help restore the environment of upper Lake County and its Fox River and Des Plaines watersheds, but also will be a help to sports fishing and boating in these areas.

For these reasons, the removal of these very small but damaging structures will go a long way to restoring the ecosystems along the lines of the Chicago Paddlers Association and the Nature Conservancy and their recommendations.

I want to particularly thank JOHN MICA and his staff, especially Amy Steinmann for her work on this, as well as Chairman OBERSTAR for his help on this because this is going to make a big difference in the ecosystem of Lake County, Illinois, and we hope to invite all of you, maybe Mr. BAKER as well, to come for a day, hopefully 5 years from now, of exciting sports fishing in northern Illinois.

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

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent to claim time in opposition, though I am not in opposition to the amendment.

The CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. And I do so to speak deliberately, carefully and thoughtfully so that the Speaker pro tempore can reach the House floor in order that the committee may rise and report the bill to the House with sundry amendments and that we can conclude action on the bill. I mean, let's be honest about what we're doing here in the spirit of transparency.

But the gentleman from Illinois speaks for himself and also the gentlewoman from Illinois (Ms. BEAN) who shares this river with him and also our former Speaker, Mr. HASTERT, whom I saw on the House floor just prior to consideration of the legislation. So he thought this would be a good idea because he would be able to do some walleye fishing on the river, and we are all for fishing walleyes, and the gentleman has had a very, very clear and narrowly drawn objective.

I am glad we have been able to work this out in a manner that suits his concerns and allays the fears and concerns of those in the Western States that thought this was going to be a major hindrance to hydroelectric projects.

So I thank the gentleman for tailoring the language of the amendment to the needs at hand and to allay the broader concerns.

Mr. Chairman, I yield such time as he may require to the gentleman from Louisiana (Mr. BAKER).

Mr. BAKER. I thank the gentleman for yielding.

I just wanted to express a word of appreciation to the gentleman for revision of his amendment as it now appears before Members. He worked diligently with the staff in order to assure that some concerns that had been raised had been alleviated, and we find ourselves at a point where we have an amendment to which I do not believe there is objection.

At some point later in the evening I assume we will agree to adopt it and then later we will take up the underlying bill and pass that as well.

I assume that the gentleman has sufficiently consumed enough time to where the managerial matters of his earlier interests may have now been resolved, I hope.

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

Mr. KIRK. I would just like to state to the gentleman that I thank you very much for your senior leadership on this bipartisan legislation. I would hope that we could all agree that pike and walleye fishing should not be reserved for those citizens of only Wisconsin and Minnesota and can now return to the citizens of northern Illinois, who will see this ecosystem restored.

Mr. Chairman, I yield back the balance of my time.

□ 1815

Mr. OBERSTAR. How much time do I have, Mr. Chairman?

The CHAIRMAN. The gentleman from Minnesota has 2½ minutes remaining.

Mr. OBERSTAR. I want to use this opportunity to thank the Chair of the Subcommittee on Water Resources, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), for the superb work she has done shaping the bill and bringing us to this point; and to the ranking member of the subcommittee, Mr. BAKER of Louisiana, whom I previously eulogized for his work in the gulf; and our full committee ranking member, Mr. MICA.

This has truly been an effort bringing this bill forward, and essential to this team have been the staff. I am always grateful for the staff because that is where I started in this body 44 years ago, as clerk of the Subcommittee on Rivers and Harbors, the predecessor of the Committee on Public Works. It was the first committee of the Congress in the first Congress in 1789.

I want to thank Ryan Seiger of the majority staff; Ted Ilston, Beth Goldstein, Mike Brain, Rod Hall of Congresswoman JOHNSON's staff; Dave Heymsfeld of the full committee; John Anderson, a distinguished long-time professional on the minority side; Geoff Bowman, Tim Lundquist, Jim Coon of the full committee staff; and Charlie Ziegler, whom I have known for so many years, a friend of long-standing. I don't have old friends anymore, friends of long standing, when you get to my age.

In the Legislative Counsel's Office, Curt Haensel and the ever-talented Dave Mendelsohn. All have worked together, pitched in to help us bring this bill to this point. We are ready now to conclude action on the amendment of the gentleman from Illinois.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. KIRK).

The amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WELCH of Vermont) having assumed the chair, Mr. ROSS, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, pursuant to House Resolution 319, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. WALDEN OF OREGON

Mr. WALDEN of Oregon. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. WALDEN of Oregon. At this time in its present form I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Walden of Oregon moves to recommit the bill H.R. 1495 to the Committee on Transportation and Infrastructure with instructions to report back the same forthwith with the following amendment:

SEC. 5124. RENEWABLE HYDROELECTRIC POWER.

(a) IN GENERAL.—The Secretary shall—

(1) inventory, and, to the maximum extent economically feasible, develop and maintain, all lands, properties, and projects under the jurisdiction of the Secretary for the potential of increasing hydroelectric power production or constructing new hydroelectric power facilities thereon;

(2) study the potential effects of proposals to remove Federal hydroelectric dams under the jurisdiction of the Secretary, including—

(A) the impacts on domestic energy costs to consumers;

(B) the need to import more energy to make up for lost production from such dams;

(C) the types of fossil-fuel based or other energy sources (including clean nuclear power) that are likely to be utilized to compensate for the lost energy associated with dam removal; and

(D) any impacts on existing or future agricultural production of biofuels or other alternative energy feedstocks as a result of the loss of water to America's family farmers; and

(3) to the maximum extent economically feasible, carry out projects under the jurisdiction of the Secretary in a manner that seeks to maintain lock systems where the systems are essential for maintaining navigable waterways used for commercial shipping and transport.

(b) REPORT.—

(1) INITIAL REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the results of the inventory conducted under subsection (a)(1), the results of the study conducted under subsection (a)(2), and a description of actions taken by the Secretary to increase hydroelectric power production.

(2) UPDATES.—The Secretary shall update the report at least once every 5 years and submit the updated reports to Congress.

(c) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to supersede, limit, or otherwise affect any provision of law in effect on the date of enactment of this Act.

Mr. WALDEN of Oregon (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

Mr. OBERSTAR. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read.

The Clerk continued to read the motion to recommit.

The SPEAKER pro tempore. The gentleman from Oregon is recognized for 5 minutes.

Mr. WALDEN of Oregon. Thank you very much, Mr. Speaker.

I want to first commend the gentleman from Minnesota. He has a tough job; he has done it well on this committee. I have enjoyed my work over the years on issues where we have agreed. I bring this motion to recommit to the floor for a couple of reasons.

The first deals with the issue of global warming and America's energy independence. I was appointed recently to the Select Committee on Energy Independence and Global Warming. We have had a lot of hearings there and in the Energy and Commerce Committee and in the Energy and Air Quality Subcommittee about how do we make America both energy independent and reduce our carbon emissions and greenhouse gas emissions.

Obviously, coming from the Pacific Northwest, we are blessed in that a large percentage of our electrical generation comes from these large hydropower projects. Hydropower for America means no greenhouse gas emissions, virtually, virtually none. I suppose you could say there is some in the creation of the cement that goes into the concrete that makes up the dams, but once they are built, they are 90 percent efficient and no carbon emissions. So, obviously, there is discussion out there in the courts and elsewhere about reducing hydropower by eliminating dams.

I think it would help us in our work, in both the Select Committee on Energy and Independence, and on global warming, to know what the impacts are and if you remove the hydropower system in any course or place, what the impacts on domestic energy cost to consumers would be; what would the need be to import more energy as replacement, because obviously that is one of the issues that we look at. If you take out a particular power generation capacity, and especially one that is 90 percent efficient and doesn't emit green house gases, then what's the carbon footprint for the replacement power?

We would look at that and call for a report on the types of fossil-based fuels or other energy sources, perhaps including clean nuclear, to replace this power that would likely be utilized.

In addition, we ask for a report on maintenance of the lock system as well, which is extraordinarily important. I want to point out that in 2004 alone, more than 160 million tons of carbon emissions were avoided in the United States when 268 million megawatt hours of hydroelectricity were generated. Hydropower offsets more carbon emissions than all other renewable energy sources combined.

If they were to be removed, the dams in the Northwest, it would take six and a half 500-megawatt coal-fired plants to replace the energy generated, not that anybody is talking about replacing them all. That, though, would increase CO_2 emissions by 47.4 billion pounds, 47.4 billion pounds.

Let's look at this in replacement of shipping terms, if we don't take care of locks. In the Columbia and Snake River system, certainly in the Columbia River, certainly at John Day, there are issues about these antiquated locks that are having real maintenance needs, and yet we lack funding in some cases to deal with it.

A tow of four 3,500-ton grain barges equates to 400 trucks each at 400 horsepower. For example Tidewater Barge Company, a single example, Tidewater ships about 6 million tons up and down the Columbia River each year. These 6 million tons would require 171,200 trucks if the barging capability was removed. Over 171,000 trucks. So you can see why I am concerned about lock maintenance and the need to continue down that path. This motion to recommit would do that.

I yield to the gentleman from Louisiana.

Mr. BAKER. I thank the gentleman for yielding.

As I understand the amendment, it is to require a study, an inventory, and an assessment of our hydroelectric capacity that is under the Secretary's jurisdiction, further to examine the advisability of perhaps private ownership of those facilities for the public interest, or whether we should enhance the government-owned and -operated facilities.

So it is an examination of our energy resources to determine how we should best go forward, and the Congress does not require today the expenditure of any new money for such purpose other than that to accomplish the study.

Mr. WALDEN of Oregon. I think as spelled out in this motion to recommit, the gentleman is correct.

Mr. BAKER. I thank the gentleman. With that understanding, I would just express support for the gentleman.

Mr. WALDEN of Oregon. Certainly anything that would be required here, because it does require the Corps to inventory, develop and maintain all lands, properties, et cetera, for the potential of producing hydropower. Obviously, though, we waive no environmental laws. Anything that would be authorized or result or interpreted that way from this language would require appropriation. There would be all the reviews that are required for any other law.

I urge support of the motion to recommit.

Mr. OBERSTAR. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. First of all, we had a very clear agreement within the committee on the Democratic and Republican side not to take new items that were not in the 109th Congress Water Resources Development Act. We have vigorously adhered to that, kept a great many projects out.

This proposal is not only new, but it is massive, it is huge, it is not a study of potential effects. It has very clear declarative language: the Secretary shall inventory, develop and maintain all lands, properties, projects, meaning hydroelectric projects. The language at the very outset prohibits any action that may be proposed, as is being considered along the Snake River, to remove dams for environmental purposes, and by directing the Secretary to undertake this action, creates a PAYGO issue. There is a clear budgetary consequence in that language.

This motion goes well beyond the intent of the Water Resources Development Act. It goes beyond the bipartisan agreement we have in bringing this bill to the floor. It authorizes unlimited projects without consideration of environmental impacts or consideration of taxpayer expense.

□ 1830

It impacts legislation that we already have in this bill. It goes far beyond the scope that we intended in WRDA.

We can consider the gentleman's proposal in future authorizations of WRDA and in hearings that we will undertake, but this amendment has no place during floor consideration of this bill at this late hour when it clearly brings into play items well beyond the scope of the agreement between the Democrats and Republicans on the bill and well beyond the scope of the purpose of the legislation. It imposes vast, potential new expenditures and requirements upon the Secretary, some of which are not even well understood at this point.

So I oppose the motion, and I urge a ''no'' vote.

The SPEAKER pro tempore (Mr. TIERNEY). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. WALDEN of Oregon. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage of the bill.

The vote was taken by electronic device, and there were—yeas 194, nays 226, not voting 13, as follows:

[Roll No. 233]

YEAS—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—13

Cantor
Cubin
Davis, Jo Ann
Fattah
Higgins
Israel
Jones (NC)
Lampson
McCollum (MN)
Millender-McDonald
Rohrabacher
Walsh (NY)
Wicker

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1859

Mr. HALL of New York, Mr. MITCHELL, Mrs. BOYDA of Kansas, Ms. JACKSON-LEE of Texas, Mr. FARR and Mr. THOMPSON of Mississippi changed their vote from ''yea'' to ''nay.''

Messrs. MCHUGH, STEARNS and EHLERS changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 394, nays 25, not voting 14, as follows:

[Roll No. 234]

YEAS—394

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—25

Bachmann
Bilbray
Blackburn
Boehner
Chabot
Feeney
Flake
Franks (AZ)
Gohmert
Goode
Goodlatte
Hensarling
Inglis (SC)
Jordan
Lamborn
McHenry
Miller (FL)
Pence
Royce
Shadegg
Stearns
Tancredo
Tiberi
Westmoreland
Wilson (SC)

NOT VOTING—14

Cantor
Cubin
Davis, Jo Ann
Fattah
Higgins
Israel
Jones (NC)
Lampson
Millender-McDonald
Paul
Pickering
Rohrabacher
Walsh (NY)
Wicker

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1908

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 1591, U.S. TROOP READINESS, VETERANS' HEALTH AND IRAQ ACCOUNTABILITY ACT, 2007

Mr. OBEY. Mr. Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 1591) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The motion was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Speaker, I offer a motion to instruct conferees.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Lewis of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 1591, be instructed to insist on subsections (c), (d), (e) and (f) of section 1904 of the House bill, relating to the redeployment of the Armed Forces from Iraq and restrictions on the Secretary of Defense's use of the Armed Forces in Iraq after such redeployment.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

In doing so, I rise to offer a very simple, straightforward motion to instruct conferees on the fiscal year 2007 emergency supplemental appropriations bill.

The motion to instruct simply insists that House conferees support the previously adopted House position with regard to a timetable for the withdrawal of troops from Iraq. This motion, which I will oppose, puts Members on record as either fully supporting our troops or agreeing to a surrender date in Iraq. It is that simple.

It is no secret that many Members of the House, both Republicans and Democrats, have strong reservations about the manner in which this legislation undermines the authority of the President, our commander in chief. Members are also rightly concerned about how this legislation places military decisions in the hands of politicians rather than the military commanders in the field.

This legislation ought to focus on our troops. It ought to focus on providing those in harm's way with the resources they need to complete their mission successfully. It ought to respect, not micromanage, our combatant commanders in whom we place the ultimate responsibility for prosecuting military actions.

Mr. Speaker, Members of Congress are many things. We are elected to represent the interests of our constituents from our congressional districts. However, as presently written, this legislation makes the dangerous assumption that Congress also has an on-the-ground role in prosecuting the war in Iraq.

In closing, let me remind my colleagues of this: We are not generals. We are not the Secretary of State. And we are most certainly not the commander in chief.

The vote on this motion to instruct will signal whether Members of the

House are willing to provide our men and women in uniform with our unqualified support or whether Members will fully embrace a timetable for withdrawal and surrender.

I urge a ''no'' vote on this motion to instruct.

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

□ 1915

Mr. OBEY. Mr. Speaker, I have to tell you, some days it is very interesting to watch what happens in a place like this. This is the most serious issue that this Congress will confront this year, and this motion is addressing that issue in the most unserious manner possible. This motion is presented by the distinguished ranking minority member of the committee, and then he says he is going to vote against his own motion. I would like for a moment to remind the body of what this House is supposed to be.

The core purpose of this Congress, the main reason for its existence is to deal with issues like this. Today, the United States Congress is supposedly regarded as the greatest deliberative body in the world. We exist today, if we remember our history, we exist today because almost 800 years ago our British forefathers placed the first limitation on the absolute use of executive power in the history of the English speaking world when they forced the English monarch to sign the Magna Carta.

Over 500 years later, that evolved into the United States Constitution, which created three branches of government, with checks and balances designed to prevent arbitrary and unilateral exercise of unchecked executive power in order to protect liberty.

Because of that Constitution, and under the procedures defined by that Constitution, we are here in the fifth year of a war which this country was led into under false premises. And we are debating how the Congress should respond to the President's escalation and intensification of our involvement in an Iraqi civil war. We are also debating his request for another hundred billion dollars to continue that war.

He is also asking for billions of dollars in additional spending for other domestic and international activities, including flood control, nutrition programs, education and cultural exchanges, disease control in Southeast Asia, and salaries for U.S. marshals. The majority of both Houses have voted to try to bring about a change in direction in that war. We believe, at least those of us who supported the bill two weeks ago, we believe that our soldiers won the war that they were asked to wage, but that it is unrealistic to expect them to do something that they have no power to do, which is to force Iraqi politicians to make political compromises necessary to end the carnage in that country.

By this bill, we are attempting to put enough pressure on those Iraqi politicians and those Iraqi factions to make the compromises necessary to allow our troops to end their involvement in that civil war. And to do that, we have in the legislation now before us conditioned our continued presence in Iraq on Iraq's meeting certain performance benchmarks, which were first laid out by the President himself.

This motion, which has now been offered by the gentleman, is an example, I think, of people falling off both sides of the same horse at the same time because we have people who say they don't want us to put limits on the President's conduct of the war, now insisting that in fact we adhere to the very proposals that we passed just 2 weeks ago.

I want to say that this is, I think, despite the fact that it is an unserious motion, I intend to accept it because it is simply, in essence, a re-vote of what the House committed itself to 2 weeks ago.

The reason we have timelines in this bill is because we want to give General Petraeus the ability to use Congress as sort of a bad cop/good cop routine in order to convey to the Iraqi politicians that they must resolve their differences if they expect us to remain there for any significant length of time at all. There is no way that we can create that kind of pressure on Iraqi politicians unless we maintain the proposals that we made in this House bill.

The President wants none of these limitations to pass. I find it interesting that people who say that we should proceed to compromise are now offering a motion which in essence tells us not to compromise. In the end, we know that both sides are going to have to compromise; but in the interest of getting us to conference so that we can begin that long arduous process, which I fear will take many months, I am going to accept the motion of the gentleman, even though I regard it as a very quaint way to move to a position of compromise between the President and the Congress.

Mr. Speaker, with that, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I am proud to yield 2 minutes to a member of the committee, the gentlelady from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Speaker, I rise today in strong support of our troops fighting in Iraq and the plan put forth by General Petraeus to win this war.

Democrat Senate Majority Leader HARRY REID said he believes the war is lost and the surge is failing. What a terrible message for our troops fighting this very minute. Instead of a road map to success, we are being asked to support a plan for defeat. We are being asked to announce to our enemies a date for surrender. Do we think the terrorists will lay down their weapons and go their merry way if we leave? History reminds us otherwise. When the Soviet Union left Afghanistan in the 1980s, the radical Islamists did not lay down their weapons; in fact, they demolished the Afghani Government and took power.

So what can we expect when we announce today that we are closing, that we are losing, and announce tomorrow that we will leave? Al Qaeda leaders have publicly declared their mission is to expel the Americans from Iraq and establish an Islamic emirate in Iraq. So we have taken them at their word with this surge and showed a new determination to win. In the seven weeks since the surge began, the number of weapon stockpiles we have found has doubled. More tips are coming in from Iraqis who want peace and stability to take hold of their country. Sunni leaders are turning against al Qaeda and Iraqi troops are standing up. Just yesterday, the Iraqi troops took charge of security in the southern province of My Soon, the fourth province to come under full Iraqi security patrol.

General Petraeus is coming next week to brief the Congress on our progress. How are we going to greet this brave general, good morning, General Petraeus, we've decided to run the war? What we need to do as responsible Members of Congress is to exercise our oversight, fund and support our troops, ensure that we give them what they need as they fight for our freedom, what they and their families need as they return, and give this plan a chance, paying close attention to its progress.

There is too much at stake in Iraq for responsible leaders to advocate allowing the region to spiral into chaos, and we can't ignore the threat of failure for our country and our citizens.

Mr. LEWIS of California. Mr. Speaker, I am pleased to recognize for 3 minutes the gentleman from California, the former chairman of the Armed Services Committee, DUNCAN HUNTER.

Mr. HUNTER. I want to thank my friend, Mr. LEWIS, for giving me a chance to talk about this supplemental bill, this very bad bill, once again.

Mr. Speaker, I have carefully reviewed the language on page 72 of this bill with our counsel as to the exact legal effect of this bill. This bill says that an American unit cannot be introduced into Iraq until a 15-day waiting period has expired. Now, what does that mean? That means if you have hostages being held in a place in Iraq and you want to move a Delta force team across the line, you can't do that for 15 days under the law, should this become law. It says if you have a fleeting target, like the Zarqawi strike that we made a couple of months ago, and time is of the essence and you want to take an F–16 out of Incirlik, Turkey and make a strike, you can't do it without waiting for 15 days after notifying the House Armed Services Committee, the Senate Armed Services Committee, and presumably the Appropriations Committee.

Mr. Speaker, if we have an extreme situation in Iraq where Americans have to be rescued or reinforced, I don't want them to come back and notify me

or notify the committee. I want them to do what they have to do and carry out their mission.

This is a very defective bill, and this 15-day waiting requirement in this war against terror where time is of the essence, where American military teams move across country boundaries every day without certifying anything to anybody, this is a real disservice to the forces that work not only in Iraq, but should this be applied to other parts of the world in a future time would be a real disservice to everybody who fights in the war against terror.

I strongly support the motion of the gentleman from California.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the defense appropriations subcommittee, Mr. MURTHA.

Mr. MURTHA. This Appropriation Committee will have appropriated $1.2 trillion for this war and for the Defense Department in one year. When I came to Congress, we had appropriated $100 billion for defense for the whole year.

We keep talking about progress; that's what the military leaders in Iraq talk about. I wish we saw progress.

I voted for this war because I believed that our Nation was threatened. Two or three weeks later, I realized that we weren't under any threat; we were misled. There was no threat to our national security. We went in with inadequate forces. I'm the one that found the lack of body armor, 44,000 troops without body armor, without armored Humvees; and now 4 years later, we're arguing about timelines where the Iraqis ought to take over the war themselves. We're arguing about allowing the Iraqis to do what the President agreed to. And we want to set a timetable so that they are forced to agree to it. There is no question in my mind every time the Iraqis stumble, the United States steps in and puts our American troops in between the civil war.

I just visited Fort Hood, Fort Stewart and Fort Bragg. The troops are somber. The troops are going to do their job. They're valiant. I am inspired by the troops. But let me tell you, they're burned out. In the schools in Fort Bragg they say they need counseling. In the schools of Fort Bragg they say there's higher truancy. They say the students' achievement has dropped. You know who's suffering? We talk about fighting this war. We're not fighting this war. A very small segment of this population is fighting this war, and they're burned out. I've had troop commanders who were there three times say, we can only spend 10 months in combat and we start making bad decisions; and I believe that.

They say there's progress, and I've just seen over 200 killed in 2 days. We've lost more Americans in the last 4 months than any other period during this war. That's not progress. The electricity production is below prewar level. Production of oil is below prewar level. How do you measure? Rhetoric doesn't measure progress.

In my estimation, this war has been so mishandled. Congress has an obligation to set a standard, to have accountability. And this bill is called the Iraqi Accountability bill, and that's what we're trying to do. We're trying to hold this administration accountable for the mistakes that they have made.

Does anybody know we have 125,000 contractors in Iraq? 125,000. And when we pointed this out to the Secretary of Defense, do you know what he said? He said, ''They're making more money than I make.''

□ 1930

The Secretary of Defense said these contractors are making more money than he makes, 125,000 of them. They couldn't tell the committee for 2 months how many contractors they had.

They have got a fellow fueling a truck on one side, and he's making $25,000, and right beside him is a guy making $80,000 fueling a truck. Why is that? Are we meeting our recruiting standards when we need 125,000 people that are contractors in Iraq riding around shooting people, as I saw in the Washington Post the other day, shooting inadvertently at people? They want to kill somebody, this one guy said? That's the face of America? We've lost credibility because of some of these contractors and the actions of these contractors.

I say we need to set timelines. We need to set a benchmark. We need to say to the Iraqis, it's time for you to take over and decide your own fate, like we did in our own revolution.

I ask Members to vote for this benchmark set by the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, as I go about recognizing another of my colleagues, let me just take a moment to say that if indeed we had had a traditional open rule on this process, we would not have had the problem that the gentleman has just alluded to. An up-or-down vote on whether we withdraw our troops or not would have been available. We would have satisfied many of the questions.

Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Michigan (Mr. HOEKSTRA), the former chairman of the Intelligence Committee.

Mr. HOEKSTRA. I thank my colleague for yielding.

Mr. Speaker, today our Nation is engaged in a struggle with a brutal and cold-blooded enemy, cold-blooded killers. These are the kinds of folks who will kill people on an airplane and fly it into buildings. They will drive a car through a checkpoint, step out of the car, leave the kids in the back seat, and blow it up. They will attack civilians rather than military targets.

It is utter folly to believe that by establishing timelines and saying we are going to pull out today or at some specified date in the future, to believe that by doing that they will evaporate and they will leave us alone.

Maybe it is another good cop-bad cop type of ploy being employed by individuals on the other side of the aisle when the majority leader in the other body today declares the war is lost, conceding that al Qaeda has won. Is the other side willing to concede that al Qaeda has won in Iraq, that they have won in Algeria, that they have won in Morocco, that they have won in Afghanistan and that they have won in Pakistan?

When do they believe is the most appropriate time to confront the enemy that we face today, if we are not willing to confront them in Iraq, if we are not willing to confront them in northern Africa and the other parts of the Middle East or Asia? Are we going to once again wait until they come to the United States?

This is hard and it is tough, but these are cold-blooded, ruthless killers. It is probably inappropriate to call this a war, because the people that we're fighting don't deserve the term of ''soldier'' or ''warriors.'' They are outlaws, they are criminals, and we cannot concede this to them, like the majority leader in the other body did today. Today, he sent a powerful signal to the rest of the world and to our allies that al Qaeda has won and we have lost. How will our allies respond to that message?

This motion to recommit is at least a little bit better in that it says we haven't lost, but we're willing to soon surrender and give up this fight. It is a fight that we can't afford to lose. It is a fight that we need to win.

Take a look at what they said. This is in their playbook. Defeat this motion to recommit.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. It's interesting to hear the gentleman say ''we.'' ''We fight.'' ''We aren't going to give up.'' ''We aren't going to surrender.''

Let me tell you something. We are not fighting this war. It's the troops overseas. And when I talk to the families, when I go to the hospital, I see the results of this war.

Don't tell me we're fighting this war. It's the troops in the field, a very small segment of the American population that are fighting this war. If the President thinks we should continue the war, he ought to call for a draft and spread it out and let everybody serve in this war, not this small segment making such a sacrifice.

Don't tell me we're fighting in this air-conditioned office. We're not fighting this war. They're fighting it. And I'm proud of every one of them. But don't stand here in this air-conditioned facility and say we are fighting this war.

I am proud of these troops and what they have done. They have won the war. The mission was accomplished. We cannot win it militarily. It can only be won diplomatically.

Mr. LEWIS of California. Mr. Speaker, I am proud to yield 4 minutes to the

gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. I thank the gentleman from California for the time.

Mr. Speaker, whether or not some choose to acknowledge it, we are at war with militant Islamists who seek our destruction. Yet some on the other side of the aisle today announced that the war is lost in Iraq. This comment shows little understanding of the ability and the determination of our men and women in the Armed Forces.

Naysayers and those who doubt our Nation's ability to prevail over evil have existed throughout the centuries, and it appears that there are those who doubt the ability of this century's greatest generation to defeat these Islamist militant extremists operating in Iraq.

Our mission is just. The soldier cannot be separated from his mission. All I have to do is look to the inspiration of the Parsons brothers from my congressional district, who are serving in Iraq. They know that we must and indeed we can succeed.

Huber Parsons was with the 101st Airborne for two long Iraq deployments. He is currently on his third deployment with the Army Stryker Brigade. His twin brother, Bill, has served two tours in Afghanistan and two tours in Iraq. And their little brother, Charlie, is on his first deployment in Iraq. All three brothers are deployed in Iraq right now.

I ask for the Parsons brothers and for all of our brave men and women serving our Nation in Iraq that we not put them at increased risk with these arbitrary, artificial deadlines.

My stepson, Douglas, and my daughter-in-law, Lindsay, both served in Iraq as Marine fighter pilots, and tomorrow Lindsay will be deploying to Afghanistan to continue her military service.

Arbitrary deadlines and the consequences of retreating and failure are personal issues for me. Establishing arbitrary deadlines for withdrawal of our forces before Iraq is stable and secure gives the insurgents, as well as the Islamic extremist terrorists, a roadmap, a how-to guide, on how to defeat the United States, our Iraqi partners and other coalition forces in Iraq. Our troops understand this. Our enemies understand this. Our allies understand it; we must as well.

We met with Egyptian leader Mubarak just 2 weeks ago in a bipartisan congressional delegation, and this is what he told us: ''Withdrawing from Iraq without creating stability will mean that the U.S. will suffer and all of us in the region will suffer. I know how these terrorists think,'' Mubarak said to us, ''and they will come after you and then come after us.''

He continued by saying, ''The way to control Iran is for the U.S. to succeed in stabilizing Iraq. Withdrawal of your forces in Iraq without making Iraq stable will strengthen Iran and will cause you harm and will cause all of us harm.''

Mr. Speaker, we either stand now against the Islamic militant jihadists operating in Iraq or have these militants continue to threaten our men and women fighting the forces that seek our destruction. We cannot leave our troops serving in Iraq or anywhere else vulnerable to the whims of armchair generals in Congress.

Support our troops. Reject this motion.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I thank the gentleman.

Mr. Speaker, when you listen to the debate, you can understand that we could be in Iraq for many, many years to come and could expand the war beyond Iraq unless we take a new approach which places diplomacy as the path to peace.

Mr. Speaker, our soldiers didn't lose the war. I maintain the war was lost the minute the White House fabricated a cause for war. The Bible says that which is crooked cannot be made straight, and our adventure in Iraq will prove the Bible was right.

On the one hand, some of my friends do not believe in any timetable to withdraw from Iraq, which means we could stay in Iraq indefinitely; on the other hand, some of my friends believe in timetables, even nonbinding timetables, which means we could stay in Iraq indefinitely.

I believe we are being presented with an insufficient choice. Congress is under no obligation to appropriate any more money for this war, yet we give the President $100 billion. We are under no obligation to give him any money to continue the war. We can best support the troops by using money that is in the pipeline to bring the troops home. I believe that is what the American people want.

Congress recently approved $97 billion in the supplemental. That could keep the war going well into next summer. Congress approved a budget a week later that would keep the war going into 2009.

Nearly 200 people died in the carnage in Baghdad yesterday. We understand that the occupation is fueling the insurgency. Our troop casualties are mounting towards 3,300. Last night, I spoke to the sister of one of those casualties who was a young Marine from my district. She raised the plea, what can we do to end this war?

Innocent civilian casualties are rising. The conservative estimate in June 2006 of the Lancet Report set at 650,000 the number of innocent civilian casualties. It is quite possible that at this time those casualties could be approaching 1 million. The cost of the war is upwards of $800 billion into 2008. We are borrowing money from China to wage a war in Iraq.

Mr. Speaker, Mr. MURTHA's account of the disaster to our military does not need to be added to. But what should be said right now is that we are facing limited choices, and that is why, Mr. Speaker, I have proposed H.R. 1234, a plan to end the war, which begins with Congress not funding the war, pulling the plug on funding and moving forward with a plan that reaches out to the international community to get out of Iraq.

Mr. LEWIS of California. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from New Jersey (Mr. SAXTON), a distinguished member of the Armed Services Committee.

Mr. SAXTON. I would like to thank Mr. LEWIS for yielding time.

Mr. Speaker, this vote to me is about Jacqueline, Kate and Allie. Most of you don't know Jacqueline, Kate and Allie. You see, they are my granddaughters, the next generation, the generation that will perhaps be most affected by this policy.

□ 1945

To many in this Chamber, I am afraid this vote is not about the next generation; it is about setting a date for surrender. I believe it is time that this House go on record and vote on whether emergency funding bills should have a troop withdrawal timeline.

I want to reiterate to my colleagues the message that we are sending if we include such a timeline in this bill. Make no mistake, it is nothing less than a date certain for surrender.

Some in this Congress believe that the withdrawal timeline will send a message to the Iraqi Government to get serious about taking the lead and stabilizing Iraq. This is a flawed argument. It is flawed because it fails to address the collateral effects, the other effects and damage this message will do to the Iraqi people, the United States, to our allies, and to future American generations.

A surrender timeline for our troops will send a very clear message to al Qaeda, to the Sunni insurgent groups, and to the Shiite militias in Iraq. It will tell them that Americans no longer have the stomach to see this through.

The Iranians, who are continuing down the road of development of nuclear weapon capability despite sanctions and international pressure, will also take note of our timeline. Ahmadinejad already believes that Americans are incapable of resistance. He has said so. Our partner nations in the Middle East are watching to see the level of American commitment to Iraq before they increase their level of assistance. If we tell them we are going to pull up stakes and go home in 2008, can we expect much support from Saudi Arabia, from Egypt, from Qatar, from the UAE, from Jordan? I don't think so.

A surrender timeline will cause us to lose credibility with our allies, our other allies in the war on terror. Al Qaeda's front man, al-Zawahiri, warned our Iraqi counterparts already that America is about to depart and abandon them, just as we abandoned our allies in Vietnam. A surrender timeline

will certainly degrade the level of trust and confidence that Iraqi soldiers have toward our forces. The negative effect of this surrender timeline on our troops will be significant as well.

Some in Congress say the war is already lost. We have heard that already. In my opinion, it is not. We are on the right track with a renewed strategy toward Iraqi security.

Fred Kagan of the American Enterprise Institute recently commented: ''The conflict in Iraq is central to our foreign policy and our future, indeed, our well-being. Surely we must keep fighting to win,'' he said, ''as long as victory remains possible. And it is possible although not certain,'' he said, ''that we will win in Iraq. Right now, the signs are more hopeful than they have been in many months. It would be a tragedy for America and for Iraq to abandon the fight just as the possibility of success begins to emerge.''

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I think that we need to understand what this war has really done. This war has gutted our influence in the Middle East, it's gutted our influence in the world, it's divided our own country, and it's united our enemies. Outside of that, it's been a terrific idea.

Our troops won the war clearly, cleanly, and quickly. But now they are stuck in a civil war. And as the gentleman from Pennsylvania points out, the only solution to that civil war is a political and diplomatic compromise, and there are no American soldiers who can get that done.

Although it certainly isn't intended to do it, this motion in fact carries out the comments made by Secretary of Defense Gates, who testified before our committee, before Mr. MURTHA's subcommittee, that the war was militarily unwinnable, that it could only be won on the political and diplomatic front. In fact, The Washington Post carried this paragraph this morning. It said: ''Secretary Robert Gates told reporters traveling with him in the Middle East that congressional demands for withdrawal had been constructive. 'The strong feelings expressed in Congress about the timetable probably had a positive impact, in terms of communicating to the Iraqis that this is not an open ended commitment,' Gates said.''

When the bill was before us the first time, our Republican friends did not bother to offer a recommital motion. Why? Because they were divided about how to proceed. They could reach no agreement. They had no policy. Now they are offering a motion which they say they are going to vote against. Is that the best they can do? We have heard talk about a surrender date.

The only surrender that is involved here today is the surrender of the obligation of this Congress to oversee Presidential and executive branch policy. The only surrender is the total surrender of our obligation and our authority to a White House that has demonstrated from day one that it had not a clue of what it was getting into, and it today has not a clue about how to get out.

We have to provide better leadership than that, and that is what this bill before us tries to do. I would urge support for the gentleman's motion.

Mr. LEWIS of California. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Connecticut, CHRIS SHAYS.

Mr. SHAYS. Mr. Speaker, I thank the gentleman.

There is not a Member of Congress who isn't tormented by the war in Iraq. There is not a Member of Congress that has not attended a funeral of a brave man or woman who has lost their life and seen the family's torment. So I just want to say for the record, all of us wrestle with this, Mr. MURTHA, as you wrestle with this issue. We come to a different conclusion than you do, but it is as sincere and heartfelt as yours is.

I have been to Iraq 16 times. I try to go every 3 to 4 months. I think we made huge mistakes in 2003. I don't think we turned things around and started to move forward until June of 2004, when we transferred power to the Iraqis. I saw the rest of 2004 and all of 2005 as pretty stunning.

And then in 2006 we had this new government. It took them 4 months to become a government. And as you are going upstream and you are not making progress, you fall behind. The Samarra bombing was a catastrophe. For most of 2006 this government did not take decisive action. But on my last trip, the one we took just a few weeks ago, I started to see something that gives me hope, and it runs in the face of the resolution in the supplemental. I am seeing Anbar province turning around because the Iraqi Sunnis have come to us and said, we want to confront the insurgents in our province.

I spoke to 40 Iraqi soldiers in the Red Zone, not in the marketplace, and asked them, do you feel safe when you go home? Only about three or four told me they didn't feel safe. And, remember, they work 20 days, then they go home for 10. I saw their feeling of safety encouraging.

The Baiji oil refinery, which we took back with five batallions from the Iraqi Security Force is no longer a source of income for the insurgents. We have gotten at the corruption at the refinery; and now, instead of 20 trucks a day, we are having 200 trucks a day, and we feel fairly certain the oil is going to the right places and the insurgents aren't getting these dollars.

I am not against timelines; I am just against timelines in the supplemental. January 1, 2008 is one of them; April 1, 2008 is another; and, if the best happens, September 1, 2008. I am not against a timeline; I am against those timelines.

We need to give the Iraqis timelines that give them the time to resolve their differences. We attacked them; they did not attack us. We abolished all their security forces. How could we possibly leave before we give them the chance to have their Army stand up, their police stand up, their border patrol stand up? We attacked them. It is a moral obligation to give them the opportunity to defend themselves.

If we want to talk about timelines, let's work it out together. Let's establish timelines that give Iraqis time to do what they need to do.

I am voting against this resolution. It is harmful to Iraqis and harmful to Americans.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished majority leader, Mr. HOYER.

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

Mr. HOYER. I thank the chairman for yielding.

Let me first of all say at the outset that I agree with Mr. MURTHA. We're not fighting this war. There's nobody in the Congress of the United States that's paying more taxes to pay for this war. There's nobody who's saving on metal to fight this war. There's nobody who's saving on rubber to fight this war. There's nobody whose gasoline is being rationed to fight this war. Our troops are fighting this war, their families are fighting this war, but this Nation is not at war.

There is nobody in this Congress, not one of the 435 Members of this Congress, who wants to lose this war. There is nobody in this House who does not want to defeat al Qaeda. Nobody. Everybody wants to protect this country. Nobody wants to lose another American. Everybody understands that the fight against terrorism will require risks. But, Mr. Speaker, this House deserves more than this game playing of offering motions that we are then going to vote against. In effect, this is a motion to reconsider the vote by which the previous bill was adopted. It couldn't be made now, but that is effectively what it is. And those who voted against that bill will vote against this motion. The public needs to understand that a serious motion could have been made here to change the policy, but that is not what was done. This is an attempt to try to politically get people in a vote that is going to be characterized as surrender.

Let me call my colleagues' attention to June 24, 1997. Our troops were deployed in Bosnia stopping genocide, seeing a dictator arrested and sent to The Hague and tried for genocide. He died before the trial was over. But let me call your attention to that vote, because that vote was about setting timelines. It was offered by Mr. BUYER, who is now the ranking member of the Veterans' Affairs Committee. Mr. BUYER offered that motion and we debated it. I was opposed to it. We hadn't lost a single troop in Bosnia, not one. We had spent a pittance compared to what we have spent here. We have lost

10 percent of the troops we have lost in the last 120 days.

Bob Gates said this policy was failing. He's our Secretary of Defense. Or let me put it this way: he didn't say that; he said we were not winning. That's a different way of saying it more accurately. I'm sorry.

But on June 24, 1997, that came to a vote about setting timelines on an effort that was extraordinarily successful, brought peace to the Balkans, or at least a lack of genocide, a lack of ethnic cleansing. But Mr. BUYER said we need to come home. We weren't losing troops, it wasn't costing us that much money, and we certainly were not losing.

On that timeline, Mr. BOEHNER voted ''yes,'' after 18 months in Bosnia. Not 4 years, 4 years and 1 month. After 18 months, you wanted to set a timeline. Mr. BOEHNER, your leader, voted ''yes.''

□ 2000

Mr. BLUNT, your whip, voted ''yes.'' Mr. HASTERT, your former Speaker, voted ''yes.'' Mr. HUNTER, the ranking member of the Armed Services Committee, setting timelines, voted ''yes.'' Mr. Hyde, who was then chairman of the Foreign Relations Committee, voted ''yes.'' Mr. HOEKSTRA, who spoke earlier tonight, voted ''yes'' on setting timelines.

And yes, let me remind Mr. LEWIS, you voted ''yes.'' You voted ''yes'' on a timeline where we had lost no troops, where we had stopped genocide in its tracks, where we were not threatened with loss of life. All we were threatened with was coming home and not keeping the peace, keeping the stability, trying to make sure that we were successful.

I urge every one of my colleagues to vote ''yes'' on this Republican motion. They don't mean it, but to reiterate to the American public that we were serious, that we want to make sure, as Bob Gates has said and been quoted by Mr. OBEY and others, this was a useful effort for us to make.

Why? Because what we want to do is make sure the Iraqis at least are fighting this war, making sure that the Iraqis meet the criteria and benchmarks set by whom? By President Bush, not by us. President George Bush, the Commander in Chief, said they need to meet these benchmarks. But if the message we send them is, we're there forever, why meet the benchmarks? Why put their people at risk? If we're all prepared to simply have our men and women at risk in lieu of Iraqi soldiers and police at risk? Why indeed?

We need to expect accountability and participation by those whose country it is. We deposed their dictator and declared some few months later that our mission was accomplished. Unfortunately, because of the flawed policies that were pursued, we have not yet succeeded.

I voted to give the President authority and I disagreed with the gentleman from Pennsylvania when he said in November of 2005, let's get out, not immediately, but consistent with the safety of our troops. But I agree with the gentleman from Pennsylvania, Mr. OBEY and the overwhelming majority of the American public, some 70 percent, who say it is time to let the Iraqis know that it is their fight, that we have supported them, we will train them, we will protect our troops on the ground, we will protect our diplomatic missions, and we will give them assistance in arms, but this is their fight now. We are there to help them, but it is their fight.

That's what this says, and it says 15 months from now, not tomorrow. To characterize this as any kind of a surrender is not honest debate, I suggest to you. Because if it is, then your June 24, 1997, which almost all of you voted for, was a cry for surrender. I didn't believe it then, don't believe it now. You had a difference of view as to what would best resolve the situation in Bosnia. Now the issue is Iraq.

My colleagues on my side of the aisle, we took a position with which the overwhelming majority of the American public agree. They are ahead of us on this. Let us once again sustain that position. Nobody on this side of the aisle was not being serious. Nobody on this side of the aisle did not give this very serious, thoughtful, prayerful consideration. And when you voted, you voted for America. When you voted, you voted for our troops. When you voted, you voted for success in our foreign policy and in our fight against terrorism.

Our friends on the other side of the aisle have offered a motion which they are not for. They could have offered, I suggest, some serious alternatives. They did not.

I urge my colleagues, vote ''yes,'' reaffirm the policy statement that we need a new direction in Iraq. Staying the course has not worked. Let's make a change. Vote ''yes.''

Mr. LEWIS of California. Mr. Speaker, it was not my intention to take much time at this moment, but the gentleman who just spoke is my long-term colleague on the Committee on Appropriations. We have worked together for years. He knows full well how strongly I feel about having primary consideration of almost nonpartisanship in defense matters.

At the same time, some time ago, I discussed with the gentleman the importance of our working together in the tradition of the committee. One of the traditions is that our committee does not operate under closed rules.

Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, you know, I have listened to the debate with great interest. I listened to Mr. MURTHA, for whom I have great respect, when he talked about the price being paid by our troops and what he has seen at Walter Reed and Bethesda. I would just remind him that he is not the only one that has been out there. Many of us have talked to our troops who have been wounded. War is hell, there is no question about it, but sometimes you have to fight like the dickens in order to preserve your way of life.

I would like to remind you just a little bit about history. You mentioned a revolution; that brought some things to my mind. In 1776, in the winter, four of George Washington subordinate generals went to Congress and asked them to remove him, and Mr. Lee of Virginia led the fight in Congress to have George Washington removed because he was ineffective, he could not win.

One of my ancestors was at Valley Forge with George Washington when he was 14 years old, and what I want to remind you is George Washington was not removed. They didn't listen to the Congress of the United States. They didn't let Congress change things. They left him as Commander in Chief, and as a result, he won the Revolutionary War. And we are free today, and he is the father of our country.

Now, the reason I bring this up is it wasn't right then for Congress to meddle and try to micromanage the war, and it is not right now for Congress to micromanage this war. General Petraeus is the one that ought to be making the decisions, not we in this body. Let the chief executive, the Commander in Chief, run the war, not 435 or 535 Members of Congress.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Speaker, let me just say to my good friend from California, that in the Revolutionary War they fought for 7 years against the greatest army in the history of the world at that time, ragged, with no shoes, no ammunition, and they outworked them and outfought them because they were on their homeland.

That is what I am saying the Iraqis should do. It is the Iraqis' country. The Americans should not be dying for Iraqis, caught in this civil war.

We have appropriated $1.2 trillion. We have appropriated over $140 billion more than the White House asked for, $140 billion more for the troops, to support the troops. We have given everything they asked for. In this Iraq accountability bill, we give them $4 billion more than the President asked for. We put a strategic reserve in, and we also take care of the health care, the post-traumatic stress. We take care of brain damage. We take care of the troops. We want to make sure the troops have what they need.

And to go back to the Revolutionary War, my great-grandfather's grandfather fought in the Revolutionary War on the right side and he prevailed. We don't have any letters from him, but we have letters from my great-grandfather who served in the Civil War on the right side, and he talks about how tough it was in the Civil War. But we

fought our own Civil War, and my great-grandmother lived to be 96; I was 6 years old, and she said, you are put on this Earth to make a difference.

We need to make a difference in this Congress, to change the direction of a mishandled war. We need to have oversight and accountability for the $1.2 trillion that we have spent on the Defense Department in 1 year.

Mr. LEWIS of California. Mr. Speaker, could you give me an idea of what amount of time is left on both sides?

The SPEAKER pro tempore. The gentleman from California (Mr. LEWIS) has 7 minutes remaining. The gentleman from Wisconsin (Mr. OBEY) has 9½ minutes remaining.

Mr. LEWIS of California. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Texas (Mr. GOHMERT), a distinguished member of our committee.

Mr. GOHMERT. Mr. Speaker, we have heard over and over again once again in this debate about all the lies that got us into this war. Let's go back to the lies that got us in this war. And I was really gratified to hear my friend across the aisle, from Ohio, a moment ago refer to a quote from the Bible. In that same book, it constantly talks about forgiveness.

Yes, we heard the administration talk about weapons of mass destruction over and over again, the Secretary of State, but it is high time we moved on. It is time to forgive President Clinton for all those lies. It is time to forgive Madeline Albright for all those lies. It is time to forgive President Bush for being so dadgum gullible that he believed all the stuff that was passed on to him. So let's forgive them and move on.

Now to fulfill, Mr. Speaker, a commitment that I had at the funeral of Travis Buford from Douglas in my district: He died February 22 in Iraq, an IED, and among the tears, as we stood there, it was an open casket, and I asked his mother if there was anything I could do. She said, just tell the Congress to shut up and let the military finish their job. I've done what I said I would.

Mr. LEWIS of California. Mr. Speaker, if the gentleman from Wisconsin has no additional speakers, I am ready to close.

Mr. OBEY. Then let me yield myself 2 minutes before the gentleman closes.

Mr. Speaker, 2 nights ago I was watching the Public Television series on the Iraq War, and I saw one of the gentlemen who is generally regarded as being one of the intellectual architects of that war, Richard Perle, say the following: ''We do not leave the battlefield with the first casualty.''

I would simply note that an awful lot of people who have never seen a battlefield or been anywhere near one seem to be awfully anxious to make that kind of a statement.

When I heard that comment, I was reminded of a comment of my old friend, the philosopher, Archie the Cockroach, who said once that there is always a comforting thought in time of trouble when it's somebody else's trouble.

But as the gentleman from Pennsylvania has pointed out, there has been no sense of shared sacrifice in this country over this war. The only sacrifice most Americans are being asked to undergo is to take a tax cut.

Well, it seems to me that we ought to start asking whether it is right and indeed whether it is moral to allow a tiny band of American citizenry, military families, to bear the entire burden of this war that so many noncombatants seem to be so enthusiastic about. It seems to me we need to bring about a different policy that will indeed have equal sacrifice.

There are a lot of people who are apparently willing to fight to the last drop of somebody else's blood. I think it is time for that to stop.

We, on this side of the aisle, choose to take seriously the gentleman's motion, even though he himself indicates he does not intend to take his own motion seriously because he intends to vote against it.

I would urge that every Member on this side of the aisle, and I hope on the other side, would take this motion with the deadly seriousness that it deserves. Because lives are at stake. They are the lives of innocent Iraqis and they are the lives of innocent American troops who are simply being asked to carry out a policy which is increasingly futile.

I urge an ''aye'' vote on the gentleman's motion.

Mr. Speaker, I yield back the balance of my time.

□ 2015

Mr. LEWIS of California. Mr. Speaker, I appreciate the courtesy of my colleague dealing with this time and circumstance. I do not intend to take a lot of time.

But it is important for all those listening, and who were concerned about this issue, to know that we take this matter very, very seriously, and our motion is a serious one. It is my view that a ''yes'' vote for this bill is a bill that will undermine the potential effectiveness of our troops for the remainder of the time that they remain in Iraq, and that a ''no'' vote is the only way, the only way to express support for our troops' efforts and guarantee, in many ways, the opportunity for success. This legislation ought to focus on those troops.

As I said earlier, it ought to focus on providing those in harm's way with the resources they need to complete their mission successfully. Further, it ought to respect, not micromanage, our combatant commanders who have the responsibility for carrying forward this war successfully.

It's no secret that many Members of the House, both Republicans and Democrats, have strong reservations about the manner in which this legislation undermines the authority of the President and the Commander in Chief. It is not acceptable that we find ourselves suddenly presuming that we can afford to have 435 Commanders in Chief by way of this House.

It breaks, in my judgment, some of the fundamental traditions of the Appropriations Committee, which calls for an open process whereby we can deal with each other in as close as a nonpartisan way as possible. Indeed, a ''no'' vote on this legislation expresses strongly our concern for allowing our troops to do their work, to do it effectively, and to get home as soon as possible as we continue to be the voice, the significant voice for freedom remaining in this world.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TIERNEY). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California (Mr. LEWIS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEWIS of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 215, nays 199, answered ''present'' 1, not voting 18, as follows:

[Roll No. 235]

YEAS—215

Abercrombie	Conyers	Gutierrez
Ackerman	Cooper	Hall (NY)
Allen	Costa	Hare
Altmire	Costello	Harman
Andrews	Courtney	Hastings (FL)
Arcuri	Cramer	Herseth Sandlin
Baca	Crowley	Hill
Baird	Cuellar	Hinchey
Baldwin	Cummings	Hinojosa
Bean	Davis (AL)	Hirono
Becerra	Davis (CA)	Hodes
Berkley	Davis (IL)	Holt
Berman	DeFazio	Honda
Berry	DeGette	Hooley
Bishop (GA)	Delahunt	Hoyer
Bishop (NY)	DeLauro	Inslee
Blumenauer	Dicks	Jackson (IL)
Boswell	Dingell	Jackson-Lee (TX)
Boucher	Doggett	Jefferson
Boyd (FL)	Doyle	Johnson (GA)
Boyda (KS)	Edwards	Johnson, E. B.
Brady (PA)	Ellison	Jones (OH)
Braley (IA)	Emanuel	Kagen
Brown, Corrine	Engel	Kanjorski
Butterfield	Eshoo	Kaptur
Capps	Etheridge	Kennedy
Capuano	Farr	Kildee
Cardoza	Filner	Kilpatrick
Carnahan	Frank (MA)	Kind
Carson	Giffords	Klein (FL)
Castor	Gilchrest	Langevin
Chandler	Gillibrand	Lantos
Clarke	Gonzalez	Larsen (WA)
Clay	Gordon	Larson (CT)
Cleaver	Green, Al	Lee
Clyburn	Green, Gene	Levin
Cohen	Grijalva	

Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—199

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Kucinich

NOT VOTING—18

Cannon
Cantor
Cubin
Davis, Jo Ann
Davis, Lincoln
Donnelly
Fattah
Higgins
Israel
Jones (NC)
Lampson
Millender-McDonald
Paul
Peterson (MN)
Rohrabacher
Shadegg
Walsh (NY)
Wicker

□ 2040

Mrs. BACHMANN, Mr. KNOLLENBERG and Mr. MCHUGH changed their vote from ''yea'' to ''nay.''

Mr. WATT and Mr. CHANDLER changed their vote from ''nay'' to ''yea.''

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. DONNELLY. Mr. Speaker, on rollcall No. 235, had I been present, I would have voted "nay."

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Mr. OBEY, Ms. DELAURO, Mr. MURTHA, Mr. VISCLOSKY, Mrs. LOWEY, Messrs. PRICE of North Carolina, DICKS, EDWARDS, MOLLOHAN, OLVER, SERRANO, Ms. WASSERMAN SCHULTZ, Messrs. CLYBURN, LEWIS of California, YOUNG of Florida, ROGERS of Kentucky, WOLF, WALSH, HOBSON, KNOLLENBERG, KINGSTON, FRELINGHUYSEN, and WICKER.

There was no objection.

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO FILE SUPPLEMENTAL REPORT ON H.R. 493, GENETIC INFORMATION NONDISCRIMINATION ACT OF 2007

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be permitted to file a supplemental report on H.R. 493.

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

There was no objection.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 1332, SMALL BUSINESS LENDING IMPROVEMENTS ACT OF 2007

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

Mr. WELCH of Vermont. Mr. Speaker, the Rules Committee is expected to meet the week of April 23 to grant a rule which may structure the amendment process for floor consideration H.R. 1332, the Small Business Lending Improvements Act of 2007.

Members who wish to offer an amendment to this bill should submit 30 copies of the amendment and a brief description of the amendment to the Rules Committee in H–312 in the Capitol, no later than 3 p.m. on Monday, April 23. Members are strongly advised to adhere to the noticed amendment deadline to ensure amendments receive consideration.

Amendments should be drafted to the bill as ordered reported by the Committee on Small Business. A copy of that bill will be posted on the Web site of the Rules Committee.

Amendments should be drafted by legislative counsel and also should be reviewed by the Office of the Parliamentarian to be sure that the amendments comply with the rules of House. Members are also strongly encouraged to submit their amendments to the Congressional Budget Office for analysis regarding possible PAYGO violations.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

UNITED NATIONS MUST BE LEADING VOICE AGAINST GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I am strongly disappointed that United Nations Secretary General Ban Ki-moon has given in to Turkey's demands and cancelled an exhibit commemorating the 13th anniversary of the Rwanda genocide.

□ 2045

Turkey, as usual, was offended by references in the exhibit to the Armenian genocide in Turkey during World War I.

As a representative of the international community, the United Nations must be the leading voice against genocide. That includes all genocides, including the Armenian genocide. Unless the United Nations takes a stand against Turkey's denial, its value to the international community is greatly undermined.

As the 92nd anniversary of the Armenian genocide approaches, Turkey's recent behavior is yet another example of why it is so important for Congress to reaffirm the Armenian genocide by

passing H. Res. 106. Over the past year, Turkey has pulled out of NATO exercises after France affirmed the Armenian genocide. They have threatened U.S. troops in Iraq if the U.S. reaffirms the Armenian genocide. And now they are preventing the U.N. from honoring the victims of the Rwandan genocide. Their denial has no limits.

The United States must never allow crimes against humanity to pass without remembrance and condemnation. As a society, we cannot effectively work to end crimes against humanity without recognizing those that have previously occurred.

Far too many times we have seen the horrible consequences of ignoring genocide. Even after unprecedented humanitarian efforts by Americans, the Armenian genocide had become the ''forgotten genocide,'' and in 1939 Adolf Hitler exclaimed to his generals to have no mercy by stating, and I quote, ''who, after all, speaks today of the annihilation of the Armenians?

In 1994 world leaders witnessed the Hutu leaders of Rwanda kill 800,000 Rwandans, and did nothing. Today we sit idly by as militias massacre innocent citizens in Darfur; and, again, world leaders do virtually nothing. There are lessons to be learned by history. Unfortunately, Turkey has undermined the intent of the U.N. exhibit to help teach the lessons of genocide inaction.

Turkey's policy of denying the Armenian genocide gives cover to those who perpetrate genocide everywhere. If the cycle is to end, there must be accountability for genocide. Genocide denial is the last stage of genocide.

Mr. Speaker, when will today's world leaders stop letting Turkey deny its past? It is bad enough for Turkey to threaten and prosecute its own citizens for discussing these crimes, but to threaten to retaliate against countries that acknowledge the Armenian genocide is appalling and unacceptable. As a global community we must collectively stand for historical truth and recognize the worst humanitarian crimes that we have seen.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

RECOGNIZING MAYOR JACK CALVERT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CONAWAY) is recognized for 5 minutes.

Mr. CONAWAY. Mr. Speaker, I rise tonight in recognition of Jack Calvert for 16 years of service as the mayor of the city of Lampasas in the 11th District of Texas.

Mayor Calvert graduated from New Mexico Military Institute in 1956 and served in the Army as a second lieutenant. He served in various command and staff positions, including test officer in Greenland, assistant professor of chemistry at West Point, and he served in combat in Vietnam where he was awarded the Purple Heart. After a 3-year tour at the Pentagon, he served for 3 years in Germany. Mr. Calvert then served at Joliet Army Ammunition Plant and in 1979 was assigned to the Army War College.

Following this assignment, Mayor Calvert then served as the director of Battlefield Automation at Fort Hood and after 3 years he retired from the United States Army as a colonel.

Mayor Calvert's service to his community and his country did not end after his retirement from the military. He then served on different civic groups. He and his wife, Fran, chose Lampasas as their home and purchased a historic house to restore back to its original structure. Along with his service, he and his wife, Fran, raised three children: Charles Douglas, Lee Ann, and Mary.

As mayor of Lampasas, he successfully guided the city and its councils through many growth issues. Jack Calvert is a true leader of leaders in the 11th Congressional District, and I am proud to represent him here in the House of Representatives.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. LARSON of Connecticut. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 323) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 323

Resolved, That the following named Members be, and are hereby, elected to the following standing committee of the House of Representatives:

COMMITTEE ON FOREIGN AFFAIRS.—Mr. Gene Green of Texas (to rank immediately after Mr. Tanner), Mr. Crowley (to rank immediately after Mr. Hinojosa).

The resolution was agreed to.

A motion to reconsider was laid on the table.

FAILED FOREIGN POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is a pleasure to be on the floor with such a distinguished Speaker. Just a few minutes ago, we cast a vote that, again, reaffirms the crucialness and the necessity of moving forward with the emergency supplemental. The motion states that this House, which it did, reaffirms the deadlines for the redeployment of the United States forces in Iraq that were contained in the House-passed emergency supplemental, a legislative initiative that captured, not the personal wants of individual Members, but responded to the immediacy of the crisis of the conflict in Iraq.

It is a commonsense document. And even now, in the backdrop of 198 brutally killed in the marketplace, most likely sustained by the false representation that there is now security in Baghdad, almost 200 persons died, which indicates, although our military strongly has defended its role and can claim a military success, we have a failed foreign policy. And so I rise today to proudly reaffirm my commitment to deadlines as relates to redeploying of our troops.

It may be that the military goes to battle, but, in fact, a nation goes to war. We owe the brave men and women of the United States military, the National Guard, the Reserves, the Air National Guard, and all aspects of the United States military, their families, the civilian force the obligation of a true and thoughtful policy that will work. The conflict in Iraq does not work. And the sadness is that even the government, the coalition government is falling apart.

Some may argue, of course, that that suggests that we should stay the course; that we will look like we are bending to the enemy. Those of us who understand the vastness of this crisis realize that we must never falter in our war against terror. We must never let al Qaeda win, but we cannot allow our soldiers to be the targets of a sectarian war.

Now, this legislation does not in any way tell the generals how to logistically move their troops. What it does do is give the policy commitment to the timelines to bring our soldiers home.

It is clear that the military action has already been a success. And I commend my colleagues to H.R. 930, my legislation, A Military Success Act of 2007 and A Diplomatic Surge Act of 2007. It is now time to declare a military victory. Our soldiers have discovered there are no weapons of mass destruction. Saddam Hussein has been deposed and been, if you will, displaced, and we have a government in place. But none of that can be, now, held for a reason that the soldiers must stay in place.

Logistically, the generals may decide to redeploy these troops to the border, redeploy them to Kuwait. We allow and also defend the right of the United States military to give a logistical response to our policy demand.

This is a demand of the American people. Sixty-nine percent of the American people, now, today, believe that we should leave Iraq. That is a gradual increase. I believe that Americans are patriots. They never cut and run. They will stand and defend their Nation.

But we have an obligation, as Members of Congress holding the purse strings, to never frivolously send our soldiers into battle. We have an obligation, as the emergency supplemental has done, to provide post-traumatic stress dollars, prosthetics, mental health needs, improving Walter Reed, helping military families, and, yes, helping children have universal access to health care.

We have a crisis in Iraq. It is a crisis made by the continuing failed policies of this administration.

Wake up. We owe a moral commitment to the soldiers on the battlefield.

I am proud to have made that vote. I will make it again. And, frankly, I am concerned that when the olive branch of conciliation has been extended to this administration to come up with a real resolution to solve this war, we get a blank check from them, or at least no response.

And so I ask my colleagues to stay the course on behalf of the American people and the patriots who are on the front line of Iraq. We owe them our duty to provide for them the right kind of road map.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IN RECOGNITION OF THE LIFE OF ANDREW BURRIS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, tonight I rise to commemorate the life of Andrew Burris, a professional carpenter by trade, who gave his life today in Toledo, Ohio, as he helped place the finishing touches on the largest Federal transportation project in Ohio's history. Burris suffered fatal injury as he worked to complete Interstate 280's new river crossing known as the Veterans Glass City Skyway that spans the Maumee River, the largest river flowing into the Great Lakes.

At approximately 9:15 this morning, 36-year-old Andrew W. Burris, of Curtice, Ohio, fell to his death from a scaffolding on the north side of the bridge. He was a faithful and dedicated member of the Carpenters Union Local 1138. As a carpenter for nearly 10 years, his union brothers said Andrew loved his work and was an excellent carpenter.

The new skyway replaces the last drawbridge left on our Nation's interstate system. The cable-stayed bridge will carry three lanes of traffic in each direction over the river extending from I–75 on the north end to Navarre Avenue on the south end. The surface of the roadway will reach about 130 feet above the center of the river.

As our Nation builds forward, brick by brick, steel rod by steel rod, cement block by cement block, wood beam by wood beam, sometimes we forget the danger faced by the men and women skilled in these trades as they craft our monuments to civilization. It takes a tragedy like this to give us pause and say a silent prayer for all workers in their daily arduous labor.

Andrew's death is not the first tragedy to befall the workers on this new highway in the sky. On President's Day, 2004, a crane collapse on the Maumee River Crossing Bridge led to the death of four iron workers. This bridge to the future these men and women have been building is a monument and a testament to their work.

In the RECORD entry I offered following the death of those four iron workers on that fateful February day, I noted the men and women building the bridge had been about great deeds. We watch their incredible feats daily with admiration and, yes, with awe. We witness their minds, their muscles and hands forming of the Earth a new and better future for us all.

□ 2100

On the hottest summer days, as well as bone-chilling, subzero temperatures of winter in the north, they toiled fearlessly above us creating a majestic expression of who they were and who we are as a people.

We humbly acknowledge and publicly recognize them for their heroic, steadfast, and artful deeds as building tradesmen. The men who lost their lives leave not only their mastery of iron and concrete and steel and the creation of beauty from it as their legacy, but more importantly, they leave cherished lives and families.

The same is true of Andrew Burris. Though his life was cut short, he leaves a legacy in the bridge he helped create and in all that his carpenter's hands produced. Emily Dickinson's poem ''In This Short Life'' tells us:

''In this short life
That lasts an hour
How much—how little—is
Within our power.''

And as we live our lives, all are affected by tragedy, some small and some great. It is the trials and tragedies of life which make us stronger and make the joys of life so much sweeter. I know this lesson of life does not decrease the sadness and pain felt by all those who knew and loved Andrew Burris. Our entire community offers its sympathy to those who called him father, husband, son, brother, friend, colleague. We celebrate him in recalling the words in ''A Song of Life'' by Ella Wheeler Wilcox:

''In the rapture of life and of living,
I lift up my head and rejoice,
And I thank the great Giver for giving,
The soul of my gladness a voice.
I lift up my eyes to Apollo,
The god of the beautiful days
And my spirit soars off like a swallow
And is lost in the light of its rays.
Come out of the world—come above it—
Up over its crosses and graves,
Though the green Earth is fair and I love it,
We must love it as masters, not slaves.
Come up where the dust never rises—
But only the perfume of flowers—
And your life shall be glad with surprises
Of beautiful hours.
Come up where the rare golden wine is
Apollo distills in my sight,
And your life shall be happy as mine is,
And as full of delight.''

The SPEAKER pro tempore (Mr. MURPHY of Connecticut). Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

STATUS OF THE SIX FOR '06 AGENDA: ZERO FOR SIX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, the Democrat majority has been in control of this House now for about 4 months, and they made a lot of commitments to the American people during the campaign just passed. And I thought tonight I would give a report on the success of their agenda.

They had six bills that they said they wanted to pass in the first 100 days or first 100 hours to get moving, and I would like to go through those bills one at a time:

H.R. 1, the first bill they introduced, Implementing the 9/11 Commission Recommendations Act of 2007 is stalled.

The Fair Minimum Wage Act of 2007 is stalled.

The Stem Cell Research Enhancement Act of 2007, stalled.

H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007, stalled.

H.R. 5, the College Student Relief Act of 2007, stalled.

And the CLEAN Energy Act of 2007, still stalled.

They have control of both Houses of the Congress, and these bills have not yet reached the President's desk, although they pledged to get these things done as quickly as possible after the election.

They have passed only 17 bills into law. Ten of those bills named Federal post offices and Federal buildings. None of the legislative impact on fighting the war against Islamic extremists, balancing the Federal budget, creating jobs, cutting pork barrel spending, or saving Social Security have been addressed or passed.

They have passed a budget. And the budget that they passed assumes that the President's tax cuts, which we passed early in the Bush administration that led to our economic recovery and low interest rates and low unemployment and low inflation, they want to do away with those tax cuts. And that, in effect, will amount to a $392.5 billion additional tax burden on the American people.

The Democrats' budget also includes an immediate $24 billion increase in nondefense, nonsecurity spending above the President's request. This is on top of the $23 billion of unrequested spending in the supplemental and $6 billion in the omnibus spending bill.

In addition, the Democrat budget includes 12 reserve funds, promising more than $115 billion in higher spending, which, if offset as required by the House rules, would almost surely mean another $115 billion in higher taxes. This would be on top of the $392.5 billion in tax increases they have already built into their revenue numbers.

The average taxpayer in Indiana, if this budget were to pass, would be saddled with $2,729 in additional taxes and more than 2.3 million Hoosiers would be affected just this year under the Democrat budget.

Now, I want to talk a little bit about the Democrat Iraq supplemental. That was for the defense of this country and for supplementing our troops and giving them the equipment and the support that they need to fight the war in Iraq and to fight around the world in places like the Balkans and in Afghanistan. The Democrat supplemental legislates defeat and funds favors at the troops' expense.

Let me just tell you what is in this bill. It is supposed to be for our troops and for the defense of the Nation. But in that bill they have added $120 million for the shrimp industry, which has nothing to do with defense; $74 million to store peanuts, which has nothing to do with defense; $25 million for growing spinach, which has nothing to do with defense; and $5 million for ''aquaculture,'' or to put it in a less fancy term, it is tropical fish. Five million dollars for research on tropical fish. These are things that shouldn't be in the defense supplemental, and yet my colleagues on the other side of the aisle put them in that bill.

I think the American people need to know that while they made these commitments during the campaign, they have not fulfilled those commitments. And this is a report card on the first 4 months of their reign in this House. I will try to, in every 3- or 4-month period, give another report on the progress of the Democrats' agenda, and I hope it is a lot better than this one has been.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CONAWAY) is recognized for 5 minutes.

(Mr. CONAWAY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE HORRIFIC TRAGEDY AT VIRGINIA TECH AND THE CALL FOR SENSIBLE GUN CONTROL LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, the horrific events at Virginia Tech just a few days ago cause all of us to reflect. My heart goes out to the victims, to the victims' families, to the people who were injured. This is something that is just a terrible tragedy, an unthinkable, terrible tragedy. And as the father of three, including two in college, it really makes one stop and pause.

I say very, very respectfully, at a time of violence we need to reflect on this violence. And it certainly seems to me that upon reflection, to say that this country needs to have sensible gun control legislation, not legislation that would take guns out of the hands of people legitimately who have the right by the second amendment to own guns; but how could a deranged young man like the killer be able to just walk into a store and purchase any kind of guns at will and then use them to mow down 32 or 33 people?

It is all a matter of commonsense. We get emotional about these issues, but I am really speaking from the heart. Commonsense says that we need to have sensible gun control legislation so that criminals, people with mental illness, cannot just purchase guns at will and as many as they want.

In my home city, New York City, our mayor, Michael Bloomberg, has been leading a crusade for sensible gun control legislation, and I agree with him. And, again, it takes a tragedy of this magnitude to kind of just sit and reflect and say, what are we doing or what are we not doing and why is it an infringement on anybody's second amendment rights to keep guns out of the hands of criminals, deranged people, and people who shouldn't own them?

I think that this country really, really needs to reflect on its policies regarding guns. And, again, I support the second amendment, and I think there are many, many legitimate reasons for people to own guns. But after the tragedy at Virginia Tech, I say it again: I believe more than ever that this country needs to adopt sensible gun control legislation. We need to use our commonsense, and we need to try to prevent tragedies like the tragedy at Virginia Tech from happening again.

I know people say guns don't kill people, people kill people; that is true. But guns in the hands of the wrong people kill people. And I really think in all good conscience that we really need to reflect.

And, again, my heart goes out to the families, the victims, and all the students at Virginia Tech. But as a country, we need to come to grips with this problem.

THE ACCOUNTABILITY CONGRESS: THE 110TH CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Mr. Speaker, tonight I would like to welcome you, Mr. Speaker, and the American people to the Accountability Congress. Over the next 1 hour, my freshman colleagues and I will be claiming this hour to talk about the accomplishments of this 110th Congress.

We have seen not only an auspicious and bold, brave, new agenda for the first 100 hours, but also the first 100 days. And we are not just going to talk about and celebrate the accomplishments of the last 100 days. We are going to talk about a vision for our country and talk about what will happen in the days to come.

It is important, Mr. Speaker, that the American people know that by getting a new majority in the Congress that they have signed up to get a vision that is inclusive, that brings Americans all together, that makes for a safer America, a fairer economy, that makes for an economy where working people, middle-class people can strive and do well in our society.

And joining me tonight with the members of the freshman class are a host of tremendously brave and tremendously intelligent, capable leaders who are aiding not only in charting a new course for our country, but who in this very 110th Congress, Mr. Speaker, are fully engaged from the very top. The leadership has engaged our talents, our skills, our ability, and we have been proud to be able to help this 110th Congress be a stronger, better place.

And tonight I am going to be anchoring the one hour, but I am not going to hang on to it long. I think the American people want to hear from the brilliance that this 110th Congress class has to offer. So in the very beginning, I am just going to pass it right off to Mr. HODES, who is the president of our class.

I yield to Congressman HODES.

Mr. HODES. Mr. Speaker, I thank my colleague from Minnesota (Mr. ELLISON) for yielding.

Mr. Speaker and distinguished colleagues, I am glad to be with you tonight to talk about where we have been

in the 110th Congress, where we are, and where we are going, because this Congress really has changed the direction of America.

If you think back to where we were over the past 6 years, this country was frustrated. Frustrated because of the squeeze on the middle class with fiscal policies that weren't working. They weren't working for the middle class and those trying to get into the middle class. They may have been working for those at the very, very tippy top of the financial scale, but not for anybody else. A frustrated middle class and an America which has come together because of a foreign policy which has made us weaker, which has ruined our reputation in the world, which has mired our brave soldiers in a civil war.

They asked for change in November. And in the past 3 months we have delivered substantial change. So tonight we are going to talk about the Accountability Congress. We have changed the Congress of the United States from a Rubber Stamp Congress that didn't hold anybody accountable for anything, but simply rubber stamped what the administration wanted to do without question.

□ 2115

They held no hearings, held no accountability over agencies, and we have replaced it with an accountability Congress that holds the administration accountable, that holds agencies accountable, and is accountable to the American people for making real progress.

So I am very proud to be with you tonight. And I look forward to the next hour when we get to talk about what we've done, where we are and where we're going.

I yield back.

Mr. ELLISON. Well, thank you, Congressman HODES, from the great State of New Hampshire.

Why don't we kick it down south to Florida to Congressman RON KLEIN, who has been distinguished in this Congress for his leadership.

Mr. KLEIN of Florida. Thank you very much, Congressman ELLISON.

It is a pleasure to be here once again with my freshman colleagues as we try to do this every Thursday evening and get together and speak about what's going on in the last couple of weeks and tell the American people and share with them some of the good things that we've been working on.

We ran in elections this past November. And coming into the freshman class, we heard loud and clear from the American public that it was very, very important that we get this budget under control. One of the first things that we did, and I am very proud of it and Republicans joined with us on this so it was a bipartisan effort, is we passed the PAYGO principle. PAYGO is about as simple as you can imagine; it's pay-as-you-go. It's no different than the way I run my personal family budget with my kids and my wife; it's no different than most people run their small businesses or large businesses. It is the simple point of money comes in, and you can't spend more than is coming in. It is expenses versus revenues, or cash flow.

I was very proud of that moment as one of the very first things that we did was to pass the PAYGO principle, and that was something that was, in the past, the Congress always followed that principle, but most recently, in the last number of years, it was thrown out. As a result of that, tax cuts, higher spending, and tax cuts are wonderful, we all want less taxes as long as there are corresponding spending cuts. Everything has to balance. I just want to reference that because to me that was a great start.

I am very proud of the fact that everything we have passed since then, every bill that we have taken up has a component in it which says we cannot add new expenses, we cannot build more programs unless the money is in the budget. I think that is a principle that needs to be there forever, for that matter; and I think that is the first step in beginning this process of getting our fiscal house in order.

So I am just going to highlight that for a minute and turn it back over to Congressman ELLISON.

Mr. ELLISON. Thank you, Congressman.

Mr. Speaker, we are also distinguished by having a leader in our Congress who comes to us as a labor lawyer, as a community leader, and has brought her very considerable talents to this Congress. She has led this Congress in many ways, including on the issues of trade and economic justice. Of course she is not limited to that, she knows a lot of stuff, but she has distinguished herself in that way, and so I just want to recognize at this time Congresswoman BETTY SUTTON from Ohio.

Ms. SUTTON. Thank you very much, Mr. ELLISON. What a great leader you are, and we thank you for putting this hour together.

I am happy to join with these other distinguished colleagues to speak to the American people about the change that is upon us and the hope that is growing.

We did hear from the voters loud and clear on November 7. And one of the things that they wanted was a Congress that is responsive to the priorities and needs that exist out there in our communities. One of the things that had been getting in the way of getting that kind of legislation that was truly responsive was the corruption that unfortunately had flourished in this body for quite some time.

I also think it is important that we point out the fact that on the day that this Congress opened, we came right down on this floor and we changed the rules to put to an end some of the abusive avenues that existed that resulted in policies that benefited the few at the expense of the many. And, frankly, that was part of the foundation that had to be laid in order to get these other things passed.

When you talk about economic justice, and I know we are going to talk about this more this evening, I am very pleased to be a member of the Budget Committee. And the good news is we did recently pass a budget out of this body. The bad news is, when I got to the Budget Committee and I started hearing things about what our fiscal condition was, it was as bad as we feared it was from afar. But, again, because we have a new Congress and because we have change in this Congress, we were able to realign the resources that were there so that at least they met the needs and the priorities of our constituents and the American people and the communities that they live in.

So I am very happy to be here with you to talk about all of these things this evening, and I direct it back to you, our leader, Mr. ELLISON.

Mr. ELLISON. Thank you, Congresswoman.

Tonight, we are very lucky and fortunate to have somebody who can offer a diagnosis and then give a prescription, somebody who can look at our great Nation and say, what does this great Nation need to be healthier, to be stronger, to grow better and in a new direction, and what is the prescription. What is the advice that the good doctor would give to make America reach its highest potential to become a more perfect union? And to do that, I can't think of anybody better qualified than our colleague, Congressman STEVE KAGEN, who comes to us as a physician and a doctor of medicine, but now he is sort of a doctor of politics and more or less a doctor of making America a prosperous and strong country.

Doctor, what do you have for us tonight?

Mr. KAGEN. Well, I thank you very much for the kind introduction. And I would say the diagnosis looks good. We've got a positive change and a new direction for the country. We are headed in the right direction.

What have we done? We have brought back fiscal responsibility, and we are socially progressive and responsible as well.

Now, listening this evening back in my hometown of Appleton, Wisconsin, is my mother. I won't tell you how old she is, but I will tell you she does need affordable prescription drug coverage.

In Wisconsin, we had this thing called SeniorCare. It was group purchasing, where we knocked down the cost of prescription drugs tremendously, saved the Federal tax dollars, millions and millions of dollars. We had affordable prescription drug coverage that has been terminated by this administration. Now, my mother's medications were about $310 off of SeniorCare, and on it: $89. Same pharmacy, same pills, same manufacturers. It proves this point: when you negotiate, you can get a better deal. When you have a larger purchasing pool or a

larger insurance pool, you can get that better deal.

So I think the diagnosis tonight is, it's looking good; the future is looking fine. I am glad that my colleague from Minnesota is here tonight to lead us in that new direction.

Mr. ELLISON. Well, Dr. KAGEN, our colleague, it is an honor to have you here.

We are going to go from the great State of Wisconsin down south to Kentucky. Congressman YARMUTH has been here; he has been offering tremendous leadership. He looks ready with a graphic there, but of course he may touch upon many issues tonight, all focusing on the fact that this 110th Congress has been a great start for the American people, and we want the American people to know what they got for their vote.

Congressman YARMUTH.

Mr. YARMUTH. I thank the distinguished gentleman.

I want to say that all of us came back this week from our first extended stay in our districts. And of course I had to laugh when the President 3 weeks ago said, Oh, the Congress ought to come back from vacation and get to work on the supplemental bill, which we had already passed, of course. And I said, wait a minute, this is vacation? All we're doing is working 12, 13 hours a day in our districts communicating with our constituents.

And I think that from what I have gotten from talking with all of us among our colleagues is that when we were home, we found out what the American people are saying about our track record so far. And just before we came to the floor this evening, one of the Members from the opposing party tried to minimize what we had done over our past 100 or so days in office. And I thought it was amusing because it was, oh, well, they haven't enacted anything. Of course this Congress acted. It acted very expeditiously to raise the minimum wage for our low-wage earners, to cut the interest rate for our students in college who have loans outstanding; and, as Dr. KAGEN said, to take action to reduce the cost of prescription drugs, and so forth and so on.

When I was home, I met with people from the health care industry, and I met inside the health care facilities and I met with people from our educational institutions. We had a forum of higher education, and everybody was so grateful not just that we had taken the action that we did, but we were finally dealing with problems that have faced these various segments of society and had been unaddressed for the last 6 years.

So what I sensed when I was home in my district, and I know many of you and our other colleagues have sensed it as well, is that there is a new sense of optimism, there is a new sense of hope, and there is a spirit that we can deal with the serious problems that we face in this country because we have people who are not interested in dogma, we are not interested in ideology. We are interested in solving problems for the American people.

That is why I am so proud to be a part of this Congress and this great freshman class because I know that the American people are responding to what we have done already, and I know that they are responsive to the great agenda that we are going to be pursuing for the rest of this Congress.

Mr. ELLISON. Thank you, Congressman YARMUTH.

It is time to get specific, my friends. Let me just say specifically that in the first 100 hours alone, we made our very first vote the implementation of the independent bipartisan 9/11 Commission's national security recommendations. Second, we voted to increase the minimum wage for the first time in 10 years to give American workers an overdue pay raise. Third, we voted to cut student loan interest rates in half. Fourth, we voted to roll back multibillion dollar taxpayer subsidies for big oil and big coal companies, and we put that money toward renewable energy.

Next, we expanded research and help for stem cell research. And then we voted to require Medicare to leverage its substantial bargaining power to buy prescription drugs and pass the savings on to people. And then we put the interests of all Americans ahead of the special interests by passing a tough congressional ethics reform, restoring the pay-as-you-go budgeting and restricting spending on earmarks. Those are the specifics. Now we are going to elaborate.

Congressman HODES, I would just like to ask you a question: What did this Congress do to help students and to stand up for the right to an affordable education so that every American can reach their highest potential?

Mr. HODES. I am glad you asked. Because in the campaign, as we went around, we all heard about the squeeze that our families were in all over this country, complaining about the cost of higher education and the difficulty they were having in paying for the loans that folks have to take out in order to pay for an education. Of course in order to be competitive in a global economy, we need more kids going to college, we need more opportunities for more people in this country.

In my home State of New Hampshire, we actually carry the highest debt-per-student in terms of student loans of any State in the country. So it has been really important at home in New Hampshire and around the country for this Democratic Congress and the new majority to take action.

Now, Mr. ELLISON already talked about one of the things that was done in terms of making college more affordable by voting to cut student loan interest rates in half. We've talked about what we have done to restore pay-as-you-go rules, because once you've got fiscal responsibility, once we've restored fiscal responsibility that was absent from the 6 years that the Republicans were borrowing and spending us into a black hole of a deficit, we can start acting with a social conscience and help our college kids.

So one of the things we have done, as this chart shows, is we passed a budget, a Democratic budget that restores fiscal balance, it cuts the deficit, balances the budget over 5 years. And what it does for our kids in college is, first, we propose an increase of the maximum Pell Grant to at least $4,600, significant increase. Our budget, the Democratic budget, the responsible budget, the pay-as-you-go, balance-the-budget-in-5-years budget rejects all of the President's irresponsible proposed cuts to higher education, including that he wants to eliminate the Perkins loan program, Federal supplemental opportunities grants, and leveraging education assistance partnerships. The President's budget actually wants to take opportunities away from our kids going to college and families who are trying to send their kids to college. We have turned that around. We are going to make it easier and more affordable for kids to go to college

Mr. ELLISON. Well, thank you, Congressman.

One of the things that we are trying to do in this Congress and we are going to do and we are on the track to do is to make middle-class people have a real opportunity for a real future for their children, for their parents, for everyone. There is no doubting that doing things to strengthen the American worker is part of that.

One of the things we did was we passed the Employee Free Choice Act, and we have made some firm strides on issues of trade to make sure that we don't export jobs.

I am wondering, Congresswoman SUTTON, if you wouldn't give the American people a word about these important issues.

Ms. SUTTON. Thank you, Congressman ELLISON; I certainly will.

The Employee Free Choice Act was a great accomplishment by this Congress, a bill that will make it easier for workers out there, the people who make this world turn.

I stand here in front of you as the daughter of a man who worked in a boilermaker factory his whole life.

□ 2130

The sister of a steelworker. The sister of a teacher. The aunt of a food and commercial worker. And these are the people that make the world turn.

Yet we hear often that people are not in unions, that union membership is down. Well, it is not because they don't want to be in unions, because we know that being a member of a union and having the right to bargain collectively for fair wages and family-sustaining benefits is something that people do desire and does result in exactly that, a fairer wage and benefits.

Frankly, it works for business as well, and there are many examples out

there where employers and employees work. But, unfortunately, part of the big reason why union membership is down is because it is very dangerous and sometimes results in the loss of a job if you engage in trying to organize workers into a union so that they can bargain collectively.

So this Congress, noting that, noting the need to end the potential for harassment for those who would just simply seek to organize and have their voice heard collectively, passed the Employee Free Choice Act which will enable workers to just simply, if there is a majority of them who want to join a union, then they can sign a card and join a union. So it is going to truly be an effective tool in lifting up America's workers and the middle class.

I turn it back over to you, Mr. ELLISON.

Mr. ELLISON. Thank you, Congresswoman.

Now we are really honored to have one of our great leaders in our class, Mr. PATRICK MURPHY, who is a distinguished veteran of our Armed Forces, who I believe is the only combat veteran of the Iraq conflict, to tell some very, very heart-rending and very clear stories, which are true, about the meaning of our Nation's effort for a just, safe, but orderly withdrawal from this conflict.

I would like to switch it over to Congressman MURPHY for a moment from the great state of Pennsylvania.

Mr. PATRICK J. MURPHY of Pennsylvania. Thanks, Congressman. I appreciate it. Thank you to the gentleman from Minnesota, and to the gentleman from Connecticut, my colleague, the other Congressman MURPHY up there.

Today is an important day in our country's history. We are the new Congress, the 110th Congress, and we came together from all over the country to really change the direction of our country.

I am so proud that I wore the Army uniform for the first time in 1993, following in the footsteps of my father and my uncle and my grandfather and my brother, who serves in the Air Force, that we served with pride and gave it our best.

When I was asked to join the faculty at West Point, when I taught there, we took pride in ourselves in saying we are developing leaders of character for a lifetime of service. Yes, we were making military officers. Yes, they were tacticians on the law and the profession of arms, but they were leaders of character. They stood up for the truth. They stood up for justice.

When our Nation was attacked on 9/11 of 2001, many of us who were called to serve deployed for our country. And I am proud that I deployed twice, first to Bosnia and then to Baghdad, Iraq, as a member of the 82nd Airborne Division.

So, within the first 100 days of this Congress, as you mentioned, when we took the steps to say we are going to be coequal branches of government, you see, when I was at West Point, I taught constitutional law and I taught about what this country was all about, and it was that we have three coequal branches of government.

See, we did not believe in the theory of King George, one person being infallible, running a country. That is why we had the American Revolution. Our democracy evolved over 200 years to now, today, where we have leaders from both parties willing to stand up and say, enough is enough. Mr. President, we will not continue to give you a blank check while the Iraqis still sit on the sidelines. We will not sit there and say everything is okay when we understand what the truth is on the ground in Iraq.

When I was there in 2003, I remember when it was August. I remember having the combat gear on. I remember riding up and down in what is called Ambush Alley in 138-degree heat and wondering when that next roadside bomb might go off, scouting it out, looking, always being vigilant to make sure the men I was leading down that path were safe.

Now, what this 110th Congress has stood up to do and why I am so proud of the freshman class for doing is, when we had the emergency supplemental, the Iraq supplemental, we said, we will give you, Mr. President, every single dime, every single penny that you ask for to support the troops, but there is a policy attached.

No longer is there an open-ended commitment. No longer is there unaccountability. This is a different Congress. This is the 110th Congress. This is a Congress that will stand strong, stand together, even though we know the political attacks are going to come, even though we know it takes personal courage, and even though they are going to try and distort what we are actually going to try to do. And what we are trying to do is to hold the Iraqi people accountable, now, over 4 years later.

At 6:12 a.m. this morning, I got an e-mail from Iraq. It was from a former cadet that I got to know who lost his brother on 9/11. He said to me, Sir, this is the first time I have ever written you, but he said, I want you to know there are legions, legions of junior officers, now company commanders, in Iraq and in Afghanistan and all over this country that are watching you, that are watching this 110th Congress, and that you are saying thank God someone is standing up and speaking truth to power. He said, I would never think that 5 years after my brother was murdered at the World Trade Center on 9/11/2001 that I would stand up against the foreign policy of the United States of America when it comes to Iraq. I want you to know that I am keeping you in my prayers, and if there is anything, anything I can do to help your cause, to put our country back on the right track, I am there.

That is what is happening with all these Congresspersons here in Washington.

When I get letters from people in Bucks County, Pennsylvania, or northeast Philadelphia, and they say, thank God we have a Congressman that is going to stand up for us, for our veterans, thank God that they are speaking truth to power, that is what is going on. There is a movement, and it is a movement again to believe in America, a movement again to say, listen, we understand there are coequal branches of the government. We understand what the Congress is trying to do. We understand they are trying to do what is right.

And it is not about partisan politics. It is not about Bush Republicans versus Democrats. It is not about that.

I joke. My wife Jenni is at home. I just talked to her on the phone. My 4-month-old Maggie just laughed for the first time today. It puts it all in perspective.

But my wife was a lifelong Republican. She still considers herself a Republican. She said to me when we first met, and she gave me a hard time for being a Democrat, she said, you know, Patrick, I will support you, and I will support you for one reason and one reason only, besides the fact that I am in love with you. She said, I was a YAFer. That is called a Young American for Freedom; it is a conservative wing of the Republican Party. She said, the Republican Party left me; I did not leave the Republican Party.

So when I talk about what we have done, what we have accomplished in the supplemental bill against all odds, because we remember, we were through this when we were voting for this, we understood when they said, why are you wasting your time trying to pass this emergency supplemental, putting a timeline on Iraq? Why would you do that? You know it is not going to pass.

I was there and talking to the press, and I said, I will give every cent, every fiber of my being, to talk to my colleagues together, all of us as one, and say how important it is to pass this.

Then when we passed it against all the odds, when they told us it wasn't going to happen, and we passed it, then they said, well, why did you do that? The Senate is never going to pass it. The Senate responded and the Senate took our bill, and now it is in conference and they passed it, also a supplemental bill with a timeline.

That is why it is so important that all of us do not lose hope, all of us continue to stand up and speak truth to power, all of us stand up and say, no longer are we just going to have an open-ended commitment in Iraq.

Because when you look at the full spectrum, some people say, bring all the troops home tomorrow; we don't care, just bring them all home tomorrow. Others say, it is the President, he is infallible; you can't ask any tough questions, you can't give him a timeline. You can't demand accountability from the Iraqis, who are still sitting on the sidelines 4 years later.

But this 110th Congress, made up of all races, of all sexes, of all parties,

came together and we said, this is a moderate approach, this is an approach that will change the direction in Iraq. When we look at how almost every day hundreds of people are dying there, and we said to the Iraqi people that we will support you, but we will not sit idly by. We will not stand idly by and watch you continue to sit on the sidelines, when our troops, our men and women who wear the military uniform of our country, continue to lead the efforts there when, now, it is 4 years later and it is imperative that they stand up for their country.

Because if we remember when it was the American Revolution, it was America's revolution; it was the Americans standing up. When it was the American Civil War, it was the Americans fighting each other.

So that is why all of us in good conscience cannot stand here while our brave young men and women serve in places like Iraq and referee a religious civil war. That is not what they were supposed to do. That is not in the national interests of the United States of America. That will not keep our families safe.

When we all vote, when we all take these so important and these crucial votes and these timely votes and these historic votes, when we vote for our families and for our constituents, we think about how is it going to affect our children and our children's children. How is it going to affect my daughter, Maggie Murphy, when she reads in the history books what we have done? How is it going to affect who we call Joe, that GI Joe, that soldier on the ground in the 138-degree heat in Baghdad, those members of the 82nd Airborne Division that I so proudly served with that are now back over there on their third deployment?

When I was there weeks ago, and I know some of my colleagues here were also just recently there, I talked to these guys. I talked to the guys I served with. I talked to the guys, Sergeant Juan Santiago, who left his wife and two kids at home, is now in his third deployment in Iraq. I broke bread with him over there.

I said to him when I was in Baghdad, he used to be Private Santiago, now he is Sergeant Santiago, and his nickname is Santi. I had lunch with him. I said, ''Santi, what is going on?'' And he said, ''Sir, it is like Groundhog Day, but 4 years later. They are still sitting on the sidelines. We are still doing everything for them. I don't know what it is going to take to get them to come off the sidelines.''

What it is going to take is the political pressure so we are clear and we act as one; that we tell the Iraqis that the 110th Congress is different; that the spirit of America is there and we love you, but we cannot hold your hand. You need to stand up finally for your country. You need to stand up and secure your neighborhoods, secure your street corners. You need to be the ones that are leading those convoys up and down Ambush Ally, not our troops.

That is exactly what our supplemental did and what we will do when we vote on it after it comes back from conference in just a few days.

With that, I would now take it back probably to the gentleman from Minnesota, Mr. ELLISON. Thank you.

Mr. ELLISON. Mr. Speaker, we are not allowed to clap during these things, but I wish we were, because that was amazing, and I really thank you for that.

At this time, I do want to ask Mr. KLEIN to sort of pick up a little bit where Congressman MURPHY left off. What did this Congress do to make America safer? Could you share that with us?

Mr. KLEIN of Florida. Sure. I listened to Congressman MURPHY, and I listened to veterans in my home district of Broward and Palm Beach Counties, and whether it was World War II, the Korean War or the most recent conflicts we are involved in, these are brave men and women that put their lives on the line, and they deserve to be supported, both on the ground and when they come home.

I thank you for your service, and I certainly thank your colleagues over in Iraq and the men and women that are fighting and protecting our freedoms all over the world.

□ 2145

You know, when I think about September 11, which was a dark day for our country, and what happened in our country with the failures that allowed these terrorists to attack us, and the deaths, the needless deaths that occurred in our major cities, it was an awakening for this country. But it was also a time when we had an opportunity to really take stock of where our shortcomings were. Where were the intelligence failures? Where were the communication failures? Where were the vulnerabilities in our airports and our seaports and all these other places where people came in from other countries to harm us and kill our people in this country?

And there was a man named Osama bin Laden who is still out there. Hard to believe today. When you think about what our number one strategy should have been was to find the perpetrator and the perpetrators of this terrible, terrible tragedy, and he is still out there today. That needs to be rectified.

But beyond that, I think we all recognize things that came together after that; and there was this 9/11 Commission report, which was probably one of the most prestigious, important, qualified incredible groups that came together, Democrats, Republicans, professionals which said, let's figure this out. This isn't a Democrat/Republican issue; it is an American issue, and protecting our territory, our homes, our streets. And they came up with this 9/11 report. Which, if you haven't had a chance to take a look at it, it is not just reading you read before you go to bed and it will put you to sleep. This is gripping. This is really a very thorough analysis of what we need to do.

Unfortunately, it was a number of years that passed. Some things were adopted from that plan, but many were not. And I don't think it was anybody questioning the fact that this was a priority, but it wasn't passed. Many of the items weren't passed.

So one of the things that we said in our campaigns and we took up right away, and we are still obviously waiting for the process in Washington to be finished, but the House quickly took up the rest of the 9/11 Commission report and passed it. And I just want to highlight a few key elements.

We know that there were problems with aviation security. Those elements, those recommendations have been adopted. We know that there were port problems and port security issues. Most containers that come in, substantially most of the containers that come into our ports are not inspected. I come from southeast Florida. We have Port of Palm Beach and Port Everglades. Port Everglades is a main oil terminal among cargo and container in great bulk. Tremendous risk if you happen to be anywhere near those areas and something, God forbid, comes in in the form of nuclear materials or biohazardous materials or anything else that comes into those ports. And this is all over the United States. Ownership of the ports. We all know about the Dubai Port issue. That has been straightened out through our legislation.

Certainly the idea of preventing terrorists from even getting into this country, visa changes, rules changes, all these things are so important. And not to mention the people that are on the ground fighting for us every day, our firefighters, our emergency responders, our police officers. Every one of us feels very strongly about them. And as we grew up and you wanted to be a fireman or you wanted to be a policeman, not everybody chose that profession, but, boy, on September 11 did we as Americans have a newfound respect for what they did for us.

But what we needed to do that wasn't done was to give them the tools, the communications tools like they needed in New York and other places so they can make sure that they can communicate with each other, and that local and State and National Federal intelligence agencies can properly share that information. These things have now been passed by the House of Representatives, and it was one of the first things we did. And that is the right thing to do. And whatever it costs, that should be at the top of our budget. People say, well, it is expensive. You know something? You prioritize. You say, what is first? Homeland security, protecting our troops, making sure they are properly funded. And I know that Congressman YARMUTH is going to talk about the incredible great work we have done for our veterans.

These are the things that are our Nation's priorities. These are American

values and America's priorities. And I am very proud that we as the freshman class participated with the rest of the Congress, and mostly Democrats, and Republicans, came together that said, yes, we are going to take care of the American people first. So I just wanted to share those elements with you.

Mr. ELLISON. Congressman KLEIN, I want to thank you for those excellent observations. The American people need to know that this 110th Congress takes their security and their safety very seriously. We are not going to mess around. We believe that the people have a right to be safe. In fact, one of the first obligations of government is to make the people safe and secure in their homes.

So you already correctly, Congressman KLEIN, talked about our veterans, and I think it is probably a good idea to talk about what we are doing for our veterans. It is one thing to say, support the troops; but we have got to talk about really supporting the troops. Congressman YARMUTH, can you give us a word on that?

Mr. YARMUTH. I thank the gentleman from Minnesota. And I would also like to echo my great respect and admiration for our colleague from Pennsylvania who has spoken so eloquently on various occasions about the costs being paid and the sacrifices being made by our great men and women overseas, and how much that means to them. And I think this Congress has responded to those sympathies and those emotions in what we have done to actually support our men and women, our veterans, our wounded warriors who have come back from these very troublesome spots in the world. And we have done it with more than words, and that is what is important.

In the continuing resolution, as we all know, the prior Congress did not pass many of the appropriations bills. They left it up to us to try and fund most of the government, and we responded in the best way possible: we passed a continuing resolution. But we didn't just pass a sustaining fund because we recognized that we needed to embellish those funds to take care of our veterans and the increased costs that are being incurred by this war we are fighting in Iraq and Afghanistan. So what did we do?

On January 31 when we passed the continuing resolution, we added $3.6 billion to take care of veterans health care. $3.6 billion. We recognized not only our moral obligation to our veterans but also the promise that we made to them. This government, the people of this country made a promise to those people who volunteered to fight for their country that we would take care of them after they left the service, we would take care of their health care. This Congress recognized and realized and responded to that commitment that we had made to them. Unlike prior Congresses, we increased funding by $3.6 billion.

But we weren't finished yet. When we passed the supplemental, we didn't just give the President what he wanted to perpetuate this war, which many of us want to leave, but we said we have men and women who are coming back who are wounded, who are seriously wounded. As we have seen in Walter Reed, we weren't taking care of them adequately, we weren't responding to our commitment to them, our moral obligation to them; so we added $1.7 billion more in this supplemental to take care of our veterans, to take care of our wounded warriors.

We understand what supporting our troops means, not just when they are under fire when they are in the battlefield, but also when they come home after they made that sacrifice. We have a commitment to them. We have realized that; we have responded. And I think that the American people can be confident that our veterans are being well taken care of by the 110th Congress and by subsequent Congresses, too.

Mr. ELLISON. Thank you, Congressman YARMUTH.

I want to keep the theme of national security going for a moment, because the health of our people is also a national security issue. And, again, as we talked about in the very beginning and when we were introducing our freshmen who are here tonight, Congressman KAGEN did speak eloquently about the importance of making sure that our seniors have safe and affordable medications.

Congressman KAGEN, can you give us a word about the importance of keeping the health and welfare of our people strong?

Mr. KAGEN. I don't have to remind anyone here that if you don't have your health, you don't have anything. If you do serve in harm's way, if you are brave and honorable and serve, as many thousands and thousands have done. From my district in northeast Wisconsin, 20,034 brave Americans, men and women, served in both Iraq and Afghanistan. And when we passed the supplemental bill we voted to support our troops before, during, and, very importantly, after being in harm's way. We stood up to our responsibility. They covered our back. Now it is time we should cover theirs.

It is not just the veterans that need help. Our senior citizens, they can't afford their prescription drugs. I came to Congress because one time in three when I would write a prescription in my practice, my patients could not afford the medication. It wouldn't be on the list, their insurance company wouldn't cover it, and they went without. And today in America, people listening here tonight are asking this Congress, the 110th, to stand up to the drug companies and to the health insurance companies and get the job done.

I think if I stand back a little bit and give a bigger picture to what is going on in the 110th Congress, take a look at the class of 2006, our class, which I consider America's hope, what is the difference between what we are doing and the previous Congress? We are listening to the people and we are speaking out on their behalf. They can't be here tonight, but their voice is being heard.

The other difference is judgment. I believe it was poor judgment that took us into Iraq. It was poor judgment in the administration that prevents our people from having affordable prescription drugs and affordable insurance. One of the biggest comedies here in America is the 47 million people who do not have any health insurance at all. And what they haven't figured out is they are paying for everybody's health costs because they get to pay the real bill, the top-dollar bill. They don't get a discount at all. So we have to change things in America and move where we can afford the prescription drugs, where we can afford to have insurance coverage for everyone.

But this 110th Congress, when you talk, Congressman ELLISON, about security, we also passed a bill, H.R. 327, to help prevent suicide in veterans. Now, in my district that will help 64,000 veterans in northeast Wisconsin alone.

We also enacted the 9/11 Commission on Homeland Security recommendations, H.R. 1. That will help 245 police and fire departments throughout my district.

We also passed a bill, H.R. 4, that would require the Secretary of Health to negotiate for lower prices for our seniors for their prescription drugs. In my district alone, that helps 68,000 senior citizens, if only the Senate would put that language in and if only the HHS Secretary would be so kind as to use his buying group to negotiate for lower drugs.

I think you can look for positive movement from the 110th Congress. We are not afraid to back down from any interest that harms those that we serve.

Mr. ELLISON. Thank you, Dr. KAGEN, our fellow Congressman who we are so proud of.

And I think it is now a good time, my colleagues, we have gone over what we have done. There is much, much more. We can't go over everything because we have just been that busy. But it is time to talk about a direction. We have got to write the vision and then pursue it.

And I want to ask you, Congressman HODES from the great State of New Hampshire, to talk about where we are going. We can't just rest on our laurels, though we have done pretty good so far. We need to talk about where we are heading.

Mr. HODES. I thank you, Mr. ELLISON. You know, I couldn't help when I was listening to PATRICK MURPHY, a brave veteran who served his country and came to Congress and is serving again, continuing his service, to think about how touched I was when he talked about his new baby. Because, really, what we are talking about here is a vision for this country and a vision

for the world that is going to take us on into the 21st century, because we face challenging new times. Things have changed in this country, and the American people know it. And in many ways they are far ahead of the politicians, they are far ahead of many of us. They understand that things have changed in this country.

The conflicts we face are different kinds of conflicts. It is no longer nation against nation. We face threats from a shadowy network of people, terrorists who would do us harm. And we have to be strong to be able to fight terrorism.

But what does being strong mean in the 21st century? The American people have demanded a new direction. They have demanded a new way to defend our country. They want us to fight terrorism, and we intend to fight terrorism; but we intend to do it with a greater focus on those who attacked us on 9/11, with a greater focus on homeland security, on making sure that we are keeping nuclear weapons out of the hands of terrorists. Perhaps the greatest threat we face, which went by the boards because of this administration's preoccupation with fighting the wrong war in Iraq which has diverted us from really focusing on the concentrated effort we need from law enforcement, from intelligence, from military, from diplomacy, from the soft power that America, has been extending our cultural ideals and principles out into the world to show people that we are not merely going to bully people with weapons, but we are also going to stand on our ideals and principles.

So defending our country and staying strong means making sure that we have a responsible strategy to disengage from Iraq so we can deal with Afghanistan, and Pakistan, where Osama bin Laden is still hiding out, still directing al Qaeda; so that we can do what we need to do to go back and finish the job that this administration left unfinished. That is what defending our country means, because this war in Iraq, as everybody in this country is seeing, has left us weaker. It has caused more terrorism, more death, more disdain for the United States.

□ 2200

I am sorry for that. We want to see us return to the place in the world where people care about us because of our values and our principles, and that is one of the most important things that we are going to do in this 110th Congress.

We are going to improve our military readiness by making sure that we are going to rebuild a 21st century force, capable of projecting power and our ideals to protect our country and our interests, and that means new thinking. It means new thinking about how we deal with the conflicts we are in, how we deal with the conflicts in the future.

It means part of the reason that we hope the President takes his cue from the American people and faces the reality of the mess that he has made and changes direction is so that we can rebuild our military to make sure that we can face the conflicts of the future.

We are going to demand accountability, and we are going to end the rubber-stamp approach to congressional oversight of the war in Iraq and we have started to do that. We are going to continue to do that. We are going to fight the war on terrorism, and we are going to hold our own government accountable for failed policies. We are going to respond to the American people who want a new direction, and we are going to deliver on homeland security.

That is the first way. That is the first thing on our agenda. It is a new vision of what it means to be strong. It is a new vision of what it means to defend our country.

We can have all the military might in the world and we do. We spend more in our budget than all the rest of the world combined spends on defense, and I ask, you has it made us safer? Have the policies of this administration made us safer? The answer is no.

We see there has got to be a new direction. We see there has got to be a new vision, and that is what Democrats are bringing to this 110th Congress when it comes to defending our country and keeping us strong. There is a new definition of national security, and that is what we are all about.

Mr. ELLISON. I thank Congressman HODES. Let me now just ask Congressman KLEIN, what about our energy future? What are we going to do into the next decade? We have seen all kinds of challenges with global climate change. We do not want to be depending upon unstable regimes around the world. How can Americans trust that this 110th Congress, this Democratic-led Congress, actually makes sure that we ensure our energy future.

Mr. KLEIN of Florida. Well, that is an interesting question, and I think we should look back the last few years.

The President in his State of the Union address about a year ago correctly said we are addicted to oil. I think everybody understood what he meant by that, and yet Congress, a number of months later, passed an energy bill which gave billions of dollars to energy companies and subsidized more oil drilling.

Now, oil will always be a part of the energy policy of the United States, but this notion that oil is our way out, to me, is just ridiculous. This is interesting because when I have been speaking at schools back home, and I am sure you have been doing the same thing, and I want to talk to our young population, our students, as well as our adults.

The calling of this generation is to move toward making this country energy independent. It goes right directly to what Representative HODES was talking about, defend our country. The number one thing that we should do to ensure that we are defending our country is making sure that we are not continually dependent on importing oil from countries that are not reliable partners, and whether that is Middle East countries or Venezuela or any other country if you have been following around the world where we are daily bringing in 60 percent of our oil in the form of imports, that is a dangerous prospect and a dangerous policy.

So what we can do about it? We can focus, just like in the past, the attention of the American people, our scientists, our public sector, our private entrepreneurs, our people that have great vision and say, what can we do to make ourselves energy independent? Is it solar, is it wind, is it wave, is it thermal, is it any combination of science that can go along with this?

We put a man on the moon when said John F. Kennedy said, we are going to fight against the Sputnik, that little can that went up into space. We created the Manhattan project, that we knew it was a matter of our national security to make sure that we developed a nuclear weapon, it was an atomic weapon at that time, to make sure that we would end World War II successfully. That was a commitment that Americans, with our ingenuity and our science, put that all together.

Well, I do not think there is anybody who is listening tonight does not believe that Americans, if they put their nose to the grindstone and we make our commitments as consumers, as scientists, as public and private people, that we cannot accomplish that same goal. It is a matter of national security. It is a matter of our environment. You already mentioned this, global warming, and the science, the carbon dioxide and all those things, and it is also a matter of a new economy.

We think about jobs for the next generation, the science, that we can lead the world and export our technology and be successful.

A new energy policy is the calling of our generation, and I hope and I believe, based on the freshman class, by the way, the freshman class of Democrats and Republicans coming in and listening very closely to the public, I think there is a great opportunity for us to all work together and change it from just an energy policy that is dependent on oil to one that will really improve our environment, create new jobs and really protect us in this next century.

Mr. ELLISON. I thank the Congressman. Now in the last five minutes of our evening tonight, I want to just throw it over to Congressman KAGEN again who really is very versatile, can speak on any issue, but I want to ask you if you would to simply comment on care for our children and our families.

We have seen over these last several years children and families really face some difficult times. We need to project a greater vision for our children and families. Can you speak to

what the people can expect in this Congress for our children and our families.

Mr. KAGEN. Well, I would say, first of all, thanks to Congressman KLEIN for pointing the way forward about becoming an energy independent Nation. In a bipartisan statement, I will tell you Republicans can grow corn just as good as the Democrats, but we cannot grow our way out of this energy crisis. It will take technology and innovation to get off of dependence on foreign sources of oil.

But our families and our children are really at risk of this new economy that we have. We really have to get back to the basics in America.

It is really amazing that it is the Democrats that are the fiscally responsible party here when you think about it. Think about the old laborers. We are the fiscally responsible party. We do not believe in borrow and spend. So there are four deficits in America that I will point out tonight to you and have you respond to.

The first deficit is a savings deficit. Our families are not saving any money. For the first time since the Great Depression, 1933, we had a negative savings rate last year.

Second deficit we had is a budget deficit. Last year, our budget deficit was over $250 billion, and if you throw in the $175 billion that we credited from Social Security, it is over $400 billion on every citizen's head. Every working man and woman has a Federal deficit of $425,000.

The third deficit is our balance of trade deficit. China has an advantage on us or, shall I say, Communist China where their government will invest illegally in corporations, and that puts every manufacturer in this country at a competitive disadvantage by 30 percent right out of the box.

The fourth deficit we had until last November was a deficit of leadership, leadership that would stand up, put their foot down and say there is a better way of doing things.

I think you will find our Class of 2006 will work together with all parties to fashion a better future forward. By working together, we will build a better future and a better Nation for everyone and every man, woman and child in this country.

Mr. ELLISON. That is right. Let me say these last remaining moments, just go around quickly, say good night to the folks, and those deficits, we are going to be filling quite quickly. I just want to throw it to Congressman HODES as we begin to wrap up tonight.

Mr. HODES. I appreciate the opportunity to be with you all tonight and talk about where we have been, where we are and we are going to take this country.

We are going to defend our country and we are going to grow our economy, care for our children and families. We are going to protect our planet with a 21st century energy policy. We are going to deal with energy independence and global climate change. We have restored accountability, and we are going to keep on restoring accountability because in this 21st century we are in a global economy.

The Democrats and the new majority here in Congress are committed to growing our economy in a way that really spreads opportunities to everybody. It means fair trade policies that incorporate fair environmental and labor standards so that every American worker can operate on the same playing field.

We are going to grow the economy. We are going to invest in research and development. We are going to make sure that we are moving this country forward.

So it has been a great time to be with you tonight.

Mr. ELLISON. I go to Congressman KLEIN for a few final words.

Mr. KLEIN of Florida. Mr. Speaker, I thank you for being here tonight. It has been a pleasure to be with this freshman class, I look forward to continuing to work on all these items and more, and look forward to working with our people back home and making sure we are listening to their ideas, as we have been, and just continuing to move our country forward.

Mr. ELLISON. Congressman KAGEN.

Mr. KAGEN. You can look forward to good judgment from the 110th Congress on both sides of the aisle. We have got a great leader, Madam Speaker NANCY PELOSI, who has a steel spine, and she will keep us on this path of fiscal responsibility and being socially responsible.

Mr. ELLISON. Mr. Speaker, we are going to wrap it up right now.

I want you to know that this class of 2006, this 110th Congress, is pointing the way forward for a better America today, tomorrow and in the future. Thank you all very much.

A QUARTERLY REPORT CARD

The SPEAKER pro tempore (Mr. PATRICK J. MURPHY of Pennsylvania). Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. MCCARTHY) is recognized for 60 minutes as the designee of the minority leader.

Mr. MCCARTHY of California. Mr. Speaker, tonight we are going to open something new. If you are like in my house, every 3 months if you have kids in school, in my house it is Connor and Megan, they just got their report card, and that is what tonight is about, a quarterly report, what has gone on in this 110th Congress.

Well, tonight we are going to hear from the freshman class of Republicans, and our goal here is to put the people before politics.

Much like what we have seen, we want to find solutions. We want to move America in the right direction. We want to tell you first and foremost what has gone on here for the last 100 days, give us a report card, tell us where we are going, and the most important thing, we want to bring accountability back to America.

So tonight we are going to start off, and we have got an interesting freshman class. We have got people from all walks of life. This is a microcosm of society, just much like America is. So our first speaker is going to be the president of the Republican class. He comes from Idaho. He served in the legislature. From Boise, Idaho, we have Mr. BILL SALI.

Mr. SALI. Mr. Speaker, I thank Congressman MCCARTHY. I appreciate the opportunity to give this report on this first quarter. I think it is very apt for us to let the folks back home know exactly what is going on from a Republican perspective.

In the first quarter of the new Congress, the new Democrat majority has made its priorities clear by acting to impose higher taxes, more government spending and by attacking key aspects of the Idaho way of life.

In the last 3 months, the majority has acted to impose the largest tax increase in more than a decade. In fact, within the first month of Congress this new majority passed H.R. 6, a bill to increase by $7.7 billion over a 10-year period, an increase that will effectively affect the price of gas at the pump and further our addiction on foreign oil.

Instead of higher taxes and continued increasing reliance on foreign oil, my constituents need lower fuel prices, but in the first three months in Congress, this new majority has done nothing to lower fuel prices but to the contrary has acted to actually increase the price of gas.

In the same 3 months, the new majority has passed a budget that includes almost $400 billion in increased Federal spending, a budget that failed to address the explosive growth in entitlement spending, spending that will consume over 60 percent of the Federal budget in 15 years.

The Democratic majority has focused in the Natural Resources Committee on what they call the evolving West. Those of us who are actually from the West are calling it the war on the West. The majority has had countless hearings primarily to paint an inaccurate picture of the West and its issues.

The reform of Federal forest land management policies should be their focus in these hearings. We have forests that are overgrown and are fire hazards to our communities. We lack access to our lands, and we are under constant attack from radical environmentalists. We need better forest management, and the Federal Government needs to be a better landlord instead of an absentee one.

This should be the focus of their agenda in the Natural Resources Committee if they really want to help us in the West.

The priorities of this new majority were further illustrated when they mandated the Commander in Chief, withdraw troops on an unprecedented

and arbitrary timeline without any consideration of what is actually happening on the ground. The same new majority conditioned financial support for our troops on funding of unrelated and various pork barrel projects, including $5 million to study tropical fish and $74 million for peanut storage.

In a time of runaway deficit spending, something needs to change dramatically. The change the new majority proposed in the first three months, however, is to proceed in the wrong direction, the direction of debt, deficit and defeat.

□ 2215

We need to balance the budget. To do so, we must cut Federal spending. Congress' ongoing spending habits continue at the expense of our children, and we owe it to Americans and we owe it to our children and our grandchildren to cut spending.

That is why I stood with my Republican colleagues and supported an alternative budget plan to balance this Federal budget by 2012 in just 5 years. Together with a balanced budget, I also joined my colleagues cosponsoring legislation to make permanent numerous tax cuts, numerous tax credits that affect average American families. The American taxpayer will work through April 30 this year just to pay their share of taxes.

Well, change, indeed, must occur. My priorities for change are these: spending must be reduced, tax burden on American families and small businesses must be reduced, our natural resources in the West must be responsibly managed, the constitutional authority of the President must be respected. Unfortunately, the priorities of the new majority, as evidenced over the last 3 months, are not my priorities, and they are not the priorities that the people of Idaho hold.

Mr. MCCARTHY of California. Thank you, Congressman SALI, for that update because that is what the American people want to hear. They want to hear about accountability.

As we know, we have been here 4 months; we have cast more than 200 votes. We have something to show where we are going, and pretty much what it is going to be is a report card, a quarterly report for across America.

The next speaker we have tonight, for those that live in Nevada, they know this person well. He has already made a very big name for himself. He was the secretary of State for three terms. He was able to work in a bipartisan manner, bring Republicans and Democrats together. He is still doing it here. He is putting partnership, not partisanship, forth.

The one thing I have seen from this Congressman, Congressman DEAN HELLER, he represents the largest part of Nevada. There are only three Members of Congress who are serving from there. He represents about two-thirds of the State, even more.

He serves on Natural Resources, he serves on Small Business, something he knows well, creating small businesses, and he also got put on Education and Labor, caring about the education in America.

Let's hear from you a quarterly report on what you have seen in the first 100 days and what you think reflects on your district, Congressman DEAN HELLER.

Mr. HELLER of Nevada. I want to thank you for the time and the opportunity to serve with you here in this Congress. I certainly appreciate our freshman class, the work they are putting in it, the voices they have and the changes they are bringing into this Congress. It really is an honor to be part of this freshman class serving on my side of the aisle.

I would like to change direction. You talked a little bit about Nevada and the State of Nevada. My district is more than 1,000 square miles. To give you an idea of every time I go home, I travel about 1,000 miles just in visiting neighborhoods, going to Elko or going to White Pine County and visiting Ely or Tonopah. It is a lot of travel; but it is very critical, as we take these messages back and talk to the people here, what's going on in Washington, D.C., as reflects what is going on in our districts.

I tell you, it is a pleasure and an honor to serve here in this Congress. It is maybe 20 after 10:00 here in Washington D.C., but it is prime time in Nevada right now. My friend from California, it is prime time in your district too, so it is a pleasure to be speaking to your constituents and mine as well.

I tell you, I want to go in a little bit different direction here. It is an issue that is very, very pertinent, very important for the State of Nevada. This is an issue that was discussed this morning in an Appropriations subcommittee on the Department of the Interior, and that is the issue of wildfires. Living and serving in a district as rural as my particular district, which I think is the largest non-at-large district in the Congress, wildfires are a critical issue.

But before I get there, I want to give a little bit of background. First I want to begin with an explanation to those who are viewing this that 85 percent of Nevada is controlled by the Federal Government. A lot of people don't quite understand that, but 85 percent of the land in Nevada is owned by the Federal Government.

As some of you may know, this does present many unique challenges to the communities that I represent. Opportunities, for example, economic growth, development, are stifled by the lack of private lands.

Additionally, local governments are prevented from collecting taxes on the Federal lands in their communities, thereby inhibiting their a ability to provide funds for important services, such as education, emergency care, fire and rescue, transportation, obviously including roads, streets and roads.

I would challenge any State to take 85 percent of their private lands and make it public lands. Take 85 percent of your private lands and put it in the hands of the Federal Government and take the revenues with it. Imagine your inability to have the money necessary for your educational system, the money that is necessary for your infrastructure for roads, money necessary for emergency care, and fire and rescue. That is what we are dealing with in the State of Nevada.

For generations, my constituents have relied upon the land for their livelihood. For the most part, they have been very good stewards. In areas where good stewardship was not exercised, Nevada has done the very best it can to restore those lands back to health.

Nevadans have an acute awareness of the importance of our Nation's Federal lands. For generations, my constituents have been the stewards that have kept important areas in Nevada accessible to the rest of the Nation.

I am greatly concerned by several aspects of the administration's proposed funding levels for fiscal year 2008. Not only did the administration request a substantial decrease in PILT funding, which is Payment in Lieu of Taxes, but funding for other functions is unfortunately low, including zeroing out the Range Improvement fund, which is an important program. It gets dollars to the ground to improve range land health.

One area where I wish to draw particular attention, and I mentioned earlier, is the funding relating to wildfires, particularly in range land areas.

Last year, in Nevada, Nevada alone, over 1.2 million acres, or over 1,500 square miles, were destroyed, causing devastating impacts on the wildlife, livestock and Nevada families. Let me put that in perspective for a minute, 1,500 square miles, clearly much bigger than the District, almost the size of Delaware. In fact, I think it is larger than the size of Delaware, burned in the State of Nevada; the size of Rhode Island, burned in the State of Nevada. You take those States, that is how much land is burning in Nevada each year.

Most of the damage to private individuals is caused by fires that spread from Federal lands onto private property. In a State where a mere 15 percent of the land is available for private ownership, we simply cannot afford this kind of loss. Additionally, it is unconscionable that unlike other disasters, those who are victims of Federally fueled devastation received little or no assistance from the Federal Government.

This is a glaring problem, and I certainly do hope to work with my colleagues, especially the freshman class here, in the future to right this particular wrong. In order to mitigate the disastrous wildfires we have seen in the past, we need to have a healthy range land, which means dedicating funds to range land restoration and management.

A healthy range land will support wildlife, wild horses, livestock, recreation and a variety of other multi-uses. We do not have to choose between those functions if we work to restore our range lands.

To achieve a healthy range, we need to advance commonsense solutions that will protect communities, people in our natural resources. This includes the responsible management of wild horses and burro populations.

It is vital that we use active management to remove excess hazardous fuels, such as pinon juniper, cheatgrass and other invasive species. They fuel wildfires like we saw in Elko County and other parts of Nevada last year.

Since coming to Congress, I have had the opportunity to meet several times with my constituents who have traveled from rural Nevada to Washington D.C., to discuss the devastating impacts of wildfires and what we can do to mitigate and prevent them. To a person, they all expressed the dire need to restore range land health.

As I finish, I want you to know that I agree with my constituents. It is my hope that my colleagues will recognize the importance of adequately funding management of our public lands for the purpose of environmental health and multiple use.

I appreciate the time you have given me to discuss this issue that is critically important for the State of Nevada. I am certain for the President of our freshman class coming from Idaho, it is a pertinent issue for his district also.

Mr. MCCARTHY of California. Thank you, Congressman HELLER. One thing, as constituents know, this is an individual that believes in solutions, trying to find commonsense solutions for problems out there, and just what you talked about today.

I know you tell me many times we serve here Monday through Friday and you fly back home, you will travel 1,000 miles in that car that weekend just because your district is so large. Last night I saw you were late past 10:00 to do a tele-town hall just trying to listen to your constituents. That is what this is really all about, finding accountability and listening to constituents. I appreciate your service.

Now we are going to go across the country and hear from Florida. If you happen to be down in Clearwater or Palm Harbor, you know who this individual is. He is already making a very big name for himself here in the 110th. If you happen to be a veteran in America today, you know him because of his service. He serves on Veterans' Affairs, and he serves on Homeland Security. He has been doing a tremendous job.

We now want to hear from the 9th District of Florida, GUS BILIRAKIS. Mr. BILIRAKIS, could you give us an update of the 110th Congress.

Mr. BILIRAKIS. Like all of us, I came to this body seeking to make a difference for my constituents and all Americans alike. We have chosen a life in public service and promised to fight for what we believe in. That is what we are doing. We promised to fight to give future generations the opportunity we have. We promised to fight to continue the prosperity of this great Nation.

Unfortunately, as I reflect back on the first quarter of the 110th Congress, I do believe that the Democrat leadership has broken their promise to the American people. Supporting our courageous men and women in the military and addressing the gulf States homeowners' insurance crisis are two of the most important issues my constituents raised to me.

Despite many Members' requests to address these vital matters in a timely, bipartisan manner, our pleas have fallen on deaf ears. It is with great disappointment that I go back to my district with the expectations of the American people so far unfulfilled.

Regardless of the individual opinions regarding the war in Iraq, every American supports our brave men and women who serve this country with great honor and distinction.

Just as we are forever indebted to yesterday's servicemembers who wore this country's uniform, we will never be able to fully repay today's gallant heroes. I am so very proud to serve on the veterans committee.

We task the members of our Armed Forces with extraordinary responsibilities. The very least we can do is provide them with the necessary tools and resources to accomplish their mission. Nearly a month has gone by since the House approved its version of the Iraq emergency supplemental appropriations bill, a bill so bad that USA Today editorialized against it and said: ''It is hard to say which is worse, leaders offering peanuts for a vote of this magnitude, or Members allowing their votes to be bought for peanuts.''

It is bad enough that the bill contained pork projects intended to secure Members' votes. It is equally as troubling that we have been delayed in going to conference with the Senate to work out a bipartisan compromise worthy of our men and women in uniform. The American Legion and the VFW have urged this Congress to pass a clean supplemental funding bill, which will get our troops the resources they need as quickly as possible. I am so proud of the American Legion and VFW for stepping up. They continue to be our heroes. Every day we fail to act is another day we dishonor our troops' sacrifices and valor.

The other vital issue to many Americans, particularly in my district and in the State of Florida, the Gulf Coast States, is the skyrocketing cost of homeowners' insurance. Many of our States are plagued by natural disasters that cost millions, if not billions, of dollars in damage. It is a terrible situation.

□ 2230

As a result, homeowners' insurance rates have simply become unaffordable in many areas of our country. In my State, in far too many instances these rates have tripled forcing many to leave the areas they call home. For others in the gulf coast region, this has become the most financially crippling problem we have faced in years.

My constituents have entrusted me to bring this issue into the national debate and come up with a solution. Yet as we approach the beginning of another hurricane season, this body has failed to act.

Earlier this month, it was predicted we would have a very active hurricane season. Many of us who represent coastal States have tried to bring this issue to the forefront, both Democrats and Republicans, but our attempts seem to have been in vain so far. As the result of an apathetic Democratic leadership, my constituents have been abandoned by the very people they have entrusted to protect them, and what a shame that is.

Along with the numerous bills introduced in the House which would help alleviate this crisis, I introduced H.R. 913, the Hurricane and Tornado Mitigation Investment Act. My bill would provide tax incentives for individuals to better protect their property against these deadly storms. As a result of strengthening their homes and businesses to better withstand these disasters, homeowners' insurance would drop and many constituents would continue raising their families in the place they call home.

I can't tell you how many times I have talked to my constituents, people who have lived in Florida for over 20–25 years and wanted to raise their kids in Florida or retire in the State of Florida, and they are forced to leave the State. And I know there are other States in that position as well. I implore this Congress to consider my and other insurance-related bills to help these Americans in their time of need.

When the Democrat leadership took the House gavel and control of Congress in January, they accepted it in partnership not partisanship. It is my sincere hope that we soon will debate serious topics that address the needs of this country in a bipartisan manner rather than political posturing.

Mr. Speaker, I look forward to working with my colleagues on both sides of the aisle to continue the prosperity of this great Nation.

May God bless our troops. We owe them so much, and may He continue to watch over the United States of America.

Mr. MCCARTHY of California. Thank you, Mr. BILIRAKIS.

Promises made and promises kept. You promised to do something about the insurance problem in Florida, and you have introduced legislation to do that.

You brought up a good point about what has happened in the first 100 days. The President asked for a security supplemental, one for our men and women in uniform, to make sure that they are

protected. But what happened when he asked for $100 billion? He got $121 billion. Where did the $21 billion come from? They gave money to peanuts and shrimp. That is pork. That is not what the American people want. They want accountability.

When it comes to accountability and a hardworking freshman Member, you don't have to look beyond Michigan 7 with Congressman TIM WALBERG. You serve on the Agriculture Committee and Education and Labor, and you are doing a great job. Can you give us an update on the first 100 days?

Mr. WALBERG. Thank you, Congressman MCCARTHY. I certainly appreciate the opportunity to bring not only an update on Michigan, but to talk to the American public about concerns that I have about the budget and what goes on in these great halls.

Indeed, it has been a wonderful privilege to serve here. As I listened to colleagues on the other side of the aisle in the hour preceding, I would agree that it is a privilege to serve with men and women of sincerity, of character and commitment and of passion. And although we have disagreements, we serve in a body that has tremendous impact and tremendous history.

Yet even as I say that, I recognize that we are simply temporary custodians of the seats we hold in Congress, representing districts of people, taxpayers, citizens with great concerns. But even more importantly, as I have heard discussed maybe a bit too often about the extent of abilities that reside here in the Halls of Congress in each of our Members and the background and the training and the expertise that we share, yet I think that misses the point because indeed the greatness, the ideas, the generation of the economy and impact upon this world does not necessarily come from us, although we are part of it, but it flows from the people we represent.

That's the greatness of this country that allowed great men who journeyed from afar like de Tocqueville, to say America is great because America is good. But when America ceases to be good, it will cease to be great. I think de Tocqueville understood that goodness was not simply in the high morals of a country that he noticed here, it wasn't simply in the great work ethic of the people he saw on these shores. And as he walked across Michigan and came away, and it is reported that he called our State the Wolverine State because he indicated that any citizen who could put up with the swamps and the mosquitoes of Michigan at that time had to be a wolverine in tenacity. Hence, the Wolverine State.

Yet our great country of citizens have to be tenacious as well when we have a government that has grown too large, too grand, and too costly for them to keep up. The greatness of this country is not big, expansive, expensive government, but rather, the greatness of this country is its people.

And so this week we came to Tuesday, April 17, and it was imperative to us, and it was significant in its gravity that it was tax day again, a day that strikes fear and even anger in the hearts and minds of many, if not most, of our taxpayers. We sat here in Congress in these hallowed halls of constitutional responsibility having just come through passing the largest tax increase in the history of our country, $400 billion over the next 5 years. And we let our taxpayers go through another tax day paying more for big government.

Right now, taxpayers in south central Michigan, the district I am privileged to represent as the temporary custodian of its seat in Congress, people who are hardworking, people who have committed themselves to the task of being good stewards of the wonderful resources we have in the Great Lakes State, of being the former arsenal of democracy, of being a major manufacturing State and agricultural State and State of higher education, and yet a State that is struggling right now, I am sad to say, because of an administration that continues to push higher taxes and more excessive government regulation. We are saddled again with looking at what Congress has potentially done to us by passing this massive spending package called a budget with a $400 billion tax increase over the next 5 years.

Taxpayers in my district of south central Michigan are making tough choices every day to ensure their family budgets are balanced. They do so by cutting spending and having fiscal discipline, a concept we would do well to emulate.

It is time we make these same commonsense choices on a Federal level. The budget proposal introduced by my colleagues on the other side of the aisle and, in fact, passed by them imposes the largest tax increases, as I said, in American history: $400 billion over the next 5 years, $400 billion that the taxpayers of this country will pay, that the businesses will have impact upon them and their ability to give jobs and security to the taxpayers and their workers.

Like the Democrats', as I would call it, ''insecurity supplemental'' that telegraphed their plan for defeat to our enemies, this budget telegraphs their plan for economic failure if we continue down that path for this great country. Their plan institutes a $3,000 tax increase for the typical Michigander in my district and embraces a spend now-reform later mentality.

You just have to go to some of the basic concepts of their proposal. The Democrat budget would hit 115 million taxpayers with an almost $1,800 tax increase in 2011. In addition, 26 million small business owners would see their tax bill rise by almost $4,000 that year. Marriage penalty relief would be eliminated for 23 million taxpayers, who would see their taxes increase on average by $466 by 2011. Raising taxes on families with children, it would hurt 31 million taxpayers who would see their taxes increase on average by $859 by 2011.

Those are just highlight scenarios of what is going on with that tax increase.

Congress needs to pass a balanced budget bill without raising taxes. We need to make tax relief permanent for hardworking American families and implement a commonsense policy for the future. That is why I was proud to support the Republican alternative budget proposal.

The benefits of our proposal, just a few highlights, 113 million taxpayers will see, if this were passed, their taxes decline by an average of $2,200. A family of four earning $40,000 will receive tax relief of over $2,000. More than 5 million individuals and families will see their income liabilities completely eliminated. Forty-five million families with children will receive an average tax cut of almost $3,000. Fifteen million elderly individuals will receive average tax relief of almost $3,000. Twenty-seven million small business owners, the breadbasket of the economy in my district, will save on average $4,700. A total of 7.6 million new jobs would be created under this proposal. An average of 168,000 new jobs a month could be created as well.

I think the message is clear, Mr. Speaker. This is the direction we need to go for this great country that has taken on challenges not only within our borders, but to continue doing what we are accustomed to doing as the greatest and most benevolent nation on this Earth because of what we have done to encourage wealth and prosperity and responsibility and accountability and benefits from all of that. That blessing that goes beyond our shores and makes an impact upon people that I had the privilege of seeing, whose beneficiaries came from sources that I talked with in Walter Reed Hospital today, the young men and women who served valiantly for us, who sacrificed for us to continue the progress and continue the benevolence of this great people.

Mr. Speaker, the American people long for a Congress that puts our fiscal house in order on a Federal level, but they want it done without expanding the size and scope of Federal Government.

They are asking for the greatness to continue within the people of this great country which would include this great government if we would indeed recognize where that greatness comes from.

So what a privilege again to be a temporary custodian of this seat in Congress, but what a huge responsibility to stand firmly for principles that will, if enacted, as we have seen historically 100 percent of the time, expand the economy, expand the opportunity, and offer freedom, opportunity and prosperity for our citizens and others all around this Earth.

Thank you for the opportunity, Mr. Speaker, and the gentleman from California, Congressman MCCARTHY, thank

you for putting this Special Order together this evening.

Mr. MCCARTHY of California. I thank you, Mr. WALBERG. You raised a good point. It has only been 100 days, and in less than 100 days, the largest tax increase in America has taken place.

During the campaign, you heard from both parties, you heard what people said they would do. In less than 100 days, they were broken.

If you happen to be sitting at home and you are married, you have some children, you are going to pay more. If you are elderly, you are going to pay more. If you happen to maybe seek the opportunity of America, worked hard, made a business, saved, bought some land and went forward, you happened to pass away, this majority party, the Democrats, want to take 55 percent of that. That is the difference.

I appreciate your principled view, let people keep their hard-earned money, and make sure that you bring accountability back.

Now we want to go to another place in middle America because that is where solutions are. We want to get an update from Ohio. In Ohio, you can find a lot of individuals, but you can't find someone who works harder. Congressman JIM JORDAN, along with his wife, Polly; I think they hold the American dream.

□ 2245

They are doing a fantastic job of raising their own children. They reach out into this community. They help others and make sure they are able to have a place to stay, a place a work and place for education. But JIM, Congressman JORDAN is the only Republican freshman to get placed on Judiciary. Why? Because of his work, not only as an attorney, but his work in the Senate in Ohio, that stood out across this Nation. And I want you to give us an update. Talk a little further more about taxes and what this 100 days have meant to America and how much this Democratic Party is going to reach into your pocket.

Mr. JORDAN of Ohio. Well, I thank the gentleman for yielding some time and for his work in putting this together and his passion and intensity and energy that he brings to the Congress and what he has done in our freshman class. I appreciate the remarks of the previous speaker. He talked about Tax Day, and he is right on target when you think about the amount of money government takes.

And I just want to start with a question. And there is probably a few people watching, probably mostly in the gentleman from California's district. Most people in Ohio are smart enough to get in bed at this hour. But there are a few people watching out there. And I just want to ask those Americans who are watching, do you think government has enough of your money already, or do you think they need more? And my guess is the vast majority of people in California who are watching, or in Ohio who are sleeping, understand that the government, the billions and billions and the trillions and trillions that the government takes in already is probably enough.

And the gentleman from Michigan was great in outlining what is at stake and what the Democrats want to do, because the Democrats obviously think different. The American people think, you know what, the government probably takes enough of my money. But based on what took place 2 weeks ago with the budget that was passed by the majority party, over the next 3 years the spending they want to do is going to take more and more money out of the private sector, where good things happen in our economy, where jobs are created, where prosperity takes place, more and more money out of the private sector and more money from the families across this great country, in Ohio, in the Fourth District, and across the Nation as whole.

So I just want to provide some perspective and context and framework for why that is a bad thing. And I think we just start with this basic premise: the stakes are high today. It is important that the elected officials, the politicians here in Congress, get it right for a change. There was a point in the past where, in spite of bad policies that the politicians may have enacted, America, because we were so uniquely positioned coming out of World War II, we were the economic superpower. We were the economy that was growing. It didn't really matter if bad public policy was put in place. We were going to excel. We were going to prosper in this world market in spite of the things that the politicians might have done.

But today the stakes are high and the competition is stiffer. And I just want to give some facts and figures and I will yield back to the gentleman from California. But recognize the framework we are in. Today, China has 1.4 billion people. India has close to 800 million people. Those two countries, over two billion people. United States of America, we just hit 300 million population last summer. Those two economies, China and India, over two billion people combined in those two countries, China's economy is growing at approximately 10 percent annual growth rate. India is growing at about 7, 7½ percent annual growth rate, quickly moving towards middle class. The competition is stiffer. And it is important today when you think about those numbers, those facts, those figures, that we in elective office do the policies right.

Raising taxes on business owners, raising taxes on families, $400 billion, as the gentleman from California pointed out, doing those things makes it tougher for our families, our small business owners, our economy to compete in that world market. And that is why it is important we not go along with these tax increases. That is why it is important we try to keep those tax cuts that are in place, so that family and businesses can prosper. It is that fundamental. The gentleman from Michigan was exactly right. And he ticked off, he read off the tax increases that will happen under the Democrats budget plan. And it is important we not go there.

I always come back to, you know, the very first thing we did in this Congress, the majority party, the Democratic Party enacted some PAYGO rules, which sound great. But what those PAYGO rules did was make it easier to raise taxes.

The last thing this Congress did before we went home for Easter break to see our constituents and visit our districts, the last thing we did before we went home for the Easter break was raise taxes. So they started off the Congress by making it easier to raise taxes. The last thing we did before we went home for break was raise taxes. And so that should tell you what is at stake here and why it is important that we fight for the American families, like the gentleman from California has been doing, and it has been a pleasure to serve along with him in that regard. And I will yield back some time and we can discuss some of this maybe as we move along.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PATRICK J. MURPHY of Pennsylvania). The Chair must remind Members that remarks in debate should be addressed to the Chair and not to a viewing audience or fellow Members.

Mr. MCCARTHY of California. Mr. Speaker, one thing we know on this floor, and you brought up a very good point, Mr. Speaker, as we talk, we listen to other Members here, the largest tax increase in American history happened within the last 100 days. And, Mr. Speaker, when we think about is America taxed enough, I simply, and I think about the average American, they wake up in the morning and they take a shower, they pay a tax on that water. They maybe stop off at Starbucks or someone else, and get a cup of coffee. They pay a tax on that coffee. They stop off, fill their car up so they can make it to work, drop their children off at school, they pay a gasoline tax. They go to work, for the first 3 hours they are paying the Federal and State tax. They go home, they turn on the TV, maybe to watch a little C–SPAN, Mr. Speaker, if anybody at home is watching this, they are paying a cable tax.

Maybe their business says they have got to get up and try to find more opportunity because the world is being very competitive, so they have got to get on a plane. They pay an airplane tax. They rent a car. They pay a rental tax. They stay at a hotel, they pay an occupancy tax. Lo and behold, God forbid they get very successful and they save some money, and they put it away and they want to give their children, their grandchildren some opportunity for the future. This majority party wants to take 55 percent of that.

Now, I don't know, Mr. Speaker, if this majority party was on that plane, was working hard to make sure those people earn that money, but I don't think they need to pay them. I think America is taxed enough.

And I will tell you, we need to go firsthand in that Budget Committee to see where the fight was, to see what was said and what went on. And the only freshmen Republican to get appointed to that was my good friend from Nebraska, ADRIAN SMITH. ADRIAN, can you give us an update on the Budget Committee and where it is going.

Mr. SMITH of Nebraska. Mr. Speaker, I am honored to be a part of this discussion here this evening, and certainly I consider it a great privilege to serve on the Budget Committee.

As witness after witness after witness told the Budget Committee that we should address the entitlement challenges we face and reform entitlements so that we can have a safety net, so that we can have an economy to preserve that safety net, we need to adopt some changes. And yet the budget that has been presented and is moving through the Halls of Congress does not address entitlement reform. That is my concern. That was the major thrust of the Budget Committee hearings, certainly, as I said, witness after witness addressing that.

But I stand here before you this evening concerned about the future. When I get asked why I would want to serve in Congress, I say it is because I care about the future. I care about the direction in which our country is heading. I believe that we need to encourage prosperity, not penalize it. And yet our tax policies are bound to penalize prosperity with the current budget.

We heard in the Budget Committee that we need to increase spending. More of the same. And, certainly, the supplemental, as so many folks know, this emergency supplemental spending bill contains items that are far from emergency in nature. I am afraid that there were too many politics being played in terms of funding the very necessary functions of our military so bravely serving overseas.

I am concerned about our future, and that is why I went to Iraq. I learned in Iraq that there are some bright spots. Certainly we have a lot of work to do. But it comes back to the economy. I am encouraged when I learn that there are more than twice as many merchant vessels traveling the one single waterway into Iraq from the gulf. I am encouraged when I see a developing police force perhaps in Ramadi. That is what contributes to the fundamentals of a sound economy with the rule of law.

But as we balance our policies overseas with our domestic policies here at home, we have to be mindful again of the future, the future that I believe can be bright with the sound, solid economy.

My friends so very eloquently pointed out the estate tax, commonly called the death tax. I can't help but think back to when I was visiting a business in my district, actually the Nation's largest producers of natural wool yarn. I didn't prompt this discussion whatsoever. But the second generation owner, or manager in this case, of this company said, Adrian, one thing you can do in serving in Congress is to reform or repeal the death tax. It will devastate us. ''Devastate'' was her word.

Now, one might think that the Nation's largest producer of natural wool yarn would be big business, big corporations, all these big companies that people want to beat up on who provide jobs. No, this is a family-run operation with about 45 employees that just reinvested many dollars so they could double their output, so that they could take new customers because before they invested in some expansion, they couldn't take new customers. And yet our tax policies will penalize them.

And, quite honestly, I don't care how large an estate one might have, I think it is wrong, fundamentally wrong, and actually unconscionable that the government would lay claim to 55 percent of an estate. Some people say, well, these wealthy folks can plan around it. Some can. Boy, you had better plan your debt too, as so many folks cannot.

But it all comes back to the economy. And I believe in Republican budget principles that are sound, through promoting enhanced prosperity, by balancing the budget and continuing the tax relief, through making needed reforms to entitlement programs, as our Budget Committee witnesses pointed out, increasing accountability through budget and appropriation reforms to help end Washington waste, fraud and abuse.

When we look, Mr. Speaker, at what is before us with the budget, it is the largest tax increase in American history: $400 billion, that is with a B, $400 billion tax increase. And my friends and I, Mr. Speaker, believe that that will be damaging to our economy. And I say that because of the facts. The facts point out that when tax relief was brought about in 2003, the unemployment rate went down. GDP went up. Jobs were created. And I find that exciting.

When I entered politics a few years back, I never thought that I would become so enthused about economic principles about good, sound tax policy, but I have seen what tax policy can do over these last few years, that tax relief can create jobs. Tax relief can leverage a family's dollars, hard earned dollars in our economy so that we can have good, thriving businesses in all of our districts, large and small, rural and urban. We need a good sustainable farm bill that builds on the future, that uses our experiences from the past, Mr. Speaker, in realizing that we need to build our markets with our trading partners. And we can expect good, sound trade policy, not giving away everything, and so that we can help our energy markets, we can help our agriculture markets.

And especially I find it so exciting about the future when we see agriculture and energy coming together. I think we need to be careful when we talk about energy. As I was reading an article the other day, Time magazine, I had an article that said eating a T-bone steak is as egregious in our environment as driving a Hummer vehicle. I found that to be quite surprising, honestly. I certainly represent an area that probably contains more cattle than any other district in the United States. And I don't bring up this issue because of that, but I think that as we address our energy needs and looking to the feature, we need good commonsense policies.

□ 2300

And that is what I want to work on because I do care about the future. I care about entitlement reform. I care about a balanced budget so that we can encourage our coming generations to focus on the future, so that they can see even more opportunity and that their prosperity is not punished through bad tax policy.

Mr. MCCARTHY of California. Congressman SMITH, I appreciate that. And you point out a very good point. During the Republican majority, we lowered taxes, and what happened? We heard from the Democrats that the world was going to collapse because we were going to let people keep the money they earned.

Revenues to the Treasury went up. Why? Because they invest it. More small business, more ownership. The stock market at an all-time high? Why? Because people got the independence. They actually invest and create jobs.

And that is what this House should be about, the power of the idea, the power of opportunity. Not to take. But in these first 100 days, the largest tax increase in history.

And I will tell you, as I walk these halls and I see these marble stairways, and you see as you walk that they are molded out by other feet that have walked before you, you think of how long a history that is. But just in the last 100 days history was broken. Why? Because this new Democrat majority went back to their old ways.

But they didn't just go back. They went further. They broke every record of every Democrat majority in the past. They raised taxes $400 billion. That is not a sound bite. That is exactly what happened on this floor, and that is what this is all about. That is what a quarterly report is about. Just like when I open the report card for Connor and Megan in my house, I want to know how my children are doing.

And as we end up here tonight and we close, Mr. Speaker, I would just like to hear the time report from the Members that are still with us. If we could just go around and they could give final statements just to sum up the first 100 days, this first quarter in this House of Congress.

I will yield to Congressman JORDAN.

Mr. JORDAN of Ohio. Mr. Speaker, again, I thank the gentleman for yielding.

And you talked about a $400 billion tax increase. I just come to the question, how many Americans think that government can spend money better than the private sector? How many Americans think that the government can spend money better than the small business owners in our communities? How many Americans think that government can spend that money better than the families that live in our districts and make this country great? That is the fundamental question.

And the gentleman from Nebraska was right on target when he talked about families. So often we get so focused on the numbers, the budgets, capital gains, dividends, tax rates, tax brackets, all this fancy political speak, and we forget in the end it is about people. It is about moms and dads having more money in their pockets to spend on piano lessons for Sally, soccer lessons for Johnny.

Saving for college is a huge thing. And I have got one in college, and I am paying them right now, writing those checks. That is what it is about. In the end, it is about families.

Jefferson had a great line. When you think about the size and scope of government, how big this government is going to grow under this proposal, Jefferson said, ''When the people fear the government, there is tyranny. When the government fears the people, there is liberty.''

Just ask yourself this question, as government begins to grow: If tomorrow you are at home and you get a knock at your door and you answer the door and the gentleman identifies himself and says, ''I am from the IRS,'' is your first response, ''Oh, joy, one of my public servants is here to help me today''? Of course it is not.

We have to understand that. If we want families to have the liberty and freedom they need to do what is best for their kids and their grandkids, we need to let them keep more of their money. And that is what our struggle is when we go forward, to try to make sure we can allow families to keep more of their money.

I know that is why I came to Congress and I know that is why the gentleman from California came to Congress and the gentleman from Michigan and the gentleman from Nebraska as well. So that is what we need to do, and that is what we are going to continue to do as we move forward.

Mr. MCCARTHY of California. I thank you for your service. We will just hear the last bit from the Congressman from Michigan, Congressman WALBERG.

Mr. WALBERG. Mr. Speaker, I thank the gentleman from California for yielding and for putting this together.

And I would agree with my colleague from Ohio. And it is tough for a Michigander to agree with anyone from the Buckeye State. We have wonderful rivalries that go on. But he is absolutely correct. We are talking about the future. We are talking about our kids.

I have a grandson, Micah, that I want to invest for by leaving a country that he indeed can have invested in for himself from his parents and the opportunity for them to use their resources to provide for him and provide for others in the process.

I have become greatly concerned with the concept that we have heard from the other side of the aisle too often about investing in our great economy. And ''investing'' in their vernacular means tax increases, spending more of government dollars which, in fact, are taxpayers' dollars.

We need to get away from that and allow our taxpayers, the generator of the economy, of a small business, of the manufacturer, the entrepreneur to be able to invest in themselves to make this great country stand not on its government but stand on its independence, its freedom. Because, Mr. Speaker, I am sure you and I would agree on this, that our responsibility here, as Members of Congress, is to fight for and defend and continue the freedom of this great country. And that comes with the ability for people to invest, to save, to spend, to enjoy their property, to be responsible and experience the virtues of hard work, of loyalty, of faithfulness.

I believe Jonathan Witherspoon said, ''A republic must either preserve its virtue or lose its liberty.''

It is a virtue for this country to reward its citizens for being responsible. It is a virtue for this country to applaud people who work hard, who save, invest, who create the economy. And it is a virtue for that same group of people, our citizens, to say to a government, we respect you for leaving that responsibility to us. That is freedom.

And, Mr. Speaker, I am deeply, deeply indebted to the people of my district for giving me the privilege to fight for that very thing along with colleagues like you have heard tonight on this floor.

Mr. MCCARTHY of California. Thank you, Congressman. We appreciate your principled belief to represent your constituents, those hardworking individuals from Michigan that are trying to create opportunity, trying to put their children through college, trying to have that home ownership, and at the same time taking care of their parents as they are getting older.

But this Congress says ''no.'' They want to take money out of their pocket and pass the highest tax increase.

Congressman SMITH, if you could just sum up tonight on what you see the future holding.

Mr. SMITH of Nebraska. Mr. Speaker, although we are coming to an end to this time of discussion, I think that we all hope that promoting prosperity that has taken place over the last few years will not come to an end. And I want to very quickly point out that this is what is about to come to an end, even though it has been working, even though we have been creating jobs, even though the deficit has been cut in half actually. Despite many of these spending measures, the deficit has been cut in half over the last couple of years. But we are about to see an end to tax relief for the average family of four earning $40,000 a year of $2,052 in taxes. Taxes are going to go up.

The Republican budget focuses on promoting prosperity through the tax relief of $4,712 in average taxes paid by 27 million small businesses. These are small businesses. These aren't necessarily the wealthiest of the wealthy. These are common, everyday Americans working hard and growing our economy.

I hope that we can come back to a budget that promotes prosperity by keeping the death tax at zero through 2012, perhaps even beyond, because I believe that the government should not have the right to take 55 percent of an estate. That would be 55 percent of a ranch or a farm in my district, where we are encouraging young farmers and ranchers to engage in the business, to engage in the economy. And yet they would have to come up with cash to inherit the farm or ranch? Unconscionable.

I believe that we can do better. That is why I like to focus on the future and I like to focus on the future through building our economy with sound tax policy, availing capital to our entrepreneurs so that our entrepreneurs can be creative, can pursue innovation and grow jobs, becoming prosperous. And they will pay taxes. They will pay a fair amount of taxes all along the way. But let's not take too much of it and punish them.

Mr. MCCARTHY of California. Well, Congressman SMITH, we appreciate your comments. And we come to a close tonight of the first quarterly report from the freshman Republicans. We will continue, Mr. Speaker, to bring this. We want to put people before politics. We want the people to know, Mr. Speaker, what happens on this floor. When they sit at home, we want them to know about the largest tax increase in history, $400 billion. We want them to know, as generation to generation, that someone who happens to be in my district who maybe wants to continue the ranch and someone passes away, that they have to sell half the ranch to just try to keep business the way it was, because government and this majority party wants to take 55 percent of it.

Mr. Speaker, we feel that is wrong, and that is why we want to tell it directly to the people.

We appreciate the time we have had, Mr. Speaker.

THE 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. PATRICK J. MURPHY of Pennsylvania).

Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 25 minutes.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to address the House. And it is always good to definitely come down to the floor and not only have a good discussion with our colleagues on the other side of the aisle but also all general Members of the Congress.

And I must say that, as you know, those of us that are members of the 30-Something Working Group come to the floor with fact and not fiction about what is happening in this country.

I had the opportunity, Mr. Speaker, to join the Commandant of the Marine Corps tonight at his residence as we had a send-off dinner for the 15th Command Sergeant Major of the Marine Corps, the highest enlisted Marine. And I know, sir, that you would have loved to have been there. It was a joyous occasion, and we definitely commend those men and women that are in harm's way, and that even those that are stateside are prepared to do what they need to do on behalf of this great country of ours.

Mr. Speaker, there was some debate earlier today about the legislative action to put forth conferees on the emergency defense supplemental bill, the emergency bill, to make sure that we are able to meet the needs of our men and women in harm's way and also other emergencies in the country. And I think it is very important for the first time in the history of this war, as far as I am concerned, or in this whole war, that we have had an opportunity to have a discussion.

There was great debate going back and forth from the Democratic side to the Republican side and arguments with some folks saying within this Chamber, well, why do we have to have language in the bill that may tie the President's hands?

Well, I must say that in this bill, in this emergency supplemental defense bill, there is nothing tying the President's hands. The President is still commander in chief. The Congress still respects his authority. And I think it is important for everyone to understand that in this emergency supplemental bill, defense emergency supplemental bill, that it is important that Members understand that in this bill the requirements that are there are already requirements that are adopted by the Department of Defense as it relates to the time that National Guard and reservists and active duty Marines, sailors, airmen, seamen and -women, Coast Guard, you name it, are supposed to be in-state with their families or in-country with their families versus deployed. That is one thing.

The second thing is to make sure that they have the necessary equipment and resources that they need. Mr. MURTHA speaks constantly about being in a Stryker Brigade and what it takes in a Stryker. The driver, the commander, the gunner, others, you have to be trained in those positions, not just, hey, you come over here, we need you in that vehicle now. The kind of equipment that protects and saves lives is very, very important. And our work is not done; we are still having men and women in theater. When I say ''in theater,'' I just want to break it down and make sure everyone understands those that are in Iraq and Afghanistan still dying.

□ 2315

Last week, there was a great debate about other news issues that were out there; one here in the United States, major news story, and one in the Bahamas, major news story. Meanwhile, back here at the ranch and in Iraq, we had four Marines die on that very day. It was just a blip, and then back to the stories of conversation of that day or of that week. And being inoculated to the fact that we are losing those that volunteer to protect this country and serve this country is something that we cannot get used to and something that we cannot tolerate.

And so having conferees to even have a good discussion, a bipartisan discussion on what we should send to the President representing both sides of this Chamber, and the Senate doing the same thing that we have taken action today to do I think is good for the country. It is not good for Democrats, it is not in place for Republicans, it is good for the country and those that we are sending these dollars towards.

In the middle of that dinner, I left to come back to vote, to make sure that we are able to give the conferees instructions that the majority of the House wish to have given them. And not only the commandant, but Command Sergeant Major Estrada said, Sir, we don't want to stop you from doing what you need to do because our men and women need it. And I was glad to be able to cast a vote in the affirmative.

I think as we begin to look at the politics of the funding of the war and the politics of the discussion, I think we have to remember first we are Americans. We are both members of the Armed Services Committee. There are Members who are not on the Armed Services Committee, but on other defense-related committees and Homeland Security committees. We know that bipartisanship has to be paramount in those committees.

Mr. Speaker, I said in the last Congress, I will digress here for a moment, I said in the 109th Congress that bipartisanship can only be allowed when the majority allows it. And I think under the leadership that we have now and the votes that we have taken, Mr. Speaker, on major issues, it allows bipartisanship. That is not just what I am saying; that's what I know because the CONGRESSIONAL RECORD reflects that history or that track record, one may say, of how Republicans and Democrats have voted in a bipartisan way with the Democratic leadership allowing those bills to come to the floor, implementing all of the recommendations of 9/11 bill, raising the minimum wage, making sure that we deal with the issues of stem cell research, and also making sure that there are more affordable drugs for seniors, prescription drugs, and cutting student loans, bipartisan vote, creating long-term energy initiatives, bipartisan votes, Mr. Speaker.

So I am not down here talking about what may happen. I heard some of my colleagues on the other side talking about tax increases and everything. You know, that is fiction. I mean, with all due respect, that's fiction. What I do know, Mr. Speaker, because the only thing that the American people, the only thing that really works in my House is the record. And this is before the break, and this is not even now. As a matter of fact, this was through 3/26/2007. Even talking about the votes that we have taken here in Congress, the kind of votes that we have put forth, Mr. Speaker, we had to pass and we had to finish the work of the Republicans in the 109th Congress.

They didn't even pass all of the appropriations bills. We had to pass a continuing resolution to make sure that the government doesn't shut down, to say that we will put aside Member projects and priorities back home. And that is very important to all of us because why are we here? We are here to represent our individual districts, but we put America first. And we said we will pass a continuing resolution. As a matter of fact, while we're at it, we will put $3.2-plus billion in for veterans health care into the system. And guess what? The Walter Reed story broke 2 weeks after that.

I am so happy that the leadership was taken not only by our Appropriations Committee chairman, but by the leadership of this House. And we did it, and it was natural. And it wasn't political; it wasn't a reaction to something. It was the fact that we knew there was a major void there and we needed to correct it after amendment and amendment and the minority and the Republican Congress in last Congress.

So when I hear Members come to the floor and kind of say what sounds good to the American people, I just like to come with the facts, and the facts are this: as of 3/29 of this year, roll call votes, if you look at the 107th Congress. And Mr. Speaker, I want to break this down, when we say 107th Congress, that means 2 years of Congress; 108th Congress, 2 years of Congress. This is something that we call it the ''do-nothing Congress'' because many media outlets called it that because we spent more time doing nothing than here representing the American people.

At that time, as of 3/29 of 2007, at that time 2 years ago, there were only 90 roll call votes. Under the ''new direction Congress,'' which is the 110th Congress, there has already been 189 roll call votes. This is when we are here to

work, when we are here to have committee meetings, when we are here to hear from the experts, when we are here to hear exactly what America has to share with us.

One last point, and then I want to address one more issue, Mr. Speaker.

I think it is important, when we started talking about the budget, we need to take that very seriously because there has been a lot going on in the last 12 years and a lot going on since President Bush has taken the White House and had a ''rubber stamp Congress,'' and those that said, well, you write it, we will pass it, without any questions and very few hearings. And now, Mr. Speaker, here in Washington, DC, we are having a lot of hearings, and it is benefiting the American people. It is not benefiting the Republican minority or benefiting the Democratic majority. It is benefiting this institution which we call the U.S. House of Representatives.

And I think it is very, very important that we allow Americans' dreams to come true. And many of their dreams are around good government, many of their dreams are around accountability, and many of their dreams are around making sure that the people they send to Washington, DC are watching out for their tax dollars and their investment.

I had a constituent visit me today, as a matter of fact, they were young constituents, and I had them in the gallery. They weren't even of the age of 10 yet, but they were happy to see their Congressman. And I was happy to take time. I canceled a couple of meetings and I took the personal time to make sure that those young Americans understood what this institution was all about. And they really appreciated it. They asked a lot of great questions, some that I told them I had to get back to them on. But being a father myself of young children, I know that children have some of the best minds that we have and we have to protect them. But they were asking serious questions not only about the war in Iraq, but about education and about the environment. And I think that is the reason why we have to put in the best service possible.

But let me just share something, since I am talking about children. I heard our colleague a few moments ago talking about the budget. And I can tell you, Mr. Speaker, if I could talk about the budget 23 hours of a 24-hour day, I would, because it needs to be talked about. And something needs to happen to it in the affirmative on behalf of the American people, and something has happened. It has happened in a way that I will assure you that those that run around and say, well, you know, your taxes are going up. Your taxes are not going up. I mean, I am going to tell you that right now. The bottom line is that we have accountability in this budget; we are going to work to take this deficit down.

And let me just talk about what is happening here. The interest payments on the debt, and this is 2008 budget, when we look at what we pay down on the debt, now you have to remember, 12 years of Republican control here in this House, 12 years of borrow-as-we-go, Mr. Speaker. And I think it is important that the Members understand, borrow-as-we-go, not pay-as-we-go, what we passed here on this floor in the majority with some Members of the Republican side, because I do say some of my colleagues on the Republican side first do understand that they represent their constituents, that someone woke up early Tuesday morning at about 7 a.m. to go cast a vote for representation, not casting a vote to be loyal to the Republican conference, and on this side, Democratic conference or what have you. But let's just make sure that we represent the people that we were sent up here to represent.

Let's just talk here for a minute what we pay on the interest rate on the debt. And this is in the billions. This is what we pay on the debt. That is a little bit over $200 billion. And I just want to point this out, Mr. Speaker, here in this light blue box here is education. You would assume this would be education. No, this is education. We actually have to pay down more on the debt because of the out-of-control debt. And we had surpluses as far as the eye can see after the Clinton administration, after the Democratic Congress, without one Republican vote, balanced the budget, and everyone made money and everyone had money just about. Welfare reform took place. States had dollars to be able to invest in areas, and some areas were able to give tax cuts to the American people in their State.

But, no, after that we decided, well, the majority, the Republican majority, decided to borrow all they could. And now they are upset because they can't borrow anymore. But this is what we are investing, well under $100 billion. Veterans, right there, below education, that is in the green. That is what we are investing in veterans health care. Not only health care, but veterans period as it relates to their benefits.

Homeland Security, down there in the purple, we are talking about protecting the homeland. That is what is invested in the homeland.

So you really have to look at this for what it's worth. And all of this is verified with third-party validators when we look at these numbers.

Mr. Speaker, where is the money coming from? Well, that is another good question. These are the dollars of what has happened under the amount of foreign-held debt, more than doubled under the Bush administration. Look at the numbers: here is 2001, 2002, 2003. Keep going. We are just borrowing money, foreign nations. We never owed this in the history of the Republic. I am not saying, well, this administration did it or that administration. In the history of the Republic since we have been a country, this has never happened.

And these numbers are in the billions. Someone may look at this and say, well, 1, 849, that's not bad for foreign debt. No. Why don't you try in the billions. And in 2005, up again. In 2006, up again. Foreign nations giving this country money to pay down on irresponsible spending, not worrying about it, but putting it on a high interest credit card.

This is my last chart on the debt. And I think, Mr. Speaker, this comes down to what I was talking about earlier when I said in the Democratic Congress without one Republican vote, and the Clinton administration, what took place. This surplus declined by $8.4 trillion under the President's policies. And we had a surplus of $5.6 trillion, and now we are under $2.8 trillion under the Republican policy.

So when we have Members come, and I encourage Members to come to the floor. I always say, Mr. Speaker, on both sides of the aisle that it is important that we have accurate information when we come to the floor. Take the time out and reflect, take a look at the CONGRESSIONAL RECORD, ask staff to pull together numbers and give you third-party validators. I think that's so very, very important.

This other chart makes it even clearer, Mr. Speaker. We love charts. I mean, the people that are in the chart business, I know they are happy because we love charts. But we had to break this down because we had to communicate with the Members. I don't want Members going back to their district saying, well, Ms. JOHNSON, if Ms. JOHNSON was to ask a Member of Congress, either he or she, well, why did you vote against such a thing that would decrease the debt that we have and no longer allow us to continue to borrow money? Why did you vote against something like that? Why would you vote against the emergency supplemental to send money to the troops? Why would you do these things?

I just want to make sure Members understand. I always share with Members, don't worry about what someone in this Chamber may say about your vote. You need to worry about what the people in your district will say about your vote when it comes down to these very, very important issues.

□ 2330

This even goes further, Mr. Speaker, and it really highlights the countries that we are borrowing this money from. Japan at the lead of the pack, this is in the billions. $644.3 billion. China. Think about it. China, $349.6 billion. China. Red China.

Now, what is going to happen when we get off a plane in China and start talking to the Chinese government about what they are doing to their currency, how they are using their currency against U.S. companies to be able to devalue their products so that they can sell it for a cheaper price and take away American jobs. And we go there with a great case. Meanwhile, while we are talking, I am pretty sure

the Chinese government will be looking at the U.S. Government, including the President of the United States, and say, wait a minute, you owe me money. You are going to get off the plane and start telling me what to do? We are lending money to you. We are giving you money. We are giving you money because you mismanaged.

I am smiling while I am saying it, but is a sad testimony to the management of this country, and I think it is very, very important if we say we are patriots, we have to make sure those children, and I was walking around this Capitol today, can have their chest out even further out than I have my chest out being a Member of Congress and being in this country, without having other countries being able to say we own a piece of the American apple pie.

We want to make sure that everyone feels good about what is happening here. But I can tell you right now, we must, not ''we should'' or ''we need to do,'' we must reverse this chart. We must no longer allow countries, and I am just talking about China, Taiwan, OPEC countries. Who are OPEC countries? They are countries that we have conflicts in right now. Iraq is an OPEC country. We have other countries that are of concern to this country that are OPEC countries.

I filled up my truck just the other day, $3.07 here in Washington, DC, leave alone other parts of the country. I hate to start getting e-mails about, that was cheap, Congressman.

So you have to think about these issues. We have only been here, we haven't even had 6 months to be able to manage this government, to be able to say let's have the discourse, to be able to say, well, it is important, Members, that we owe the American people the opportunity for a debate.

This is the first time that the President has actually had to negotiate. And we live in a democracy. Some people forgot.

Wait a minute. What do you mean they are sitting down at the White House to talk about the emergency supplemental? That just happened. What is the discussion? Then you have some Members coming down saying, how dare you disagree with the President?

The last time I checked, I was emancipated long ago, and I think it is important when George Washington's face at the top of the Rotunda, as his image looks down to the bottom of the Rotunda where you have a white dot here which is the center of this democracy, Washington, DC, we have to remember there are individuals that died, individuals that are in wheelchairs, that have allowed us to have the kind of platform to be able to have the discussion with the President of the United States and other Members of Congress about emergency supplementals, especially when we are in the fifth year of a conflict with over $500 billion of U.S. taxpayer money invested.

I have mayors coming to me and saying, Congressman, this is what I need in my district. Meanwhile, we are sitting here looking at discretionary spending, saying it is not there. We have two wars going on, and the President doesn't want us to ask any questions. Meanwhile, I have cities that have to have an office of accountability to respond to every Federal grant that they get. They have to check off more than the folks in Baghdad have to check off. Something is wrong.

So when we look at these issues, that is the reason why we are on the floor at this time of night, not only sharing with the Members, but also sharing with the American people. Regardless of your party affiliation, you must be concerned and focus on what is happening here in Washington, DC.

Yes, we are all tired, and, yes, we all have other things to do. But while we have this issue of accountability, making sure that we move in a new direction, like the American people have said, I think it is very, very important.

So I came down to the floor, Mr. Speaker, just for a moment, just to share with the Members that you have to pay very, very close attention to the debate and what is taking place.

Mr. Speaker, I want to thank the leadership for allowing me to have the opportunity to come to the floor. As you know, we always come to the floor, week after week, to share good information with the Members and the American people. It was a pleasure addressing the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FATTAH (at the request of Mr. HOYER) for today.

Mr. JONES of North Carolina (at the request of Mr. BOEHNER) for today from 3 p.m. and April 19 on account of personal reasons.

Mr. ROHRABACHER (at the request of Mr. BOEHNER) for today and the balance of the week on account of a family emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. PRICE of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. CONAWAY, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

SENATE CONCURRENT RESOLUTION

A Concurrent Resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 28. Concurrent resolution congratulating the City of Chicago for being chosen to represent the United States in the international competition to host the 2016 Olympic and Paralympic games, and encouraging the International Olympic Committee to select Chicago as the site of the 2016 Olympic and Paralympic Games; to the Committee on Foreign Affairs.

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1132. An act to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 35 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, April 20, 2007, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1161. A letter from the Secretary, Department of Health and Human Services, transmitting a copy of a draft bill entitled, ''Prescription Drug User Fee Amendments of 2007''; to the Committee on Energy and Commerce.

1162. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes [Docket No. FAA-2006-25889; Directorate Identifier 2006-NM-168-AD; Amendment 39-14902; AD 2007-02-15] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1163. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Airplanes [Docket No. FAA-2006-25966; Directorate Identifier 2006-NM-149-AD; Amendment 39-14909; AD 2007-02-22] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1164. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F27 Mark 050 and F.28 Mark 0070 and 0100 Airplanes [Docket No. FAA-2006-25219; Directorate Identifier 2005-NM-259-AD; Amendment 39-14907; AD

2007-02-20] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1165. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200, -300, and -300ER Series Airplanes [Docket No. FAA-2006-24891; Directorate Identifier 2006-NM-080-AD; Amendment 39-14910; AD 2007-02-23] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1166. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 airplanes; and Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes) [Docket No. FAA-2006-25891; Directorate Identifier 2006-NM-186-AD; Amendment 39-14908; AD 2007-02-21] received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1167. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200 and -300 Series Airplanes [Docket No. FAA-2006-25205; Directorate Identifier 2006-NM-071-AD; Amendment 39-14905; AD 2007-02-18] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1168. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-605R Airplanes and Model A310-308, -324, and -325 Airplanes [Docket No. FAA-2006-26047; Directorate Identifier 2006-NM-146-AD; Amendment 39-14906; AD 2007-02-19] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1169. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No. FAA-2006-24410; Directorate Identifier 2005-NM-261-AD; Amendment 39-14911; AD 2007-02-24] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1170. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757 Airplanes [Docket No. FAA-2006-25642; Directorate Identifier 2006-NM-121-AD; Amendment 39-14912; AD 2007-03-01] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1171. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. FAA-2006-24496; Directorate Identifier 2005-NM-141-AD; Amendment 39-14914; AD 2007-03-03] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1172. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2006-26046; Directorate Identifier 2006-NM-172-AD; Amendment 39-14922; AD 2007-03-11] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1173. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Airplanes; Model A300 B4-601, B4-603, B4-620, B4-622, B4-605R, B4-622R, F4-605R, F4-622R, and C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and Model A310 Airplanes [Docket No. 2003-NM-123-AD; Amendment 39-14920; AD 2007-03-09] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1174. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arriel 2B1 Turboshaft Engines [Docket No. FAA-2007-27009; Directorate Identifier 2007-NE-02-AD; Amendment 39-14925; AD 2007-03-14] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1175. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Limited PC-12 and PC-12/45 Airplanes [Docket No. FAA-2006-26371 Directorate Identifier 2006-CE-70-AD; Amendment 39-14917; AD 2007-03-06] (RIN: 2120-AA64) received April 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1176. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737 Airplanes [Docket No. FAA-2006-26323; Directorate Identifier 2006-NM-150-AD; Amendment 39-14918; AD 2007-03-07] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1177. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gippsland Aeronautics Pty. Ltd. Model GA8 Airplanes [Docket No. FAA-2007-27174; Directorate Identifier 2007-CE-006-AD; Amendment 39-14944; AD 2007-04-12] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1178. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. Makila 1A and 1A1 Turboshaft Engines [Docket No. FAA-2006-26570; Directorate Identifier 2006-NE-39-AD; Amendment 39-14931; AD 2007-03-20] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1179. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2006-25192; Directorate Identifier 2006-NM-004-AD; Amendment 39-14930; AD 2007-03-19] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1180. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd., PC-6 Series Airplanes [Docket No. FAA-2006-25929 Directorate Identifier 2006-CE-54-AD; Amendment 39-14919; AD 2007-03-08] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1181. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA TBM 700 Airplanes [Docket No. FAA-2006-26232 Directorate Identifier 2006-CE-62-AD; Amendment 39-14895; AD 2007-02-08] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1182. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls Royce Deutschland Ltd & Co KG Tay 611-8, Tay 620-15, Tay 650-15, and Tay 651-54 Series Turbofan Engines. [Docket No. FAA-2006-24777; Directorate Identifier 2006-NE-19-AD; Amendment 39-14913; AD 2007-03-02] (RIN 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1183. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; DORNIER LUFTFAHRT GmbH Model 228-212 Airplanes [Docket No. FAA-2006-26597; Directorate Identifier 2006-CE-86-AD; Amendment 39-14900; AD 2007-02-13] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1184. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Mystere-Falcon 900 and Falcon 900EX Airplanes [Docket No. FAA-2007-26920; Directorate Identifier 2006-NM-244-AD; Amendment 39-14897; AD 2007-02-10] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1185. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney PW2000 Series Turbofan Engines. [Docket No. FAA-2006-24452; Directorate Identifier 2006-NE-11-AD; Amendment 39-14893; AD 2007-02-06] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1186. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Reims Aviation S.A. F406 Airplanes [Docket No. FAA-2006-26694; Directorate Identifier 2006-CE-91-AD; Amendment 39-14899; AD 2007-02-12] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1187. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes [Docket No. FAA-2006-26050; Directorate Identifier 2006-NM-078-AD; Amendment 39-14890; AD 2007-02-03] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1188. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-100, -200, and -300 Series Airplanes [Docket No. FAA-2006-25904; Directorate Identifier 2006-NM-077-AD; Amendment 39-14883; AD 2007-01-11] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1189. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No. FAA-2006-25087; Directorate Identifier 2006-NM-053-AD; Amendment 39-

14882; AD 2007-01-10] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1190. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes [Docket No. FAA-2006-25328; Directorate Identifier 2006-NM-130-AD; Amendment 39-14880; AD 2007-01-08] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1191. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100B SUD, 747-200B, 747-300, 747-400, 747-400D, and 747SP Series Airplanes [Docket No. FAA-2006-25518; Directorate Identifier 2006-NM-092-AD; Amendment 39-14881; AD 2007-01-09] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1192. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Airplanes [Docket No. FAA-2007-26921; Directorate Identifier 2006-NM-247-AD; Amendment 39-14896; AD 2007-02-09] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1193. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arriel 1 Series Turboshaft Engines. [Docket No. FAA-2006-26091; Directorate Identifier 2006-NE-28-AD; Amendment 39-14904; AD 2007-02-17] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1194. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2004 Annual Report on the Child Support Enforcement Program in accordance with 452(a) of the Social Security Act; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. Supplemental report on H.R. 493. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment (Rept. 110–28, Pt. 4). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DAVIS of Alabama (for himself, Mr. BRADY of Texas, Mr. MCDERMOTT, Mr. GINGREY, Mr. BONNER, Mr. CRENSHAW, Mr. BOYD of Florida, Mr. REICHERT, Mr. BAIRD, Mrs. MCMORRIS RODGERS, Mr. SCOTT of Georgia, Mr. HASTINGS of Washington, Mr. JONES of North Carolina, and Mr. WALDEN of Oregon):

H.R. 1937. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains and to modernize certain provisions applicable to timber real estate investment trusts; to the Committee on Ways and Means.

By Mr. McGOVERN (for himself and Mrs. EMERSON):

H.R. 1938. A bill to reduce hunger in the United States; to the Committee on Agriculture.

By Mr. McKEON (for himself and Mr. CASTLE):

H.R. 1939. A bill to amend the Elementary and Secondary Education Act of 1965 to improve the Reading First program; to the Committee on Education and Labor.

By Mr. DEAL of Georgia (for himself, Mr. BILBRAY, and Mr. DANIEL E. LUNGREN of California):

H.R. 1940. A bill to amend section 301 of the Immigration and Nationality Act to clarify those classes of individuals born in the United States who are nationals and citizens of the United States at birth; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. ELLISON, Mr. FRANK of Massachusetts, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Mr. LANGEVIN, Mr. LYNCH, and Mr. WALBERG):

H.R. 1941. A bill to adjust the immigration status of certain Liberian nationals who were provided refuge in the United States; to the Committee on the Judiciary.

By Mr. GARRETT of New Jersey (for himself, Mr. MILLER of Florida, Mr. BURTON of Indiana, Mr. WOLF, Mr. CULBERSON, and Mr. SOUDER):

H.R. 1942. A bill to amend the Internal Revenue Code of 1986 to modify the alternative minimum tax on individuals by permitting the deduction for State and local taxes and to adjust the exemption amounts for inflation; to the Committee on Ways and Means.

By Ms. WATERS (for herself, Mr. CONYERS, Mr. SMITH of Texas, Mr. SCOTT of Virginia, Mr. FORBES, Ms. LEE, and Mrs. CHRISTENSEN):

H.R. 1943. A bill to provide for an effective HIV/AIDS program in Federal prisons; to the Committee on the Judiciary.

By Mr. ALTMIRE (for himself, Mr. FILNER, Mr. MICHAUD, Mr. MILLER of Florida, Mr. BOSWELL, Mr. BROWN of South Carolina, Ms. HERSETH SANDLIN, Mr. SMITH of New Jersey, Mr. DONNELLY, Mr. JONES of North Carolina, Mr. RODRIGUEZ, Mr. RAMSTAD, Mr. ELLSWORTH, Mr. HARE, Mr. ARCURI, Mr. CARNEY, Mr. PATRICK MURPHY of Pennsylvania, Mr. SPACE, Mr. KAGEN, Ms. CORRINE BROWN of Florida, Mr. ALLEN, Ms. BERKLEY, Mr. MCNERNEY, Mr. HALL of New York, Mr. KENNEDY, Ms. CASTOR, Ms. SCHWARTZ, Mr. MAHONEY of Florida, Mrs. NAPOLITANO, Mr. RYAN of Ohio, Mr. MEEK of Florida, Ms. LINDA T. SÁNCHEZ of California, Mr. COURTNEY, and Mr. MURPHY of Connecticut):

H.R. 1944. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to screen certain veterans for symptoms of traumatic brain injury, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SHAYS (for himself and Mr. HINCHEY):

H.R. 1945. A bill to improve the energy efficiency of the United States; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Natural Resources, Transportation and Infrastructure, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BONNER:

H.R. 1946. A bill to extend Federal recognition to the Mowa Band of Choctaw Indians of Alabama, and for other purposes; to the Committee on Natural Resources.

By Mrs. BOYDA of Kansas (for herself, Mr. MOORE of Kansas, Mr. MORAN of Kansas, Mr. TIAHRT, Mr. BLUMENAUER, Mr. CLEAVER, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. VAN HOLLEN, Ms. SCHAKOWSKY, Ms. HIRONO, Mr. FRANK of Massachusetts, and Mr. STARK):

H.R. 1947. A bill to promote public safety and improve the welfare of captive big cats, and for other purposes; to the Committee on Agriculture.

By Mr. CAPUANO (for himself, Mr. TIERNEY, Mr. VAN HOLLEN, Mr. FRANK of Massachusetts, Mr. BERMAN, Mr. MCDERMOTT, Mr. CONYERS, Mr. MORAN of Virginia, Mr. DELAHUNT, Mr. COHEN, Mr. HASTINGS of Florida, and Mr. KENNEDY):

H.R. 1948. A bill to amend title 5, United States Code, to increase the amount of additional compensation payable to an employee who is disabled and requires the services of an attendant, and for other purposes; to the Committee on Education and Labor.

By Mr. COURTNEY (for himself and Mr. NEAL of Massachusetts):

H.R. 1949. A bill to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994, to increase the authorization of appropriations and modify the date on which the authority of the Secretary of the Interior terminates under the Act; to the Committee on Natural Resources.

By Mrs. DAVIS of California (for herself, Mr. ISSA, Mr. HUNTER, Mr. BILBRAY, and Mr. FILNER):

H.R. 1950. A bill to amend title XIX of the Social Security Act to permit local public agencies to act as Medicaid enrollment brokers; to the Committee on Energy and Commerce.

By Mr. ELLSWORTH:

H.R. 1951. A bill to establish a mandatory system for employers to verify the employment eligibility of potential employees, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Education and Labor, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GONZALEZ (for himself, Mr. GINGREY, Ms. VELÁZQUEZ, and Mr. GENE GREEN of Texas):

H.R. 1952. A bill to amend title XI of the Social Security Act to achieve a national health information infrastructure, and to amend the Internal Revenue Code of 1986 to increase the deduction under section 179 for the purchase of qualified health care information technology by medical care providers; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GONZALEZ (for himself and Mr. WEXLER):

H.R. 1953. A bill to require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security benefits under title II of the Social Security Act; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA:

H.R. 1954. A bill to amend the Internal Revenue Code of 1986 to allow Indian tribal governments to transfer the credit for electricity produced from renewable resources; to the Committee on Ways and Means.

By Ms. HARMAN (for herself and Mr. REICHERT):

H.R. 1955. A bill to prevent homegrown terrorism, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. INSLEE (for himself, Mr. GENE GREEN of Texas, and Ms. BALDWIN):

H.R. 1956. A bill to amend the Public Health Service Act to provide for the approval of similar biological products, and for other purposes; to the Committee on Energy and Commerce.

By Mr. INSLEE (for himself, Mr. GILCHREST, and Mr. HINCHEY):

H.R. 1957. A bill to permanently prohibit oil and gas leasing in the North Aleutian Basin Planning Area, and for other purposes; to the Committee on Natural Resources.

By Ms. KAPTUR:

H.R. 1958. A bill to withdraw normal trade relations treatment from, and apply certain provisions of title IV of the Trade Act of 1974 to, the products of the People's Republic of China; to the Committee on Ways and Means.

By Mr. LEWIS of Kentucky:

H.R. 1959. A bill to amend the Internal Revenue Code of 1986 to permit interest on federally guaranteed water, wastewater, and essential community facilities loans to be tax exempt; to the Committee on Ways and Means.

By Mr. LYNCH (for himself and Mr. AL GREEN of Texas):

H.R. 1960. A bill to amend the Community Reinvestment Act of 1977 to allow community reinvestment credit for investments and other financial support to enable veterans to purchase residential homes or to assist organizations with the establishment of housing opportunities and assisted living facilities for veterans; to the Committee on Financial Services.

By Mr. MARKEY (for himself, Mr. BARTLETT of Maryland, Mr. LARSON of Connecticut, Ms. ESHOO, Ms. SOLIS, Mr. HALL of New York, Mr. MCDERMOTT, and Mr. OLVER):

H.R. 1961. A bill to address security risks posed by global climate change, and for other purposes; to the Committee on Intelligence (Permanent Select), and in addition to the Committees on Armed Services, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. McCARTHY of New York (for herself and Mr. BISHOP of New York):

H.R. 1962. A bill to authorize the Secretary of Homeland Security to award competitive grants to units of local government for innovative programs that address expenses incurred in responding to the needs of undocumented immigrants; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MUSGRAVE:

H.R. 1963. A bill to establish the Granada Relocation Center National Historic Site as an affiliated unit of the National Park System; to the Committee on Natural Resources.

By Mr. NADLER (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ARCURI, Ms. BALDWIN, Ms. BERKLEY, Mr. BERMAN, Mr. BLUMENAUER, Mr. BOUCHER, Mrs. CAPPS, Mr. COHEN, Mr. CONYERS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFAZIO, Mr. ELLISON, Mr. EMANUEL, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Ms. HARMAN, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Ms. JACKSON-LEE of Texas, Mr. JACKSON of Illinois, Mr. KUCINICH, Mr. LANTOS, Mr. LARSEN of Washington, Ms. LEE, Mr. LOEBSACK, Mrs. LOWEY, Ms. MATSUI, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mrs. MALONEY of New York, Mr. MILLER of North Carolina, Mr. MORAN of Virginia, Mr. OLVER, Mr. PORTER, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SHAYS, Ms. SLAUGHTER, Ms. SOLIS, Mr. STARK, Ms. SUTTON, Mr. THOMPSON of California, Mr. TOWNS, Ms. WATSON, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, and Ms. WOOLSEY):

H.R. 1964. A bill to protect, consistent with Roe v. Wade, a woman's freedom to choose to bear a child or terminate a pregnancy, and for other purposes; to the Committee on the Judiciary.

By Mr. POMEROY (for himself and Mr. LEWIS of Kentucky):

H.R. 1965. A bill to amend the Internal Revenue Code of 1986 to modify the credit to holders of clean renewable energy bonds; to the Committee on Ways and Means.

By Ms. PRYCE of Ohio:

H.R. 1966. A bill to fully exempt persons with disabilities from the prohibition against providing section 8 rental assistance to college students; to the Committee on Financial Services.

By Mr. ROSKAM (for himself and Mr. MARSHALL):

H.R. 1967. A bill to amend the Gramm-Leach-Bliley Act to provide an exception from the continuing requirement for annual privacy notices for financial institutions which do not share personal information with affiliates, and for other purposes; to the Committee on Financial Services.

By Ms. SOLIS (for herself and Mr. WYNN):

H.R. 1968. A bill to amend the Public Health Service Act to provide grants to promote positive health behaviors in women and children; to the Committee on Energy and Commerce.

By Mr. TERRY:

H.R. 1969. A bill to exempt from payment of individual contributions under the Montgomery GI Bill enlisted members of the Armed Forces in pay grade E-5 or below and to provide an opportunity for members of the Armed Forces serving on active duty to withdraw an election not to enroll in education benefits under the Montgomery GI Bill; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico:

H.R. 1970. A bill to amend the Colorado River Storage Project Act and Public Law 87-483 to authorize the construction and rehabilitation of water infrastructure in Northwestern New Mexico, to authorize the use of the reclamation fund to fund the Reclamation Water Settlements Fund, to authorize the conveyance of certain Reclamation land and infrastructure, to authorize the Commissioner of Reclamation to provide for the delivery of water, and for other purposes; to the Committee on Natural Resources.

By Mr. VAN HOLLEN (for himself, Mr. CASTLE, Ms. DELAURO, Mr. REGULA, and Mr. SARBANES):

H.R. 1971. A bill to provide for recruiting, selecting, training, and supporting a national teacher corps in underserved communities; to the Committee on Education and Labor.

By Ms. VELÁZQUEZ (for herself, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Mr. SERRANO, and Mrs. CHRISTENSEN):

H.R. 1972. A bill to amend the Public Health Service Act to prohibit discrimination regarding exposure to hazardous substances, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WELDON of Florida (for himself, Mrs. MALONEY of New York, Mr. BURTON of Indiana, and Mr. SMITH of New Jersey):

H.R. 1973. A bill to improve vaccine safety research, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WOLF (for himself, Mr. FORTENBERRY, Mr. MORAN of Virginia, Mr. MCGOVERN, Mr. UPTON, Mr. HAYES, Ms. JACKSON-LEE of Texas, Mr. LINCOLN DIAZ-BALART of Florida, Mr. AKIN, Mr. BURTON of Indiana, Mr. ROGERS of Michigan, Mrs. MYRICK, Mr. GARRETT of New Jersey, Mrs. JO ANN DAVIS of Virginia, Mr. TOM DAVIS of Virginia, Ms. NORTON, Mr. VAN HOLLEN, and Mr. HOYER):

H.R. 1974. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain combat zone compensation of civilian employees of the United States; to the Committee on Ways and Means.

By Mr. AKIN (for himself, Mr. CLAY, Mr. PASTOR, Mrs. CUBIN, Mr. GRAVES, and Mrs. EMERSON):

H. Con. Res. 120. Concurrent resolution expressing the sense of Congress that the Federal government and the people of the United States should honor the spirit of volunteerism and personal growth promoted by the Congressional Award Program; to the Committee on Education and Labor.

By Mr. COOPER (for himself and Mr. PORTER):

H. Con. Res. 121. Concurrent resolution recognizing the benefits and importance of school-based music education, and for other purposes; to the Committee on Education and Labor.

By Mrs. McCARTHY of New York (for herself, Mrs. MYRICK, and Mrs. CAPPS):

H. Res. 322. A resolution supporting the goals of National Infertility Awareness Week to raise awareness about the disease of infertility and the challenges men and women face in building a family, including protecting fertility, and for other purposes; to the Committee on Energy and Commerce.

By Mr. EMANUEL:

H. Res. 323. A resolution electing Members to a certain standing committee of the House of Representatives; considered and agreed to.

By Ms. CARSON (for herself and Mr. LOEBSACK):

H. Res. 324. A resolution honoring the life and accomplishments of Kurt Vonnegut, Jr. and extending the condolences of the House of Representatives to his family on the occasion of his death; to the Committee on Oversight and Government Reform.

By Mr. STUPAK (for himself, Mr. ROGERS of Michigan, Mr. KILDEE, Mr. CONYERS, Mr. LEVIN, Ms. KILPATRICK, Mr. WALBERG, Mr. EHLERS, Mr. CAMP of Michigan, Mr. MCCOTTER, Mr. DINGELL, Mrs. MILLER of Michigan, Mr.

HOEKSTRA, Mr. KNOLLENBERG, Mr. UPTON, Mr. WILSON of South Carolina, Mr. KANJORSKI, Mr. RAHALL, Mr. KAGEN, Mr. HOLDEN, Mr. CARNEY, Mr. DOYLE, Mr. KIND, Mr. BUTTERFIELD, Mr. DAVIS of Illinois, and Mrs. EMERSON):

H. Res. 325. A resolution commending the Michigan State University Spartans for their victory in the 2007 NCAA Hockey Championship; to the Committee on Education and Labor.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

15. The SPEAKER presented a memorial of the Legislature of the State of Kansas, relative to Senate Concurrent Resolution No. 1604 urging the Congress of the United States to allow interstate marketing of state inspected meat; to the Committee on Agriculture.

16. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 103 supporting the Sportsmen for Fish and Wildlife and urging the Congress of the United States to grant the appropriation request; to the Committee on Appropriations.

17. Also, a memorial of the Senate of the State of West Virginia, relative to Senate Resolution No. 9 expresing full support for the United States troops participating in the War on Terror; to the Committee on Armed Services.

18. Also, a memorial of the Legislature of the State of West Virginia, relative to Senate Concurrent Resolution No. 32 requesting the Congress of the United States enact legislation to lower the retirement age for members of the National Guard to 55; to the Committee on Armed Services.

19. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 40 memorializing the Congress of the United States to invest in Head Start and quality child care; to the Committee on Education and Labor.

20. Also, a memorial of the House of Representatives of the State of Kansas, relative to House Resolution No. 6011 urging the United States Department of Energy to double the current capacity of the Strategic Petroleum Reserve by using storage sites existing and created within the State of Kansas; to the Committee on Energy and Commerce.

21. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 105 commending the Republic of China (Taiwan) for its close economic and business ties with the State of Idaho and urging the President of the United States and the Congress of the United States to extend the benefits of free trade by negotiating a free trade agreement between the United States and Taiwan; to the Committee on Foreign Affairs.

22. Also, a memorial of the House of Representatives of the State of Iowa, relative to House Resolution No. 25 honoring the life and accomplishments of Gerald Rudolph Ford, thirty-eighth President of the United States; to the Committee on Oversight and Government Reform.

23. Also, a memorial of the Legislature of the State of West Virginia, relative to Senate Concurrent Resolution No. 43 requesting the Congress of the United States erect a national monument to motherhood to be located in West Virginia, with special emphasis place on mothers whose children have served in the armed forces of the United States and especially those mothers whose children have given their lives in service to their country; to the Committee on Natural Resources.

24. Also, a memorial of the House of Representatives of the State of Vermont, relative to House Resolution No. 14 requesting that the Congress of the United States enact assured funding for veterans' health care; to the Committee on Veterans' Affairs.

25. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 10 memorializing the President of the United States and the Congress of the United States to increase funding for the Low Income Home Energy Assistance Program and to facilitate the establishment of programs that provide information about responsible energy use; jointly to the Committees on Energy and Commerce and Education and Labor.

26. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 107 supporting the goals of the Global Nuclear Energy Partnership; jointly to the Committees on Agriculture, Natural Resources, and Appropriations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. AL GREEN of Texas, Mr. FRANK of Massachusetts, Ms. SOLIS, Mrs. EMERSON, Mr. TOWNS, Mr. DAVIS of Alabama, Mr. CLAY, Ms. CLARKE, Mr. CLEAVER, Mr. CLYBURN, Mr. GONZALEZ, Mr. LEWIS of Georgia, Mr. RAHALL, Mr. PASTOR, Mr. BECERRA, Ms. LORETTA SANCHEZ of California, Mr. BOSWELL, Ms. WATSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEKS of New York, Mr. WYNN, Ms. KILPATRICK, Ms. VELÁZQUEZ, Mr. SERRANO, Mr. JOHNSON of Georgia, Ms. WASSERMAN SCHULTZ, Mrs. MCCARTHY of New York, Mr. GUTIERREZ, Mr. GENE GREEN of Texas, Mr. ELLISON, Mr. REYES, Mr. DONNELLY, Mr. JEFFERSON, Mr. SKELTON, Ms. LEE, and Mr. THOMPSON of Mississippi.

H.R. 39: Mr. OBEY.

H.R. 65: Mr. MITCHELL.

H.R. 77: Mr. PAUL and Mr. HENSARLING.

H.R. 109: Mr. BURGESS.

H.R. 154: Mr. UPTON.

H.R. 174: Mr. MCDERMOTT and Mr. HINOJOSA.

H.R. 180: Mr. ETHERIDGE, Mr. MURPHY of Connecticut, and Ms. SUTTON.

H.R. 197: Mr. LATHAM and Mr. YOUNG of Alaska.

H.R. 297: Mr. BISHOP of New York and Mr. ENGEL.

H.R. 315: Mr. HELLER.

H.R. 322: Mr. WELDON of Florida, Mr. WALBERG, Mr. WAMP, Mr. ALEXANDER, Mr. PRICE of Georgia, Mr. KING of Iowa, Mr. WESTMORELAND, Mr. GOHMERT, Mr. SAM JOHNSON of Texas, Mr. GARRETT of New Jersey, Mr. WICKER, Mr. HENSARLING, Mr. TIAHRT, Mr. PEARCE, Mrs. MYRICK, Mr. HAYES, Mr. LEWIS of Kentucky, and Mr. BROWN of South Carolina.

H.R. 381: Mr. KIND and Ms. CARSON.

H.R. 402: Mr. RAHALL.

H.R. 465: Ms. BORDALLO.

H.R. 471: Mr. JOHNSON of Illinois, Mr. CANNON, Ms. JACKSON-LEE of Texas, Mr. BAKER, Mr. WELLER, Mr. PORTER, Mr. EHLERS, Mr. DAVIS of Kentucky, Mr. JONES of North Carolina, Mr. SMITH of Texas, Mr. CARDOZA, and Mr. ORTIZ.

H.R. 500: Mr. BARRETT of South Carolina.

H.R. 507: Ms. BALDWIN, Mr. BUTTERFIELD, and Mr. LATOURETTE.

H.R. 553: Mr. WALBERG, Mr. ROTHMAN, Ms. BALDWIN, and Mr. JACKSON of Illinois.

H.R. 562: Mr. MELANCON and Mr. KILDEE.

H.R. 579: Mr. PERLMUTTER, Mr. GONZALEZ, Ms. DELAURO, and Mr. PORTER.

H.R. 612: Mr. BURTON of Indiana and Mrs. GILLIBRAND.

H.R. 618: Mrs. SCHMIDT.

H.R. 621: Ms. ZOE LOFGREN of California and Mr. BOUSTANY.

H.R. 627: Mr. SPACE.

H.R. 643: Mr. GOODE, Mr. BACHUS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. LAHOOD, Mr. ENGEL, Mr. ABERCROMBIE, and Mr. MANZULLO.

H.R. 685: Mr. PRICE of North Carolina, Mr. FOSSELLA, Ms. ESHOO, Ms. SUTTON, Mr. LAMPSON, and Ms. NORTON.

H.R. 689: Mr. HALL of Texas.

H.R. 695: Mr. PASTOR.

H.R. 697: Mr. JORDAN, Mr. KING of Iowa, and Mr. BARTLETT of Maryland.

H.R. 719: Mr. REHBERG, Ms. GINNY BROWN-WAITE of Florida, Mr. SESSIONS, Mr. TAYLOR, Mr. MCINTYRE, Mr. TOWNS, Mr. KUHL of New York, Mr. MCNERNEY, and Mr. KAGEN.

H.R. 729: Mr. KILDEE.

H.R. 782: Mr. BRALEY of Iowa, Mr. CARNEY, Mr. TAYLOR, and Mr. BARRETT of South Carolina.

H.R. 840: Mr. JACKSON of Illinois and Mr. LEWIS of Kentucky.

H.R. 871: Mr. CUMMINGS.

H.R. 891: Mr. MCNULTY, Mr. PASCRELL, Ms. CARSON, and Mr. UDALL of Colorado.

H.R. 901: Mr. WYNN.

H.R. 916: Mr. KENNEDY, Mr. WAMP, Mr. LANTOS, and Mr. YOUNG of Florida.

H.R. 964: Mr. MCHUGH and Mr. MCNERNEY.

H.R. 970: Mr. HALL of Texas.

H.R. 971: Mr. SPACE, and Mr. COURTNEY.

H.R. 989: Mr. SHAYS and Mr. MARCHANT.

H.R. 1022: Ms. HARMAN and Mr. HOLT.

H.R. 1023: Mr. GERLACH, Mr. LINCOLN DAVIS of Tennessee, Mr. BARTLETT of Maryland, Mr. ISSA, Mr. DAVID DAVIS of Tennessee, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1026: Mr. KIND.

H.R. 1029: Mr. DUNCAN, Mr. BRALEY of Iowa, and Mr. DAVID DAVIS of Tennessee.

H.R. 1034: Mr. ANDREWS.

H.R. 1041: Mr. MCHUGH.

H.R. 1071: Mr. LANTOS.

H.R. 1073: Mr. PETERSON of Minnesota, Mr. BURTON of Indiana, Mr. ENGLISH of Pennsylvania, and Mr. HINOJOSA.

H.R. 1092: Mr. CARNEY and Mr. KLEIN of Florida.

H.R. 1103: Mr. MCDERMOTT, Ms. CARSON, Ms. WATSON, Mr. NADLER, Ms. CORRINE BROWN of Florida, and Mr. JACKSON of Illinois.

H.R. 1104: Mr. KUCINICH.

H.R. 1108: Ms. SUTTON and Mr. FARR.

H.R. 1115: Mr. PASTOR.

H.R. 1121: Mr. GARRETT of New Jersey.

H.R. 1154: Mr. NEUGEBAUER, Mr. CONYERS, and Mr. HENSARLING.

H.R. 1177: Mr. GOODE.

H.R. 1222: Ms. WOOLSEY, Mr. BILIRAKIS, Mr. MCCOTTER, and Mr. LAHOOD.

H.R. 1223: Mr. BILIRAKIS and Mr. MCCOTTER.

H.R. 1225: Mr. BERMAN.

H.R. 1230: Mr. JONES of North Carolina, Mr. CARDOZA, Mr. JEFFERSON, Mr. LEWIS of Georgia, Mr. FRANK of Massachusetts, Ms. SLAUGHTER, Mrs. JONES of Ohio, Mrs. MCCARTHY of New York, and Mr. LINDER,

H.R. 1236: Mr. PAYNE, Mr. BERMAN, Mr. WU, Mr. BOSWELL, and Mr. PRICE of North Carolina.

H.R. 1239: Mr. BURTON of Indiana.

H.R. 1245: Mr. CASTLE and Mr. ANDREWS.

H.R. 1267: Mr. ENGEL and Mr. WHITFIELD.

H.R. 1280: Mr. UDALL of Colorado and Ms. HIRONO.

H.R. 1282: Mr. ABERCROMBIE and Mr. MORAN of Virginia.

H.R. 1314: Mr. KING of New York and Mr. SHADEGG.

H.R. 1325: Ms. BERKLEY and Mr. KAGEN.

H.R. 1330: Ms. BERKLEY.

H.R. 1331: Mr. ALLEN, Ms. BERKLEY, Mr. BOSWELL, Ms. DELAURO, Mr. FATTAH, Mr.

HINCHEY, Mr. HINOJOSA, Mr. JACKSON of Illinois, Mr. MARKEY, Mr. MCCOTTER, Mr. MEEKS of New York, Mr. BRADY of Pennsylvania, Mr. RUSH, and Mr. STARK,

H.R. 1332: Mrs. MALONEY of New York and Mr. LIPINSKI.

H.R. 1335: Mr. BROWN of South Carolina, Mr. CLYBURN, and Mr. SPRATT,

H.R. 1343: Mr. BARROW, Mr. INSLEE, Mr. BOSWELL, Mr. UPTON, Ms. BALDWIN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WOOLSEY, Mrs. GILLIBRAND, Mr. MELANCON, Mr. LATHAM, Ms. GRANGER, and Mr. CANNON.

H.R. 1350: Mr. SENSENBRENNER.

H.R. 1366: Mr. TANCREDO, Mrs. BONO, and Mr. MCCARTHY of California.

H.R. 1379: Ms. ESHOO.

H.R. 1391: Mr. BERMAN.

H.R. 1395: Mr. PAUL.

H.R. 1399: Mr. BISHOP of Georgia.

H.R. 1407: Mr. PAUL.

H.R. 1419: Mrs. CAPITO, Mr. ABERCROMBIE, Mrs. CAPPS, Mr. KILDEE, Mr. BONNER, Mrs. TAUSCHER, and Mr. WALBERG.

H.R. 1431: Mr. BOOZMAN.

H.R. 1439: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. BISHOP of Georgia.

H.R. 1440: Mr. BOSWELL.

H.R. 1441: Mr. ACKERMAN and Ms. CARSON.

H.R. 1459: Mr. MANZULLO.

H.R. 1464: Mr. UDALL of Colorado and Ms. BORDALLO.

H.R. 1470: Mr. PAUL, Mr. BOSWELL, Mr. LOEBSACK, and Mr. BILIRAKIS.

H.R. 1471: Mr. PAUL.

H.R. 1479: Mr. FARR and Ms. JACKSON-LEE of Texas.

H.R. 1481: Mr. LEWIS of Kentucky, Mr. REYES, Mrs. JO ANN DAVIS of Virginia, and Mr. ETHERIDGE.

H.R. 1501: Mr. HINOJOSA.

H.R. 1522: Mr. MORAN of Virginia, Mr. MCCOTTER, and Mr. STARK.

H.R. 1524: Mr. UDALL of New Mexico, Mr. WAXMAN, and Ms. MCCOLLUM of Minnesota.

H.R. 1546: Mr. FILNER.

H.R. 1553: Ms. MATSUI and Mr. UPTON.

H.R. 1582: Mrs. NAPOLITANO.

H.R. 1584: Mr. PLATTS, Mr. KILDEE, Mr. TIAHRT, Mr. BACHUS, Mr. TOM DAVIS of Virginia, Ms. HOOLEY, Ms. CARSON, Mr. MCCOTTER, Mr. WELCH of Vermont, Mr. BLUMENAUER, Mr. DEFAZIO, and Mr. SPACE.

H.R. 1589: Mr. DEFAZIO, Ms. CARSON, Mr. BOOZMAN, Mr. EDWARDS, Mr. MILLER of Florida, Mr. CRENSHAW, and Mr. BURTON of Indiana.

H.R. 1590: Mr. ANDREWS.

H.R. 1593: Mr. BRADY of Pennsylvania, Mr. CAPUANO, Mrs. CHRISTENSEN, Mr. ENGLISH of Pennsylvania, Mr. FILNER, Mr. CONAWAY, Mr. KUCINICH, Ms. ZOE LOFGREN of California, Mr. MCCOTTER, Ms. MILLENDER-MCDONALD, Mr. PLATTS, Mr. SERRANO, Ms. SOLIS, Mr. WATT, Mr. ROGERS of Michigan, Mr. RUSH, Mr. WELCH of Vermont, Ms. SUTTON, and Mr. WOLF.

H.R. 1594: Mr. KANJORSKI, Ms. SCHWARTZ, and Mr. BILIRAKIS.

H.R. 1595: Mr. GALLEGLY.

H.R. 1610: Mr. KILDEE.

H.R. 1619: Mr. KNOLLENBERG and Mr. EHLERS.

H.R. 1638: Mr. SMITH of New Jersey, Mr. BISHOP of New York, and Mr. SIRES.

H.R. 1645: Mr. BISHOP of New York.

H.R. 1649: Mrs. BOYDA of Kansas and Mrs. MUSGRAVE.

H.R. 1653: Ms. BALDWIN, Mr. HOLT, and Mr. SMITH of Washington.

H.R. 1665: Mr. LINCOLN DAVIS of Tennessee, Ms. MCCOLLUM of Minnesota, and Ms. BALDWIN.

H.R. 1674: Mr. BROWN of South Carolina.

H.R. 1689: Mr. MCKEON and Ms. WATSON.

H.R. 1700: Ms. BERKLEY, Mr. NADLER, Mr. REYES, Mr. ELLISON, Mr. LATOURETTE, Mr. CONYERS, Mr. SCHIFF, Mr. RYAN of Ohio, Mr. ANDREWS, Mr. STUPAK, Mr. REICHERT, Mr. RAMSTAD, Mr. HIGGINS, and Ms. BORDALLO.

H.R. 1702: Mr. FARR and Ms. MOORE of Wisconsin.

H.R. 1709: Mr. KUHL of New York and Ms. WOOLSEY.

H.R. 1711: Mr. CONYERS.

H.R. 1713: Ms. JACKSON-LEE of Texas, Mr. MCNULTY, Mr. BERMAN, and Mr. OLVER.

H.R. 1728: Ms. SOLIS and Mr. HINCHEY.

H.R. 1741: Mr. DAVIS of Illinois.

H.R. 1747: Ms. SLAUGHTER.

H.R. 1756: Mrs. MYRICK, Mrs. JO ANN DAVIS of Virginia, Mr. CARNEY, Mr. FRANKS of Arizona, and Mr. DOOLITTLE.

H.R. 1764: Mr. COSTA, Mr. WAMP, and Mr. RANGEL.

H.R. 1766: Mr. FORBES and Mr. BARTLETT of Maryland.

H.R. 1767: Ms. HOOLEY, Mr. HENSARLING, Mr. TOWNS, Mr. PRICE of North Carolina, Mr. SHERMAN, Mr. TERRY, Mr. GOODE, Mr. BURGESS, Mr. LAHOOD, Mr. HASTINGS of Florida, Mr. WAMP, Mr. MOORE of Kansas, Mr. HULSHOF, Mr. PUTNAM, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1773: Mr. LINCOLN DAVIS of Tennessee, Mrs. EMERSON, and Mrs. MILLER of Michigan.

H.R. 1781: Mr. DAVIS of Alabama, Mr. DELAHUNT, and Ms. SHEA-PORTER.

H.R. 1809: Mr. YOUNG of Florida.

H.R. 1823: Mr. PLATTS.

H.R. 1834: Ms. BORDALLO.

H.R. 1840: Mr. LEWIS of Georgia, Mrs. MCCARTHY of New York, Ms. ZOE LOFGREN of California, and Mr. COLE of Oklahoma.

H.R. 1841: Ms. BALDWIN.

H.R. 1845: Mr. LATOURETTE and Mrs. TAUSCHER.

H.R. 1871: Mr. MCGOVERN and Mr. POE.

H.R. 1880: Mr. CONYERS.

H.R. 1926: Mr. HIGGINS, Mr. SHIMKUS, Mr. SIRES, Mr. MCNULTY, Mr. WILSON of South Carolina, Mrs. JO ANN DAVIS of Virginia, Mr. ROSS, Mr. ABERCROMBIE, Ms. JACKSON-LEE of Texas, and Mr. OBERSTAR.

H.J. Res. 12: Mr. YOUNG of Florida.

H. Con. Res. 7: Mr. ACKERMAN, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. VAN HOLLEN, Mr. HIGGINS, Mrs. MALONEY of New York, Mr. HINCHEY, Mr. WEXLER, Mr. MURPHY of Connecticut, Mr. SHIMKUS, Mr. MANZULLO, and Ms. SUTTON.

H. Con. Res. 40: Mr. LATOURETTE, Mr. MARSHALL, Mr. FRANKS of Arizona, and Mr. HUNTER.

H. Con. Res. 55: Ms. WATSON.

H. Con. Res. 81: Mr. WAXMAN and Mr. RANGEL.

H. Con. Res. 83: Mr. MCCOTTER.

H. Con. Res. 94: Mr. WAXMAN.

H. Con. Res. 95: Mr. GORDON, Mr. GRIJALVA, Mr. HOLT, and Ms. SOLIS.

H. Con. Res. 96: Mr. BAIRD, Ms. MCCOLLUM of Minnesota, and Ms. LINDA T. SÁNCHEZ of California.

H. Con. Res. 114: Mr. SCOTT of Virginia, Mr. WATT, Ms. JACKSON-LEE of Texas, Ms. MOORE of Wisconsin, Mr. LEWIS of Georgia, Mr. RUSH, Mr. AL GREEN of Texas, Mr. BUTTERFIELD, Mr. ELLISON, Ms. LEE, Ms. CLARKE, Mr. PAYNE, Ms. WATSON, Ms. KILPATRICK, and Mr. CLAY.

H. Con. Res. 117: Mr. BROWN of South Carolina, Mr. SKELTON, Mr. CULBERSON, Mr. TAYLOR, Mr. BARTLETT of Maryland, Mr. JONES of North Carolina, Mr. MCCOTTER, Mr. DUNCAN, Mr. LAHOOD, Mr. PLATTS, Mr. MCHUGH, Mr. SHAYS, and Mr. BILBRAY.

H. Res. 18: Mr. CAMPBELL of California.

H. Res. 55: Ms. ZOE LOFGREN of California.

H. Res. 100: Mr. JACKSON of Illinois and Ms. BEAN.

H. Res. 101: Ms. BERKLEY.

H. Res. 106: Mr. BISHOP of New York, Mr. TANCREDO, and Mr. BRALEY of Iowa.

H. Res. 111: Ms. GINNY BROWN-WAITE of Florida.

H. Res. 118: Mr. GUTIERREZ.

H. Res. 123: Mr. KELLER.

H. Res. 132: Mr. GONZALEZ and Ms. NORTON.

H. Res. 154: Mr. RAHALL.

H. Res. 194: Ms. BORDALLO.

H. Res. 227: Mr. BLUMENAUER.

H. Res. 243: Mr. PITTS.

H. Res. 245: Ms. JACKSON-LEE of Texas, Mr. AL GREEN of Texas, and Mr. STARK.

H. Res. 264: Mr. ARCURI and Mr. RANGEL.

H. Res. 272: Mr. WU, Mr. JOHNSON of Georgia, Ms. MILLENDER-MCDONALD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TOWNS, Mr. CLYBURN, Mr. MEEK of Florida, and Ms. CASTOR.

H. Res. 282: Ms. HIRONO, Ms. LORETTA SANCHEZ of California, Ms. BERKLEY, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Mr. BACA, Mrs. TAUSCHER, Ms. CORRINE BROWN of Florida, Mr. HINCHEY, Mr. DINGELL, and Mr. BECERRA.

H. Res. 287: Ms. JACKSON-LEE of Texas, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. MEEK of Florida.

H. Res. 292: Ms. BORDALLO.

H. Res. 303: Mr. ORTIZ.

H. Res. 307: Ms. MATSUI, Mr. RUSH, Mr. KUCINICH, Mr. PAYNE, Mr. DAVIS of Alabama, Mr. GUTIERREZ, Mrs. JONES of Ohio, Mr. HINCHEY, Ms. KILPATRICK, Mr. COSTELLO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TOWNS, Ms. LORETTA SANCHEZ of California, Ms. MOORE of Wisconsin, Mr. MCDERMOTT, Ms. WATSON, Mrs. JO ANN DAVIS of Virginia, and Mr. CONYERS.

H. Res. 314: Mr. FERGUSON, Mr. GOHMERT, and Mr. TOWNS.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative GORDON or a designee to H.R. 362, the 10,000 Teachers, 10 Million Minds Science and Math Scholarship Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1593: Mr. JONES of North Carolina.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, THURSDAY, APRIL 19, 2007 No. 63

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania.

The PRESIDING OFFICER. Today's opening prayer will be offered by our guest Chaplain, Dr. Tim Smith, Valley Presbyterian Church, Paradise Valley, AZ.

PRAYER

The guest Chaplain offered the following prayer:

Shall we pray.

O Lord Most High and so near, before whom all the nations rise and fall, it is not mere custom that we begin with prayer, but our deep sense of need for You. On this April morning we cherish the memory of another April morning and the Minutemen of Lexington and Concord who answered the midnight cry of Paul Revere, and they took their stand and fired the shot heard round the world. We remember them and how bitterly our freedom has been won, and pray that same spirit for us today.

Spirit of the living God, breathe on this assembled body of free men and women, servants of the people. As You guided its sons and daughters of liberty in the past, so guide these here today for the sake of liberty everywhere, for America's sake, for conscience sake, for God's sake. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 19, 2007.

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

THE GUEST CHAPLAIN

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

Mr. REID. Mr. President, I yield to the distinguished junior Senator from the State of Arizona, Mr. KYL.

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

Mr. KYL. Mr. President, I appreciate the majority leader yielding for the purpose of commenting for a moment about the guest Chaplain who just delivered the prayer, who happens to be the chaplain of my church in Paradise Valley. Let me speak a few words about Tim Smith and his service to our congregation.

He is the associate director of Congressional Ministries at Valley Church, and his expertise is ministries throughout the community. He has been a pastoral minister for over 25 years, serving as a hospice chaplain, a prison chaplain, and a bereavement counselor. In addition, he is a certified spiritual director and mentor and teacher to those who study spiritual direction. Tim and his wife Rita are members of Valley Presbyterian Church. They are parents of two sons, one of whom, incidentally, interned in my office in Phoenix, AZ.

It is also a special privilege for a guest Chaplain to be here, and I express my appreciation also to our Chaplain, Dr. Barry Black, for his willingness and kindness in inviting Tim Smith to be with us today.

Mr. President, I welcome Tim Smith, Minister of Valley Presbyterian Church, to Washington and to the Senate.

RECOGNITION OF THE MAJORITY LEADER

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

REMEMBERING THE WARSAW UPRISING

Mr. REID. Mr. President, the distinguished visiting Chaplain mentioned the Revolutionary War event, and that is memorable. Also, on this day I think it is important, to reflect on the Holocaust, that this day in 1943 was the beginning of the Warsaw Uprising at the Warsaw ghetto. As I recall, the Germans invaded Poland in 1939. They were, to say the least, brutal, especially against the Jews. In about 1941, as I recall, they cordoned off an area that was about 20 blocks by 6 blocks and ordered everyone out who was not Jewish and ordered all Jews from the whole large metropolitan area of Warsaw into that ghetto.

Word got out that the Jews had gathered some weapons, as they had done, minimal in number, and the German tanks came in on this day in 1943. Of course they were to wipe out the ghetto in 1 day, but these gallant Polish patriots, these Jews, held out for more than a month.

In the annals of history, it is one of the greatest acts of defiance against terrorism that exists. They did it with heroism and gallantry, and it is a day that we should recognize as being a day in the history of mankind where people stood up for what was right and against what was wrong.

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

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SCHEDULE

Mr. REID. Mr. President, this morning there will be a period of morning business for 60 minutes, Republicans controlling the first half and the majority controlling the last portion of the time. Following the period of morning business, the Senate will resume consideration of S. 378, the court security legislation. Cloture was filed on the bill. Members have until 1 p.m. today to file any first-degree amendments to the matter.

I am confident and I am hopeful that we will finish that bill today and be able to move, either this evening or tomorrow, to the matter dealing with competitiveness. Everyone should be made aware of the fact that we have at least 50 cosponsors of that legislation, so there will be no cloture filed to move to it or after we are on it. This is a bill that we should be able to complete without any procedural blocks of any kind from either side. But we are going to finish the court security bill before we leave this week. That may take a little extra time, but I think it is something we all need to do.

Coincidentally, yesterday, as I indicated on the Senate floor, the head of the Marshals Service, Mr. Clark, came to see me. The meeting had been long since scheduled. It was not scheduled as a result of this matter being on the floor of the Senate. He indicated that violence against Federal judges was up 17 percent last year; that there were more than 1,000 open threats against members of the Federal judiciary last year. This does not take into consideration the many instances of threats and actual violence in the State courts. This legislation will not only make safer the people who work in the Federal courts, including the judges, but also has the ability to make our State courts safer.

We need not be reminded too often of what has happened in recent years. In Illinois, a crazed litigant waited in a judge's home. When the family came home—not the judge, just the family members—they were killed. In Nevada, a man who was dissatisfied with what a judge was doing shot the judge. We know what happened in Georgia, where violence took place and people were killed.

This is something we really need to do. Time is of the essence. I understand there are some amendments today, and that is fine. We will dispose of those just as quickly as we can. I hope we do not have to file cloture on the bill.

That is the next thing. I appreciate very much the Republican leader doing what was necessary so we could move to the bill immediately after cloture was invoked on the motion to proceed. This is important legislation, and we should finish it as quickly as we can.

I also want to acknowledge that all Judiciary Committee members are tied up in the Judiciary Committee today, Democrats and Republicans, because Attorney General Gonzales is appearing before them in his much anticipated hearing. As a result of that, we didn't have a manager of the bill. SHERROD BROWN, a longtime Member of the House and new Member of the Senate, has agreed to manage this bill, and that will be done on this side. There are no excuses. We need to move forward. We have a manager. We will make sure everything is done in an appropriate manner.

We hope anyone who has amendments to offer will do so. There is nothing pending at this time, as I understand it. I say to the Chair, is that true, that this bill is open to amendment at the present time?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. The bill is open to amendment. We hope if people, Democrats or Republicans, think this bill can be improved, they will offer amendments.

RECOGNITION OF THE MINORITY LEADER

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

FINISHING LEGISLATION

Mr. MCCONNELL. Let me say to my good friend, the majority leader, I think there is an excellent chance of finishing the court security bill fairly soon. He is, indeed, correct that the competitiveness bill which he is calling up after that enjoys broad bipartisan support, so I think these are two pieces of legislation the Senate has a good chance of enacting in the very near future.

NATIONAL COMMEMORATION OF THE DAYS OF REMEMBRANCE

Mr. MCCONNELL. With regard to today's remembrance of the Holocaust, at today's 2007 National Commemoration of the Days of Remembrance ceremony, I will have the honor of lighting a candle alongside Holocaust survivor Eva Cooper. Eva was 10 years old when Nazis invaded her hometown of Budapest. She survived in hiding until Soviet forces liberated her and her family in 1945.

Hearing stories like Eva's reminds us that the Holocaust was not one act of evil, but millions, an evil that slaughtered little children and horrified nations. Today, we remember evil and the strength and courage of those who lived under its dark reign.

As time marches ever forward, fewer survivors like Eva Cooper will still live to tell us firsthand of the horrors they saw. That is why the mission of the U.S. Holocaust Memorial Museum, the host of today's event, is so very important. History must never forget the horror committed against the Jewish people, so that horror of such magnitude can never, never happen again.

Today's ceremony will also serve to remind us of the strength of the Jewish people in the face of atrocity. The resilience of those who survived, and the determination of those who remember, is proof that the dignity of the human soul will never be trampled by oppression, injustice, or terror.

I yield the floor.

ORDER OF BUSINESS

Mr. REID. Mr. President, we have had a number of inquiries already in the cloakroom whether there will be votes tomorrow. I will be in consultation with the distinguished Republican leader during the day, and that decision will be made later.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes controlled by the Republican leader or his designee, and the last 30 minutes controlled by the majority leader, or his designee.

The Senator from Florida is recognized.

EMERGENCY APPROPRIATIONS

Mr. MARTINEZ. Mr. President, I want to use some of the minority time in morning business this morning to discuss H.R. 1591, the Emergency Supplemental Appropriations Act of 2007. We are here now, some 73 days after the President sent us the emergency wartime spending request, and 73 days later we are still waiting to send to our troops the resources they desperately need while they are in harm's way.

On March 23 the House passed their version of the bill, and on March 29 the Senate did as well. We are now in the middle of April and the two bodies have yet to meet to work out their differences. More distressing still, the House has yet to even name conferees.

I know yesterday the leaders of the Congress had a meeting with the President to discuss the progress, or maybe the lack of progress, on this bill. In the 10 weeks since the Congress began consideration, we have turned a bill intended to fund troops into a bill that seeks to put a hasty and misguided withdrawal deadline from Iraq. In addition to that, not only does it not prioritize the war funding and leave it at that, but it also contains about $20 billion in projects that are neither emergencies and, most of all, are not related to the war effort.

In addition to that, it is clear from the conversations that leaders have had with the President that in this current form this bill will be vetoed. So

where are we today then? We clearly have a bill that is going to be unacceptable to the Executive. We still have not even conferenced on the bill. And worse yet, the Democratic leadership shows no signs of changing the path on which they are set, which is one that attempts to put an artificial deadline on the commanders on the ground and attempts to put other restrictions on their ability to fight the war from the ground as they best see fit.

So at the end of the day, we should not be using a war supplemental, at a time of war, when our troops are in harm's way, to do things such as put $25 million for spinach farmers—that is not an emergency, that does not relate to the war effort, $75 million for peanut storage. Again, I am sure peanuts being stored is an important thing, but is it a wartime supplemental issue? Is it an emergency? No. And $250 million for a dairy subsidy. We all enjoy ice cream, but do we need to have an emergency appropriation in order to subsidize diary farmers? Do we need to have an emergency appropriation for the war with bin Ladin now with this kind of special interest pork?

There is $3.5 million in this bill for Capitol tours. They are important, too. They are not an emergency. They certainly do not relate to the war. And $2 million for the University of Vermont.

The President has said:

> The longer Congress delays, the worse the impact on the men and women of the armed forces [will be]. Our troops, [the President said] should not be trapped in the middle.

I think that is true. I think it is very important that we move this process forward and that we allow for the troops on the ground to receive the kind of funding they desperately need to continue the fight forward.

There is something here we must recognize. Whenever the Congress does not timely fund an agency or department of the Federal Government, then we need to find ways in which to get the job done. I can remember, during my days in the Cabinet, that as Secretary of Housing and Urban Development, it is very disruptive for a stream of funding for a given project to be disrupted, because then you have to make amends in order to continue to pay your bills, bills you are obligated to pay, while at the same time having to rob Peter to pay Paul.

It is the most inefficient way to run Government. It is more costly than any other way of doing it and, most of all, when you are dealing with our Armed Forces, it has dire consequences.

Here are a couple of things that are wrong with the situation we are in today: We are delaying for no good reason. Secondly, we are attempting to impose a political deadline on a bill that is intended to provide the troops the resources they need to continue to fight the war.

The Iraq Study Group has been cited as having some good guidance on the way forward. The experts in that group, the Iraq Study Group—I know they are quoted frequently by my friends on the other side of the aisle, but we can't be too selective about what we choose to like from the Iraq Study Group and what we don't.

The Iraq Study Group says that: Near-term results—and this is referring to an untimely or an early withdrawal—would result in a significant power vacuum.

Unquestionably, if we withdraw untimely, there will be a power vacuum in Iraq. There will be greater human suffering, and the region will be destabilized, and a threat to the global economy would also be a part of what the Iraq Study Group found would be the result of a hasty withdrawal.

> Al Qaeda would depict our withdrawal as a historic victory.

Make no mistake about that. The Iraq Study Group said: Our premature departure from Iraq, leaving a power vacuum, will provide al-Qaida with a victory of historic proportions.

> If we leave and Iraq descends into chaos, the long-range consequences could eventually require the United States to return.

This is the Iraq Study Group. This is what they are saying about an untimely and hasty withdrawal from Iraq. There is no question there would be a power vacuum left, not only within Iraq but also in the region. And as a result of that, only those who do not wish us well and who are, frankly, the enemies of our country today would find this vacuum a great opportunity as a way that they could then descend. So there would be a power vacuum within the country, which would surely be filled by the radical elements of the society, who are not the ones who were elected by the people but are the ones who will have the ability, through their own thuggery and armed intervention, by their own militias, to take over the country.

The factional killings would rise even higher than they are today, and then the region will be destabilized, because there is no question that Iran would move into this power vacuum created by the hasty departure of the United States, the only stabilizing force in that area at the moment.

In addition, we would find the other countries in the region, the Sunni states, the moderate Sunni states that are friendly to us, would find this situation untenable. They would then have to act. I think the whole region would be in greater chaos than it is today. This would then necessitate a return of the United States into Iraq in a way that would be, frankly, undesirable.

So what are we doing today? Well, I am not one of those who believes we owe a commitment for the end of time and to all time. But I do not think we are at the point in time when retreat is the only option. Retreat will be followed by defeat, and all of those consequences are not what we want to see.

At this point in time we have two top-rated commanding officers in the field. General Petraeus has been on site a scant couple of months. His plan for this surge, his plan to try to pacify Baghdad, is underway, and while there are daily setbacks, and last night, this morning, we received the news of yet more fighting and more killing and more bombs, the fact is there are some overall trends that seem to be moving in a more positive direction.

Lieutenant General Odierno, who is the commanding general of the Multinational Corps in Iraq, reported on a number of aspects of military progress. He said: ''We are seeing a drop in sectarian murders in Baghdad and some displaced families are returning to the city.''

Again, these are modest signs of something going in the right direction.

> The number of caches we are finding per week has doubled since February.

All of the troops of this reinforcement action that many choose to call a surge have yet to be on the ground. The capacity of the Iraq security forces continues to grow. There are currently 10 Iraqi divisions, 8 of which have transitioned to Iraqi control. I believe yesterday another province was turned over to Iraqi control, the Iraqi forces. Security across Al Anbar has dramatically improved. The people of Al Anbar are fighting back and winning against al-Qaida. And I think that is true. We are receiving unparalleled and unprecedented cooperation from the locals in that area to help us defeat al-Qaida.

This, make no mistake about it, is a fight with al-Qaida. There may be sectarian and factional fighting in Iraq, and certainly in Baghdad, but in Al Anbar we are fighting al-Qaida.

Last week in Ramadi, there were nine attacks in total. During this same week a year ago there were 84 attacks. In the north, petroleum products from the Baiji oil refinery have increased 20 percent in the last 6 weeks alone, due to the Iraq security force's effort to protect the distribution tankers.

The bottom line is, there is a drop in murders, there is an increase in finding arms caches, there is an increase in the Iraqi forces continuing to take control of their own country, there is a decrease in attacks, and there is an increase in oil production. It is a perfect picture but certainly something that seems to be moving in a direction that is more desirable.

The emergency supplemental is vital to the troops and vital to our national security. The operations in Iraq over the next several months will determine our future efforts in Iraq and in that part of the world. We do not have the luxury of delaying these funds. You see, it would be a self-fulfilling prophecy not to properly fund the troops, to require that the rotations that are planned not take place; that the National Guard—we value so much the training. And I keep hearing in the Armed Services Committee repeated questions: Are our troops properly trained before they are sent into battle?

Well, we find that right now home State training of National Guard units had to be suspended because of the supplemental not being funded, and deployment of all military units is going to have to be slowed.

In other words, there are people who are part of our Armed Forces who have been in Iraq, who have served their time, who are expecting to come home. Their time of coming home is going to be delayed because their replacement will not have the resources to get back into the fight.

The administration's position on the bill is that the war supplemental should remain focused on the needs of the troops and should not be used as a vehicle for adding on emergency spending, and also for policy proposals that I find are more destined to make a difference in the political fight than they are in the fight against the enemies of our country.

Mr. President, I conclude by reading a letter that was written by Army LTC Charles P. Ferry, regarding the death of his comrade, his follow soldier, Army Ranger SSG Joshua Hager, a young man who died in the service of his country.

The lieutenant colonel wrote:

> On February 22, 2007, the Scout Platoon and I were conducting a vehicle movement at night along a route we had traveled many times before. Joshua and the rest of the Scouts had every inch of this road memorized. About halfway to our destination, Joshua's vehicle was struck by a large, deeply buried improvised explosive device (IED). Joshua was instantly killed by the blast, and the two other Scouts in the vehicle were wounded.

The lieutenant colonel continues to write:

> I have been in the Army for about 23 years and served in numerous Infantry, Special Forces, and Ranger Battalions. I have served about three years collectively in combat in Somalia, Afghanistan, and Iraq, and Staff Sergeant Joshua Hager is one of the best Sergeants I have ever served with and I trusted my life with him. He was the consummate professional and the absolute standard bearer for his platoon. He died doing what he loved and what he was very good at and I was proud to serve with him. I hope and pray that our Nation will always appreciate the ultimate sacrifice he and his family have made. I will never forget Joshua and I carry his memory burned into my heart as we continue to fight in the city of Ramadi.

I have spoken with the father of Sergeant Hager. We talked a number of times about his son and his son's beliefs. I cannot imagine the pain Mr. Hager feels, but I can tell you what he did say to me. The message from Joshua's father that he wanted me to relay here was Joshua understood his mission. He understood what he was over there fighting for. He knew this was a war worth fighting, and worth winning.

Young Joshua Hager told his dad these things and added:

> I'll stay in Iraq for another year or however long it takes to defeat the enemy—so that my son won't have to fight this battle when he grows up.

That statement, I believe, embodies the spirit of our soldiers in the field. They get it. They know their mission. We should know ours as well. We ought to get to work. We ought to strip out of this bill the timelines that would constrain and tie the hands of our military commanders. We should strip the pork, the unnecessary, nonemergency, nonwar-related pork that is in the bill, and send a clean bill to the President that he might sign it and get the resources to the troops they so desperately need, not only in Iraq but just as well as back here at home as we continue to attempt to keep our National Guard properly trained and properly prepared.

This is a difficult issue. I know very much how much this issue can divide our country. But I also know how very important it is to those of us who I believe clearly understand the threat our country faces in the global war on terror, the issues that relate to the security of this Nation, and the very difficult situation we find ourselves in. We should not make this situation more difficult by injecting domestic politics into the atmosphere.

I do believe it is very important that we continue to fund the troops, that we give the troops our support and our backing, and we do so in a timely manner.

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

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

The bill clerk proceeded to call the roll.

Mrs. LINCOLN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. LINCOLN. Mr. President, I know the Republican side has additional time remaining. That will be reserved for them. I wish to speak under the Democratic time.

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

TRAGEDY AT VIRGINIA TECH

Mrs. LINCOLN. Mr. President, I would like to take a few moments to extend my heartfelt condolences to the Virginia Tech community and the families comforting them. The entire Nation obviously is grieving with them over their tremendous loss. We want them to know that all of our States, particularly the great State of Arkansas, stand with them as they cope with this senseless tragedy. We will continue to be with them, keep them in our thoughts and prayers in the coming weeks and months.

I attended Randolph-Macon Woman's College just down the road from Blacksburg in Lynchburg, VA. I remember when I was in college, Virginia Tech was well known for its strong and passionate student body. They had tremendous strength. They had a strong will, a strong determination, and a strong and bright spirit. I certainly know that all of those strengths remain in today's student body at Virginia Tech. I also know that their alumni will be there to comfort them and stead them well in the coming months. We hope they know we have them in our thoughts and prayers.

WAR IN IRAQ

Mrs. LINCOLN. Mr. President, news from the Pentagon last week hit so many families throughout our great State of Arkansas particularly hard. Four years into the conflict in Iraq, the Army National Guard put 13,000 reservists, including nearly 2,000 from the largest National Guard unit in Arkansas, the 39th Infantry Brigade, on notice that they should be prepared for a second deployment at the end of this year. The Pentagon's decision to potentially deploy these troops marks the first time during Operation Iraqi Freedom that full Guard units would be called up for a second tour of duty. Our Arkansas troops already have performed bravely in Iraq, and we know they will do so again.

Today, along with many Arkansans honorably serving in the Active-Duty military, over 1,600 of our citizen soldiers have been activated for service in the Middle East and along our southern border with Mexico. The 142nd Fire Brigade based in Fayetteville, AR, mobilized last week and is expected in Iraq this summer. Eighty members of the 213th Area Support Medical Company are preparing for their mobilization orders in June. Many of these members served in Iraq before with the 296th Ambulance Company. The headquarters company, the 871st Troop Command, is also expected to be mobilized in June.

Since the war began, our troops have performed their mission with incredible bravery and skill in some of the harshest conditions imaginable. Their families have supported them and kept them in their prayers, have been there with them each step of the way, both in the harsh conditions and when they have returned. Their communities have supported them, many of which are rural communities. They are communities that, when these soldiers have been deployed, have to find someone else to fill positions while they are gone, positions such as mayor or principal of the school, fire chief or police chief, small businesses that keep the economies in those small rural communities thriving.

Because of the sacrifice of these brave men and women, their families, and these communities, we have seen a popularly elected government replace a ruthless dictator.

We have seen a democratic constitution approved by the Iraqi people replace the authoritarian rule they had known. Tragically, we also have seen civilian mismanagement of this war which is not reflective of the tremendous sacrifice put forth by our men and women in uniform. Today, more than

3,300 servicemembers, 56 with Arkansas ties, have given their lives—the ultimate sacrifice in this undertaking—and more than 24,000 have been wounded.

Now, as our troops contemplate the thought of returning to Iraq to continue an undefined mission, President Bush has chosen to question the resolve of Congress to provide our troops with the resources they need to finish the job. He has questioned us. I take great exception to the President's comments. I find them disingenuous, and I wish to make clear to the American people that Congress is committed to providing our troops with everything they need to safely and effectively complete their mission. I believe that we have worked diligently to bring about a bill which would provide just that.

Last month, I voted with the majority of my Senate colleagues for an emergency spending bill that was above the President's request for our troops and would provide nearly $100 billion for operations in Iraq and Afghanistan. We met each of his requests and provided every nickel he asked for and more. The additional dollars we approved provide for their combat equipment, housing, and much needed health care, particularly addressing mental health issues for those suffering from traumatic brain injuries and post-traumatic stress disorder. Our soldiers in the field deserve no less. Our returning veterans deserve no less. We should be doing everything we possibly can to provide what the President has asked and more. We do just that in the supplemental bill we will send him.

Our legislation also sets measurable benchmarks for the Iraqi Government such as assuming control of their own security operations, containing the sectarian violence, and making the tough decisions toward political reconciliation that desperately need to be made—the very same benchmarks the President himself has continually called for.

The Senate did this in record time. In the past 2 years, it took well over 100 days to get to a supplemental. This Senate, recognizing the urgency of the issue, moved quicker than we have in the last 2 years. We have been more expeditious, and we acted in less than 50 days to get it passed in the Senate. We now anticipate sending him a bill next week. Despite our best efforts to find common ground, however, the President has threatened to veto this bill once it reaches his desk, although the final language still needs to be negotiated in a conference package. I hope it will be done in a way that does expedite getting the resources and needs to our soldiers.

What is so egregious about our approach that the President will not consider signing it and has been so adamant? The President points to two particular issues. First, he claims this bill would impose restrictions on our military commanders and set an arbitrary date for withdrawal from Iraq, giving our enemies the victory they desperately want. I argue that the constantly shifting objectives of this war make it difficult to imagine an end to the U.S. commitment, unless we present the benchmarks the President has spoken about and called for. The American people are exhausted with this war, and the President's justification for staying in Iraq becomes harder and harder to stomach each and every day if we do not call on the Iraqis to step up to the plate and seize their opportunity to create their own security.

As Iraq slides deeper into an increasingly violent civil war, the President's high-risk military strategy has increased our military's involvement. This strategy comes at a time when the U.S. intelligence community reports that al-Qaida has become an increased threat to our national security because we have devoted so much manpower, resources, and attention solely to Iraq. We have in a sense spread ourselves so thin in one place that how can we react in the multiple places where al-Qaida is strengthening itself? It also comes at a time when our own military reports that its readiness has dramatically eroded because it has been overextended and underequipped.

Listening to my military leaders in Arkansas, my guardsmen and reservists, who know full well what is going to be asked of them, one of the first things on their list of concerns is the lack of medical and dental readiness for their soldiers. They find that when some of their troops get called up, because they are citizen soldiers and they may not have regular health care—which is a whole other issue to be dealing with in this body—they are held back on medical hold because they don't meet medical readiness or, in some of the more horrific stories, they just simply pull that soldier's teeth and send them to Iraq because they don't have time to give adequate dental care to bring them to that medical-readiness status. It is unacceptable and inexcusable that we should be putting those many pressures on the brave men and women who fight for this country.

Our bill seeks to address these issues. In the Senate bill, we acknowledge that the conditions in Iraq have changed substantially since we originally authorized the war in 2002. We are no longer fighting an enemy that will one day show the white flag and surrender. Instead, we are now in a referee position of a brutal fight for dominance between two warring religious sects and countless militia who are all hungry for power. Oftentimes, soldiers come home and say they don't even know who the enemy is when they go into these communities and seize what they think are civilians and don't know whether it is a militia that will lash out and cause great harm.

While I agree with President Bush that we should not leave Iraq in chaos, we don't have to. That is the point we make in this bill. We don't have to if we make sure, as we do in this bill, that the Iraqis understand what our expectations are of them, the benchmarks we have laid down, and the expectations we have of the Iraqis to stand up so our American soldiers can step down, as President Bush has so frequently said.

U.S. troops should not be in the position of policing a civil war with an open-ended commitment. The American people realize that and are clamoring for us to move forward in a positive way to bring our troops home.

That is why U.S. policy must focus on policy that encourages Iraqi leaders to take responsibility for their country and attempt to find a political solution to this grave conflict.

America is no stranger to that. In looking for our own freedom hundreds of years ago, we realized there were commitments that had to be made. We knew there were steps that had to be taken, courageous steps that had to be taken. The Iraqi people know that, too. We must encourage them now to take those steps.

Our efforts are already having their intended effect. On Tuesday, the President's own Defense Secretary, Robert Gates, stated:

> [T]he debate in Congress has been helpful in demonstrating to the Iraqis that American patience is limited. The strong feelings expressed in the Congress about the timetable probably has had a positive impact in terms of communicating to the Iraqis that this is not an open-ended commitment.

The President has also chided Congress for providing much needed emergency funding. This is one of the other areas he brings complaint about our supplemental—for providing this much needed emergency funding for items such as Katrina recovery, agricultural disaster relief, the State Children's Health Insurance Program, known as SCHIP, and firefighting, just to name a few. He has attempted to paint this funding as porkbarrel funding when the reality is these are dollars which will be used to rebuild the gulf region; dollars which will be used for farmers to offset losses over the past several years from drought and hurricanes and other types of natural disasters; dollars which will be used for health care needs for our Nation's neediest children, our most precious blessing; and dollars for our first responders and on and on.

I am reminded of a conversation I had with my grandmother one time when she said to me: It is crazy, but some people will sometimes ask you, Which of your children do you love the most? How do you respond to something like that? As the mother of twins, it is impossible. President Bush is the father of twins. He knows how important it is that all of your children—all of your children—know they are loved. Yes, some, though, who are the neediest may need more attention. That is why—that is why—the soldiers, the brave men and women serving in uniform from this country, are the

first priority on our list here. But that does not mean we forget the rest of the members of our American family. That does not mean we forget the children who need health care or the farmers who are experiencing disaster or, Heaven forbid, we forget the members of our American family in the gulf region who have yet to get the resources and the help from their Federal Government they need to begin to rebuild their lives.

These are people who are a huge part of our American family and who strengthen the fabric of this great country. It is so critically important that they, too, be included as a part of strengthening this country to which our soldiers will one day return home. These are funds which are needed now. The supplemental offers the best opportunity to address these emergencies. It is the typical place where we address emergencies in the Congress.

Moving forward, I am pleased President Bush met with Majority Leader REID and Speaker PELOSI yesterday. I see that as a sign of progress. But I am also very disappointed that the President continues to put veto threats out there about a bill that is so vitally necessary to our soldiers and to our entire American family.

For the security of our country and for the sake of our troops, it is time for a new direction. It must be a direction that better reflects the ability, the reality, and the real progress that ultimately lies with the Iraqis taking responsibility for their own future. We know—we know—it can happen if the Iraqis understand what is expected of them.

This new direction must also acknowledge we must do more for our troops when they are in harm's way particularly but also when they come home. The love and care—particularly health care—they and their families need is essential to keeping our American family whole. They not only deserve our appreciation and support, they deserve the very best equipment, armor, and other battlefield amenities necessary to complete their mission and to bring them home, as well as the proper care, benefits, and attention once their military service is complete.

Our troops are worthy of this commitment from us. We should come together as a Congress and an executive branch to make that expression, to show our troops and to show our entire American family that at this time, at this difficult time in our Nation's history, we come together in a bipartisan way, in an American way, to recognize the needs of this great country and to move us forward.

I strongly believe this bill offers the necessary guidelines to bring our soldiers home safely, and as soon as possible, to care for this incredible country—these communities they will return home to, to keep them whole and to keep this incredible fabric of our American family strong.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, how much time remains to this side of the aisle under the order?

The PRESIDING OFFICER. Twelve and a half minutes.

SUPPLEMENTAL APPROPRIATIONS

Mr. COCHRAN. Mr. President, I am pleased to be able to come to the floor and urge the Senate to expedite the consideration of the supplemental appropriations bill that is now in conference between House and Senate members on the Appropriations Committee. This supplemental request for funding for our troops in Iraq and Afghanistan has been pending now for way too long, without action to send this bill to the President for his signature.

Over 2 weeks ago, I received a letter from the Joint Chiefs of Staff outlining the urgency of this appropriations bill. I am going to read a couple of excerpts from that letter now:

> With the increasing pace of operations and material needs in Iraq and Afghanistan, we ask that the Congress expeditiously complete its work on the Fiscal Year 2007 Emergency Supplemental. Timely receipt of this funding is critical to military readiness and force generation as we prosecute the war on terror. Given the current status of this legislation, we are particularly concerned that funding could be significantly delayed.

It is very clear that delay is occurring, and it is a serious matter. We are talking about life-and-death situations, the ability to furnish the equipment, the weaponry, the training that is necessary for our Armed Forces to carry out their mission.

This is not a time to play politics with the well-being of troops in the field. I am afraid that is what we are witnessing. I do not have any particular problem with the Senate and House members of our conference committee seriously engaging in a discussion of our differences and resolving those and submitting a final conference report as soon as possible. I urge that is what we do. But we are seeing more and more delay. That is just not justified under the circumstances in which we find ourselves.

In this letter I received the other day, here is another thing that is pointed out by the Joint Chiefs of Staff:

> Without approval of the supplemental funds in April, the Armed Services will be forced to take increasingly disruptive measures in order to sustain combat operations. The impacts on readiness and quality of life could be profound. We will have to implement spending restrictions and reprogram billions of dollars. Reprogramming is a short-term, cost-inefficient solution that wastes our limited resources. Spending restrictions will delay and disrupt our follow-on forces as they prepare for war, possibly compromising future readiness and strategic agility. Furthermore, these restrictions increase the burden on servicemembers and their families during this time of war.

I do not know how the Chairman of the Joint Chiefs of Staff and those who are working closely with him in this very difficult period could be more clear about the importance of action now on this supplemental appropriations bill.

I am not going to belabor the point, but I think for us to continue to engage in who is going to win this political struggle about deadlines, forced redeployments from Iraq and Afghanistan, suspension of activities of this kind or the other, and who is in charge, it makes the world wonder whether our Nation is competent to deal with an emergency that threatens the very security of our country.

I know when I came to Congress, you would hear it said that partisan politics should stop at the water's edge, that whatever is going on in other parts of the world that affects our security, our economic well-being, threatens us all as a nation, Democrats, Republicans, young and old, the military, and the civilian leaders of our country—we are all in this together.

We need to work out our differences and resolve them somehow. Let's look to compromise that is fair, that carries out the intent as expressed in these bills by those who have supported and passed an appropriations bill in the Senate and one in the House. Let's resolve the differences. That is what we are waiting on. And do you know what. The conference committee has not even met. There has been no meeting of the conferees on the part of the House or the Senate to discuss the differences. Now, that is inexcusable, and I lay that at the feet of the leadership of the Senate and the House. We are all in this together. I am not saying just the Democratic leadership or the Republican leadership, but we as Members ought to call on our leaders now.

Let's end this logjam. Let's end this confrontation and the political grandstanding that is going on on the part of some. I think we need to immediately move to conference. Let's work on these bills. Let's get them resolved in a conference report that the President can sign.

We are talking about a supplemental appropriations bill for our military forces. There have been other things added in both the Senate and the House. Well, that is not unusual. That happens. What we can agree on, let's agree on and send it to the President. But let's stop the delay, the procrastination, the finger-pointing, the political accusations that the President does not have the interests of the country at heart—whatever is being said in so many words. It is a political attack against the President. This is not the time for partisan politics. This is the time for the Senate and the House to get together, resolve our differences, and move on, support our troops, and protect our national security interests. That is what this bill does.

Mr. President, I ask unanimous consent that a copy of the letter signed by Peter J. Schoomaker, General, U.S. Army, Chief of Staff; Michael G.

Mullen, Admiral, U.S. Navy, Chief of Naval Operations; T. Michael Moseley, General, U.S. Air Force, Chief of Staff; James T. Conway, General, U.S. Marine Corps, Commandant of the Marine Corps, be printed in the RECORD.

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

THE JOINT CHIEFS OF STAFF,
Washington, DC, April 2, 2007.

Hon. THAD COCHRAN,
Ranking Member, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR COCHRAN: On behalf of the Soldiers, Marines, Sailors and Airmen of our Armed Forces and their families, please accept our thanks and appreciation for continuing to provide the necessary resources and legislation to fight the Long War.

With the increasing pace of operations and materiel needs in Iraq and Afghanistan, we ask that the Congress expeditiously complete its work on the Fiscal Year 2007 Emergency Supplemental. Timely receipt of this funding is critical to military readiness and force generation as we prosecute the war on terror. Given the current status of this legislation, we are particularly concerned that funding could be significantly delayed.

Without approval of the supplemental funds in April, the Armed Services will be forced to take increasingly disruptive measures in order to sustain combat operations. The impacts on readiness and quality of life could be profound. We will have to implement spending restrictions and reprogram billions of dollars. Reprogramming is a short-term, cost-inefficient solution that wastes our limited resources. Spending restrictions will delay and disrupt our follow-on forces as they prepare for war, possibly compromising future readiness and strategic agility. Furthermore, these restrictions increase the burden on service members and their families during this time of war.

Thank you again for your unwavering support of our service members and their families. We are grateful for your steadfast interest in providing them the best equipment, the best training and a quality of life equal to the quality of their service. We look forward to working with you on measures to enhance our Nation's security.

Sincerely,

PETER J. SCHOOMAKER,
General, U.S. Army, Chief of Staff.

MICHAEL G. MULLEN,
Admiral, U.S. Navy, Chief of Naval Operations.

T. MICHAEL MOSELEY,
General, U.S. Air Force, Chief of Staff.

JAMES T. CONWAY,
General, U.S. Marine Corps, Commandant of the Marine Corps.

Mr. COCHRAN. Mr. President, I yield back the remainder of the time available on this side.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

COURT SECURITY IMPROVEMENT ACT OF 2007

The PRESIDING OFFICER. The Senate will resume consideration of S. 378, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 378) to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members and for other purposes.

Mr. LEAHY. Mr. President, today we continue to debate and consider the Court Security Improvement Act of 2007. It should not be a struggle to enact this broadly supported consensus legislation. We made some progress yesterday but failed to get to final passage of this important legislation. I hope we can get there later today.

I would like to thank the majority leader for his support and leadership on this bill. Senator REID knows all too well about the need for greater court security since the last courthouse tragedy occurred in Nevada. Nobody has been a stronger supporter of this legislation. He helped us pass similar protections twice last year. It is no surprise to me that yesterday he met with the head of the U.S. Marshals Service. Sadly, they reported a 17 percent increase in attacks this year. We cannot delay our response any further in the face of this trend.

Senator DURBIN, our assistant majority leader, has been consistently dedicated to getting this legislation passed. The tragic murder of Judge Lefkow's husband and mother in her home State of Illinois serves as a terrible reminder of why we need this legislation. Senator DURBIN has worked tirelessly to prevent any further tragedies from befalling our Federal judges.

As I have noted before, this legislation has broad bipartisan support. Yesterday Senator CORNYN gave a powerful statement in support of this legislation. Senator CORNYN is a former member of his State's judiciary. I urge Members to consider his views and support for these important provisions providing for increased security. Even the White House has issued a supportive Statement of Administration Policy.

Yesterday a number of amendments were filed, but none of them was relevant to the important purpose of court security. There will be other opportunities to consider worthwhile amendments. I look forward to working with Senator COBURN on Department of Justice reauthorization later this year.

We made some progress yesterday. The Senate adopted the Kyl-Feinstein amendment that was adopted in committee. I thank Senator SPECTER for working with me on an important managers' amendment. That amendment made several technical fixes and clarified our treatment and protection of magistrate judges and the Tax Court judges.

Last night after significant debate we had a vote on an amendment offered by Senator COBURN. Regretfully, it took from 10:30 a.m. to 5:30 p.m. for the Senator from Oklahoma to be ready to offer his amendment. Once offered we dealt with it promptly.

I would like to thank Senator WHITEHOUSE for helping me manage this bill yesterday. His eloquent words in support of this legislation were much appreciated.

I thank Senators KLOBUCHAR and BROWN for helping me manage this legislation today during the Judiciary Committee's oversight hearing with Attorney General Alberto Gonzales.

I hope that today we can finish our work on this important legislation.

Mr. BROWN. Mr. President, I understand the Senator from Nevada has an amendment he wishes to offer.

AMENDMENT NO. 897.

Mr. ENSIGN. Mr. President, I call up amendment No. 897.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 897.

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

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

The amendment is as follows:

(Purpose: To amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into 2 circuits, and for other purposes)

At the end of the bill, add the following:

TITLE VI: NINTH CIRCUIT SPLIT

SEC. 601. SHORT TITLE.

This title may be cited as the ''The Circuit Court of Appeals Restructuring and Modernization Act of 2007''.

SEC. 602. DEFINITIONS.

In this title:

(1) FORMER NINTH CIRCUIT.—The term ''former ninth circuit'' means the ninth judicial circuit of the United States as in existence on the day before the effective date of this title.

(2) NEW NINTH CIRCUIT.—The term ''new ninth circuit'' means the ninth judicial circuit of the United States established by the amendment made by section 603(2)(A).

(3) TWELFTH CIRCUIT.—The term ''twelfth circuit'' means the twelfth judicial circuit of the United States established by the amendment made by section 603(2)(B).

SEC. 603. NUMBER AND COMPOSITION OF CIRCUITS.

Section 41 of title 28, United States Code, is amended—

(1) in the matter preceding the table, by striking ''thirteen'' and inserting ''fourteen''; and

(2) in the table—

(A) by striking the item relating to the ninth circuit and inserting the following:

''Ninth ..... California, Guam, Hawaii, Northern Mariana Islands.''

and

(B) by inserting after the item relating to the eleventh circuit the following:

''Twelfth ..... Alaska, Arizona, Idaho, Montana, Nevada, Oregon, Washington.''.

SEC. 604. JUDGESHIPS.

(a) NEW JUDGESHIPS.—The President shall appoint, by and with the advice and consent of the Senate, 5 additional circuit judges for the new ninth circuit court of appeals, whose official duty station shall be in California.

(b) TEMPORARY JUDGESHIPS.—

(1) APPOINTMENT OF JUDGES.—The President shall appoint, by and with the advice and consent of the Senate, 2 additional circuit judges for the former ninth circuit court of appeals, whose official duty stations shall be in California.

(2) EFFECT OF VACANCIES.—The first 2 vacancies occurring on the new ninth circuit court of appeals 10 years or more after judges are first confirmed to fill both temporary circuit judgeships created by this subsection shall not be filled.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 605. NUMBER OF CIRCUIT JUDGES.

The table contained in section 44(a) of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following:

''Ninth ..... 20''

and

(2) by inserting after the item relating to the eleventh circuit the following:

''Twelfth ..... 14''.

SEC. 606. PLACES OF CIRCUIT COURT.

The table contained in section 48(a) of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following:

''Ninth ..... Honolulu, Pasadena, San Francisco.''

and

(2) by inserting after the item relating to the eleventh circuit the following:

''Twelfth ..... Las Vegas, Phoenix, Portland, Seattle.''.

SEC. 607. LOCATION OF TWELFTH CIRCUIT HEADQUARTERS.

The offices of the Circuit Executive of the Twelfth Circuit and the Clerk of the Court of the Twelfth Circuit shall be located in Phoenix, Arizona.

SEC. 608. ASSIGNMENT OF CIRCUIT JUDGES.

Each circuit judge of the former ninth circuit who is in regular active service and whose official duty station on the day before the effective date of this title—

(1) is in California, Guam, Hawaii, or the Northern Mariana Islands shall be a circuit judge of the new ninth circuit as of such effective date; and

(2) is in Alaska, Arizona, Idaho, Montana, Nevada, Oregon, or Washington shall be a circuit judge of the twelfth circuit as of such effective date.

SEC. 609. ELECTION OF ASSIGNMENT BY SENIOR JUDGES.

Each judge who is a senior circuit judge of the former ninth circuit on the day before the effective date of this title may elect to be assigned to the new ninth circuit or the twelfth circuit as of such effective date and shall notify the Director of the Administrative Office of the United States Courts of such election.

SEC. 610. SENIORITY OF JUDGES.

The seniority of each judge—

(1) who is assigned under section 608, or

(2) who elects to be assigned under section 609,

shall run from the date of commission of such judge as a judge of the former ninth circuit.

SEC. 611. APPLICATION TO CASES.

The following apply to any case in which, on the day before the effective date of this title, an appeal or other proceeding has been filed with the former ninth circuit:

(1) Except as provided in paragraph (3), if the matter has been submitted for decision, further proceedings with respect to the matter shall be had in the same manner and with the same effect as if this title had not been enacted.

(2) If the matter has not been submitted for decision, the appeal or proceeding, together with the original papers, printed records, and record entries duly certified, shall, by appropriate orders, be transferred to the court to which the matter would have been submitted had this title been in full force and effect at the time such appeal was taken or other proceeding commenced, and further proceedings with respect to the case shall be had in the same manner and with the same effect as if the appeal or other proceeding had been filed in such court.

(3) If a petition for rehearing en banc is pending on or after the effective date of this title, the petition shall be considered by the court of appeals to which it would have been submitted had this title been in full force and effect at the time that the appeal or other proceeding was filed with the court of appeals.

SEC. 612. TEMPORARY ASSIGNMENT OF CIRCUIT JUDGES AMONG CIRCUITS.

Section 291 of title 28, United States Code, is amended by adding at the end the following:

''(c) The chief judge of the Ninth Circuit may, in the public interest and upon request by the chief judge of the Twelfth Circuit, designate and assign temporarily any circuit judge of the Ninth Circuit to act as circuit judge in the Twelfth Circuit.

''(d) The chief judge of the Twelfth Circuit may, in the public interest and upon request by the chief judge of the Ninth Circuit, designate and assign temporarily any circuit judge of the Twelfth Circuit to act as circuit judge in the Ninth Circuit.''.

SEC. 613. TEMPORARY ASSIGNMENT OF DISTRICT JUDGES AMONG CIRCUITS.

Section 292 of title 28, United States Code, is amended by adding at the end the following:

''(f) The chief judge of the United States Court of Appeals for the Ninth Circuit may in the public interest—

''(1) upon request by the chief judge of the Twelfth Circuit, designate and assign 1 or more district judges within the Ninth Circuit to sit upon the Court of Appeals of the Twelfth Circuit, or a division thereof, whenever the business of that court so requires; and

''(2) designate and assign temporarily any district judge within the Ninth Circuit to hold a district court in any district within the Twelfth Circuit.

''(g) The chief judge of the United States Court of Appeals for the Twelfth Circuit may in the public interest—

''(1) upon request by the chief judge of the Ninth Circuit, designate and assign 1 or more district judges within the Twelfth Circuit to sit upon the Court of Appeals of the Ninth Circuit, or a division thereof, whenever the business of that court so requires; and

''(2) designate and assign temporarily any district judge within the Twelfth Circuit to hold a district court in any district within the Ninth Circuit.

''(h) Any designations or assignments under subsection (f) or (g) shall be in conformity with the rules or orders of the court of appeals of, or the district within, as applicable, the circuit to which the judge is designated or assigned.''.

SEC. 614. ADMINISTRATION.

The court of appeals for the ninth circuit as constituted on the day before the effective date of this title may take such administrative action as may be required to carry out this title and the amendments made by this title. Such court shall cease to exist for administrative purposes 2 years after the date of enactment of this Act.

SEC. 615. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title, including funds for additional court facilities.

SEC. 616. EFFECTIVE DATE.

Except as provided in section 604(c), this title and the amendments made by this title shall take effect 12 months after the date of enactment of this Act.

Mr. ENSIGN. Mr. President, we are debating a bill about court security. The court security bill is about the administration of justice. Some would argue that the amendment I have offered, while relating to the courts, does not deal with court security. Both the underlying bill and my amendment deal with the administration of justice. There are provisions in the bill that are not strictly dealing with court security, and I believe this is an appropriate place to talk about this amendment and an appropriate time for the Senate to vote on my amendment. It is something we have been working on for a few years.

My amendment recognizes that the ninth circuit, by far being the largest circuit in the United States, is too large, the administration of justice is too slow, and that the ninth circuit needs to be broken up at this point. It needs to be split up so the people, such as the people who live in the State of Nevada, can receive justice in a way that is fair and that is also expeditious.

In the past, the United States has gotten to a point with other circuits where we have decided that they are too large and need to be split. Some have argued that splitting up the ninth circuit is for ideological reasons, but that is not why I have offered this amendment. Many who used to be opposed to splitting up the ninth circuit 5 or 10 years ago now understand that for the sake of the administration of justice, the ninth circuit needs to be split up. It is by far and away the largest circuit in the United States.

We have had testimony in front of the Judiciary Committee, and many articles have been written, on why so many of the ninth circuit decisions are overturned by the U.S. Supreme Court.

The Ninth Circuit, far and away, has more of its decisions overturned by the Supreme Court than any other circuit. Well, Mr. President, we had testimony that one of the reasons a lot of people believe that to be the case is not that the jurists on the Ninth Circuit may be less competent than those in other circuits, but that is because of the overwhelming caseload, the circuit doesn't have the time to consider the cases that other circuits do but the use of the en-banc panel, instead of the full circuit, contributes to this problem.

Mr. President, 20 percent of the country is in the Ninth Circuit. It is laden with immigration cases. It has too many cases per judge and, because of that, too many of the cases that need to be heard in a timely fashion are delayed. What our bill simply would do is to divide the Ninth Circuit up in a very fair manner. We have put this through judges and through studies and over the years we have modified it on exactly how to break it up. If people disagree with how we are deciding to break it up, we can talk about that. But the bottom line is that it is too large of a circuit, and the Ninth Circuit needs to be split up.

I think all but one of the judges in the State of Nevada—by the way, almost all these same judges used to be against splitting up the Ninth Circuit. Today, nearly all of them have come out in favor of splitting up the Ninth Circuit. The reason for that is we live in the fastest growing area in the country. Nevada, in 18 out of the last 19 years, is the fastest growing State. The other States in the Ninth Circuit, including Arizona, California, Washington, Oregon, Idaho, all of these States have booming populations. While we are the largest circuit in the United States, it is going to get increasingly worse in the future, as far as the size of the population, the number of cases per judge, while overwhelming now, it is only going to get worse in the future.

I believe this is an amendment that should be discussed as a separate bill on the floor. But we all know most bills cannot get time on the Senate floor. So you have to take the opportunity to offer amendments wherever you can. We have been trying to get this bill acted on for years and years and years. We now have a vehicle, dealing with the courts, where it is appropriate to offer this amendment. So that is why I am offering this amendment today.

Mr. President, again, amendment No. 897 would split the Ninth Circuit Court of Appeals. Because my home State of Nevada is under the jurisdiction of the Ninth Circuit, I have taken particular interest in how the Ninth Circuit functions. As a Senator from Nevada, I represent people who are on both sides of this issue. I have heard arguments for, and against, splitting the Ninth Circuit but, having listened to the debate, have concluded that it is time for Congress to split the Ninth Circuit.

The Ninth Circuit really has become too large to function as efficiently as it should. The population of the States in the Ninth Circuit is growing too fast for the circuit to manage its caseload. Cases working their way through the Ninth Circuit take far too long to come to resolution. The circuit is becoming increasingly dependent on visiting judges, who are not as familiar with circuit precedent, to manage its caseload. The reversal rate of cases heard by the Supreme Court which on appeal from the Ninth Circuit is much higher than the average of all Federal circuits. These problems require some form of action by Congress and, having studied the issue, simply adding more judges is not the solution.

Last year, the Judiciary Committee held a hearing on the issue of splitting the Ninth Circuit. As several Federal judges who were witnesses testified, adding more judges, in a circuit so geographically large, is not going to adequately address the need for collegiality among judges.

Mr. President, my primary motivation is to ensure that my constituents, the people of Nevada, have equal access to justice. Equal access to justice requires not only fair, but also prompt, resolution of a case. From my perspective, the current backlog in cases and the fact that the resolution of appeals takes far longer in the Ninth Circuit than any other circuit demonstrates that Nevadans are not guaranteed the promise that their claims will be heard with the same timeliness as persons living in other circuits. The adage of ''justice delayed is justice denied'' is appropriate with respect to the Ninth Circuit delays.

I believe we should consider the cost that unreasonable delay causes to the parties in a case. The lawyers and the judges live in this system. To these people, delays are not only reasonable but they are expected. A delay to someone who is part of the legal community is just the way things are done. But that is not the case for litigants. Ask any litigant whose case is waiting for a hearing on appeal. They take being sued personally and would tell you that their lives are on hold. They may fear they will lose their business, or their job, or their livelihood. It really does not matter whether the case involves business litigation, an immigration appeal, or a criminal matter.

If you talk to the parties to a case, they will tell you stories of the economic, social, and psychological toll extended litigation has on them and their families. That is why I am concerned about delays in the process.

That is also why I believe that some groups have endorsed my bill. For example, the Western States Sheriff's Association, which includes Nevada, has endorsed splitting the Ninth Circuit. I believe that the Association understands that America's law enforcement agencies have been devoting scarce budget resources to monitoring and dealing with criminal appeals that would otherwise be better devoted to protecting America's families if only appeals cases were resolved sooner rather than later.

I believe that it is not only the duty of Congress but also our obligation to ensure that the Judicial branch is operating efficiently. That is why we are considering the current legislation, the court security bill, because we want to ensure that judicial branch operates efficiently. And we know that it cannot, if those who work in the system—our judges and our court officers—do not feel safe. That is also why my amendment is so important.

I do not believe that splitting the Ninth Circuit would infringe on the ''independence of the judiciary'' as some might suggest. The Constitution provides Congress with the power to ''constitute'' or establish ''tribunals inferior to the Supreme Court,'' and also gives Congress the power to ''ordain and establish'' the lower Federal courts. Acting in accordance with the Constitution, Congress has used its authority to establish the Federal appeals courts and the Federal district courts, as well as other Federal courts. Congress has the ability to create courts of special jurisdiction, such as military courts, bankruptcy courts, and tax courts, and to limit the appeals jurisdiction of all Federal courts, including the Supreme Court of the United States. The Constitution clearly provides that the people, acting through their respective Congressional representatives, can enact legislation to split the Ninth Circuit. The prerogative of Congress to enact legislation to split the Ninth Circuit is consistent with the role of Congress established by the Constitution. The idea of splitting the Ninth Circuit is a proper action for Congress to take.

Finally, Mr. President, I would hope that Members of the Senate could agree that, regardless of where each of us may be on this issue, we could engage in an honest discussion and avoid attacking each other's motives. I have read with great interest the statements of people on the other side of this issue suggesting that split supporters, like myself, are only ''politically motivated'' or that supporters of a split are ''trying to punish'' the Ninth Circuit because of the perception of the circuit's ideology. Nothing could be further from the truth. I am sure the people who do not favor a split have likewise had similar attacks directed at them. We should not condone that rhetoric or impugn each others motives. I do not believe that it is in the Senate's, or the Nation's, best interest to attack someone else's motives. I have met with people on both sides of this issue and respect their views.

Let me conclude by saying this. The saying is that justice delayed is justice denied. In the Ninth Circuit that is what happens ever single day. Nevadans experience justice delayed too often. We are putting more and more of a burden on our Federal courts by the actions of the Senate. We need to now take the responsibility to make sure our various circuits around the country are not even more overburdened simply because of population growth. That is what has happened, and will continue to happen, in the Ninth Circuit. We have added a judge here and there. But the overall size of the Ninth Circuit, even if you add more judges, would not take care of the problems we are now experiencing. Some have argued that adding more judges would fix the problem, but it still would not

allow the full Ninth Circuit to hear many of the most difficult, challenging cases. The judges of the ninth are not able to work together as a full circuit and collaborate on some of the most difficult, challenging judicial cases.

That is why it is better to split up this circuit, so that more thoughtful decisions can be made in the administration of justice.

With that, I will yield the floor and ask my colleagues to support this very important amendment.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, April 22 marks the beginning of National Crime Victims' Rights Week, an annual commemoration that has been observed since the early 1980s to honor crime victims and call attention to their plight.

We have an opportunity to provide full justice to many victims of federal crime by passing legislation that will help federal criminal justice officials more fully recover court-order restitution that is owed to innocent crime victims. By ensuring victims receive the restitution they are entitled to, our proposal truly reflects the theme of this year's Crime Victims' Rights Week—Victim's Rights: Every Victim, Every Time.

I intend to offer an amendment with Senator GRASSLEY today that would improve the collection of federal criminal debt. Our amendment is being sent over to the floor at this point. I will describe it and the reason for offering it.

The amendment will be one in the form of a bill, S. 973, which I authored with my colleague, Senator GRASSLEY. We introduced it with Senators DURBIN and COLLINS. It is called the Restitution for Victims Of Crime Act. This piece of legislation will give Justice Department officials the tools they say are needed to help them do a better job of collecting court-ordered Federal restitution and fines.

In our court system in this country, there are, in many cases, fines that are levied against defendants who are found guilty of a crime. They are adjudged to be guilty and, therefore, are levied a fine by the court. In many cases, they are required to make restitution through orders of the court system. For some long while, I have been working on this issue because I have discovered that in the Federal court system, Justice Department data shows that the amount of uncollected criminal debt—that is, fines and restitution—is growing out of control. Believe it or not, the uncollected Federal criminal debt is nearly $46 billion. Think of that. It is almost $46 billion. These are fines that have been levied in our Federal court system against defendants adjudged to have been guilty. Restitution orders have been made that require someone to make financial restitution; yet some $46 billion is the amount of criminal debt that is unpaid. It is spiraling upward. It was $41 billion just a year ago. When I first called attention to this problem, it was well less than half of that. Yet very little has been done.

In my State of North Dakota, the Federal courts have about $18.7 million of uncollected criminal debt. That is up some $4 million from the preceding year. In my judgment, crime victims should not have to worry if those in charge of collecting the restitution on their behalf are making every effort to do so. We would expect that to be happening. Yet it is not. In some cases, it is because the tools don't exist. In some cases, it is because collecting the criminal debt has become kind of the backwater of the U.S. Attorney's Office.

At my request, GAO reviewed five white-collar financial fraud cases. What they have found is that certain offenders, those judged guilty, had taken expensive trips abroad, traveled overseas; had fraudulently obtained millions of dollars in assets and converted those assets to personal use. GAO also found offenders who had established businesses for their children; held homes and lived in homes worth millions of dollars that were located in upscale neighborhoods. So here we have a circumstance where we have people who have been judged guilty of certain things by the Federal court system. They have been told you have to pay a fine or you have to pay restitution. Yet despite the fact that they have not made restitution or paid their fine, according to the GAO evaluation at my request, some of them have decided we are not going to pay those things, we are going to take a trip overseas, live in multimillion dollar houses, we are going to transfer a business to the children so federal justice officials cannot get at it.

All of this is going on at a time when victims are waiting for restitution that has been ordered by the court. The proposal that Senator GRASSLEY and I have authored is a proposal based on a set of recommendations, some from the Justice Department, some from the task force on improving the collection of criminal debt. Justice Department officials believe the changes we suggest will remove many of the current impediments to better debt collection.

Our legislation offers the tools that we think are necessary, having worked with Justice officials and others and victims' rights organizations, to deal with these issues. Justice Department officials describe, for example, a circumstance where they were prevented by a court from accessing $400,000 in a criminal offender's 401(k) plan to pay a $4 million restitution debt to a victim. Let me say that again. This is an offender who was judged to be guilty and who had $400,000 in a 401(k) plan. He has been ordered to pay a $4 million restitution debt to a victim. The court said: No, you cannot take the $400,000 in the 401(k) plan because the defendant was complying with a $250 minimum monthly payment plan, and that precluded any other enforcement actions. So he is sitting there with nearly half a million dollars in liquid assets, and the victim is sitting over here having been defrauded. The court said you must pay restitution, and this person with nearly half a million dollars in assets is paying $250 a month, and the court says that is it, you cannot get the 401(k) funds from the victim. That is not fair. Our proposal would remove impediments like this in the future.

This legislation will address another major problem identified by the GAO for officials in charge of criminal debt collection. Many years can pass between the date a crime occurs and the date that a court will order restitution. That gives criminal defendants an ample opportunity to hide their ill-gotten gains. This bill sets up preconviction procedures for preserving assets for victims' restitution. We set up those preconviction circumstances—no, not to take the assets but at least be sure they are going to be preserved in the event they are needed for restitution.

These tools will ensure financial assets that are traceable to a crime are going to be available when a court imposes a final restitution order on behalf of a victim. These tools are similar to those already used in some states and by Federal officials in certain asset forfeiture cases. The Restitution for Victims Of Crime Act that I have introduced in the Senate as S. 973, with Senator GRASSLEY and others, has been endorsed by a number of organizations that are concerned about the well-being of crime victims and the rights of victims to receive the restitution ordered by federal courts: National Center for Victims of Crime, Mothers Against Drunk Driving, Parents of Murdered Children, Justice Solutions, and many others.

The U.S. attorney in North Dakota has said this legislation ''represents important progress toward ensuring that victims of crime are one step closer to being made whole.''

I have mentioned S. 973, and that is what I intend to offer as an amendment to the court security bill. I recognize the legislation itself doesn't deal with the narrower issue of the security of the courts, but it certainly deals with the functioning of the courts and the ability of a court to decide they are going to levy a fine or impose a restitution order on a person judged guilty of a crime and then be able to feel, at some point, they are going to be able to make that happen.

I mentioned earlier U.S. Attorney's Offices, as most of us know, are about investigating and prosecuting. They are involved when given investigation capability or given the results of investigations. If they believe a criminal act has occurred, they are involved in preparing to go to court to prosecute criminal actions.

They have also been given the responsibility to collect fines and restitutions. But the fact is, many U.S.

attorneys will admit they have a U.S. Attorney's Office that, by and large, in the front of that office is engaged in prosecuting wrongdoing, and in the back of that office, the collection of fines and restitutions is not a high priority and, frankly, is difficult for many of them.

I don't come here with harsh criticism in those circumstances. But I do say we should not stand for it, the Justice Department should not stand for it, and certainly victims should not stand for a circumstance where some $46 billion in court-ordered fines and restitution remains uncollected, while at least some are taking trips to London and have $400,000 in 401(k) accounts, are hiding their assets by transferring businesses to children, living in multimillion-dollar homes and deciding they won't pay the fines, they won't pay the restitution, and nothing much is going to happen to them because we are not very aggressive on behalf of victims or on behalf of this country in getting those fines and restitutions paid.

That is not the right course for this country. I plan offer the amendment shortly to address this problem. I am checking with Senator GRASSLEY for his cosponsorship. As I indicated, he was the primary cosponsor when we introduced the legislation earlier this year.

I hope that perhaps we can consider this legislation as an amendment that would be added to the court security bill.

Regarding the court security bill, I am pleased this bill is before the Senate. It is rather strange we had to have a recorded vote on whether we would have a motion to proceed to go to a court security bill, but I guess that is the strange, Byzantine circumstances of legislative activities these days in the Senate.

Now that it is before the Senate, this is important business, and we should proceed to consider amendments and then pass this legislation and move to the other issues that are before us.

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

The PRESIDING OFFICER (Mr. BROWN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from North Dakota is recognized.

CONTRACTING ABUSES

Mr. DORGAN. Mr. President, we are considering the court security bill. At the moment, there is no one who wishes to speak on that legislation. I wish to speak about the Senate Armed Services Committee, which is now holding a hearing. I just finished testifying before the Senate Armed Services Committee. I wish to talk about that testimony.

The Armed Services Committee, under the chairmanship of Senator CARL LEVIN, is holding a hearing this morning on contracting abuses; that is, contracting abuses in Iraq especially under what is called the LOGCAP contract.

I testified that I chaired in the Democratic Policy Committee, over the last 3 years, 10 hearings on these issues of contract abuses. I suggested to the Armed Services Committee that they look into what is not only called the LOGCAP, which is a logistic contract which, in this case, Halliburton, or their subsidiary, KBR, provided certain logistics assistance to the Department of the Army under a contract worth billions of dollars, I suggested they also look into the RIO contract, which is Restore Iraqi Oil contract.

I pointed out to them that the woman who rose to become the highest contract official in the U.S. Corps of Engineers—she rose to become the highest civilian contract official in the Army Corps of Engineers—she said the awarding of the RIO contract, the Restore Iraqi Oil contract—Restore Iraqi Oil is what RIO stands for—to Halliburton and KBR was ''the most blatant contracting abuse I have seen in my entire career.'' This is from the top civilian contracting officer.

What happened to her? She paid for that with her job. For that she was demoted. Before she said that publicly, she was given outstanding evaluations every year. Once she said publicly what she had told them privately, and they ignored, they began the process of giving her performance evaluations that were inferior for demotion.

A couple of nights ago, I called the general, now retired, who brought this contracting officer in as the top civilian contracting officer. I said: What's the story?

He said: She has been dealt an awful hand, and it has been very unfair to her. She is a straight-shooter, she is competent, she speaks the truth. The fact is, she is paying for telling the truth.

I suggested to the Armed Services Committee that this woman, named Bunnatine Greenhouse, who had the courage to speak out against contracting abuse, should be called to testify.

We ought to put a stop to this stuff that when someone in the Federal Government speaks out and says there is abuse occurring, the taxpayers are being abused, the soldiers are being disserved, that somehow they injure their career by telling the truth. But let me go on.

I suggested the committee look into the RIO contract. I sent the issues raised by Bunnatine Greenhouse, who paid for her honesty with her job: she was demoted. I sent all that material to the inspector general. Seventeen months ago, I got a letter from the inspector general saying they received it, they looked into all those allegations, it has now been referred to the Justice Department, it is for their action, and because it is a criminal matter, they would not comment further.

Obviously, they believed there was something that was serious. That is the RIO, the Restore Iraq Oil contract.

There is another contract, and that is the purpose of the hearing this morning, the LOGCAP contract, once again, given to Halliburton and their subsidiary, Kellogg, Brown and Root. What I told them this morning is what I found in 10 hearings. I held up a white towel, a white hand towel that most would recognize. It hangs in the bathrooms in most homes.

A man named Henry Bunting came to us. Henry Bunting was in Kuwait. He was actually buying supplies for the troops in Iraq. Henry Bunting was a purchaser for KBR in Kuwait. They said to Henry Bunting: Buy some towels for the troops. So Henry goes about buying towels for the troops. But then the supervisor said: No, you can't buy those towels. You have to buy towels that have the embroidered name of KBR on the towel, triple the cost. Henry said it would cost a lot of money. It doesn't matter, the taxpayers are paying for this, cost plus. Triple the price of the towels so you can put the embroidered initials of the company on the towels.

How about $45 for a case of Coca-Cola? How about $7,500 a month to lease an SUV? Henry Bunting told us about that as well.

I described the other issues. Rory Mayberry—Rory showed up at a hearing. He was a food service supervisor for KBR in Iraq at a cafeteria. He said he was told by his supervisor: Don't you dare talk to Government auditors when they show up. If you do, you will get fired or you will get sent to an active combat zone. Don't you dare talk to a Government auditor.

He said: We routinely provided food to the soldiers that had expired date stamps on it.

The supervisor said: It doesn't matter—the expired date stamps—feed the expired food to the troops.

We know from previous press accounts that at one point that company was charging for 42,000 meals a day to soldiers when they were actually only feeding 14,000 soldiers. Rory said the same thing. Rory Mayberry, a supervisor in one of the KBR food service situations in Iraq said they were charging for meals for soldiers who weren't there, and the supervisor said: We are doing that because we had lost money previously, so now we are charging for meals that aren't being served to soldiers.

How about an eyewitness to an $85,000 brand new truck left beside the road in a noncombat zone in Iraq to be torched because they didn't have the proper wrench to fix the tire? It doesn't matter, the American taxpayer is going to buy the new truck, cost plus.

The list is almost endless. It is unbelievable the stories we have heard from people who wish to come forward.

One company, the same company under the LOGCAP contract, was to provide water to the military bases in Iraq—all of the bases. A whistleblower came to me and said: I have something you should see. It is a 21-page internal report, and it is written by a man named Will Granger who is in charge of all water going to the bases in Iraq. He is the KBR employee, Halliburton employee in charge of all water that goes to the bases in Iraq.

He said instead of treating the water, nonpotable water which soldiers use to shower, shave, sometimes brush their teeth, and so on, instead of treating the water as it was supposed to have been treated under the contract, the water was more contaminated with E coli and bacteria than raw water from the Euphrates River.

He said: Here is the internal report. The internal report said this was a near miss. It could have caused mass sickness or death.

That was from the internal report I had in my hand. The company said it never happened. This is the internal report made by the man in the company whose name is Will Granger, who said: Here is what we discovered.

Just after I held the hearing and described this situation, I received an e-mail from a young woman in Iraq who was an Army physician. She said: I read about this hearing about the water issue, the nonpotable water which was more contaminated than raw water from the Euphrates River that was being used for nonpotable water for soldiers. She said: It has happened on my base as well. She said: I started seeing these illnesses, conditions with the soldiers, and I had a lieutenant follow the waterline back. It is exactly the same circumstance—untreated water. We were paying for it, and the company wasn't doing what the contract requires, putting at risk those soldiers. The company denied it happened, but it is in black and white. The evidence exists.

I described these issues and other issues this morning to the Armed Services Committee. I am pleased they are holding hearings. It is long past the time for them to hold these oversight hearings finding out what is happening and what we can do about it.

Mr. President, these are important issues. I commend Senator LEVIN, Senator WARNER, and all members of the Armed Services Committee for taking a serious look at these issues. My interest is not in tarnishing any company or anything like that. My interest is in making sure the American taxpayers are not disserved, and they have been. And my interest is the American soldiers are treated properly, and they have not been. What I saw with the waste, fraud, and abuse with these contracts, in my judgment, is a disservice to the American taxpayer and a disservice to the country's soldiers, and the fact is, we can fix this.

I will describe at a later time the legislation I have introduced that deals with these contracting abuses so we can prevent them from ever happening again.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Ms. KLOBUCHAR. Mr. President, I am speaking in favor of S. 378, the Court Security Improvement Act of 2007. I have had a personal experience with court security issues when I was a prosecutor, the chief prosecutor in Hennepin County.

We had a very tragic incident, where a woman who had emotional difficulties came into our courthouse with a gun and gunned down a woman—an innocent woman—who was the guardian of her father's estate and was simply there to help. This had been a longstanding litigation battle. She tracked her down at the courthouse and shot her to death, and shot her own lawyer. Fortunately, he did not die. He survived. But this happened only a few floors below my office. We went on to prosecute this woman, and she was convicted and sentenced to life in prison for the murder and an additional 15 years for the attempted murder.

That is why I am such a strong proponent of this bill. The Court Security Improvement Act will significantly improve our ability to protect judicial officials and all those who help to protect the fair and impartial justice system in America.

The bill is going to improve court security by, first, enhancing measures that protect judicial personnel, witnesses, and family members of judicial personnel. I should note there is a provision in the bill that allows for State courthouses to apply for grants for things such as witness protection.

I will say, coming from running an office of nearly 400 people, but operating in a local court system as opposed to the Federal system, there are increasing problems for local prosecutors with witness protection. I can't even count the number of witnesses we had threatened during trials. We had a juror threatened who actually had to get off the case after a call was made to her home during a trial in a gang case. We are seeing an increasing number of cases where we have witnesses threatened. Obviously, we don't have the Federal Witness Protection Program in a local district attorney's office, so I am very pleased there are some provisions for this and some realization that this is a growing issue.

This bill would also increase funding for judicial security at the Federal and State levels. It would strengthen the relevant criminal penalties. It would authorize funds for the U.S. Marshals Service for judicial security. This is a good bill, and I stand in support of it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SANDERS. I ask consent to speak as in morning business.

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

THE ECONOMY

Mr. SANDERS. Mr. President, we hear much from the Bush administration and our Republican friends, almost on a daily basis, about how wonderfully our economy is doing. I recall not so long ago being at a Budget Committee hearing when we heard the Secretary of the Treasury, Mr. Paulson, indicating in fact that the economy is doing ''just marvelous.''

Yet, for obvious reasons, the American people do not seem to agree with the Bush administration or with our Republican friends as to how well the economy is doing. I ask unanimous consent to have printed in the RECORD segments of two polls that were recently released, one by CBS News and one by Gallup.

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

CBS NEWS POLL

[Conducted 4/9–12/07; surveyed 994 adults; margin of error ±3% (release, 4/15). A response of * indicates less than 0.5 percent.]

How about the economy? Do you approve or disapprove of the way George W. Bush is handling the economy?

	Percent			
	All	Rep	Dem	Ind
Approve	36	66	13	33
Disapprove	57	27	79	60
Don't know/NA	7	7	8	7

How would you rate the condition of the national economy these days? It is very good, fairly good, fairly bad or very bad?

	Percent			
	All	Rep	Dem	Ind
Very good	8	19	1	5
Fairly good	51	61	44	48
Fairly bad	28	15	38	30
Very bad	11	4	15	15
Don't know/NA	2	1	2	2

Do you think the economy is getting better, getting worse or staying about the same?

	Percent			
	All	Rep	Dem	Ind
Better	11	24	4	7
Worse	44	23	59	47
Same	44	52	36	45
Don't know/NA	1	1	1	1

Over the past 10 years, do you think life for middle class Americans has gotten better or worse? (Percentage)

Better, 30
Worse, 59
Same (vol.), 7
Don't know/Refused, 4

In the past couple of years, would you say you have been getting ahead financially, just staying even financially or falling behind financially? (Percentage)

Getting ahead, 21
Staying even, 50
Falling behind, 27
Don't know/NA, 2

How much difficulty would you have if you had to pay an unexpected bill of one thousand dollars right away—a lot, a little, not much or none at all? (Percentage)

A lot, 43
A little, 24
Not much, 15
None at all, 17
Don't know/NA, 1

How concerned are you that you will have enough money to pay for major expenses, for example, healthcare, tuition, buying a home, and retirement? Are you very concerned, somewhat concerned, not very concerned or not at all concerned? (Percentage)

Very concerned, 46
Somewhat concerned, 33
Not very concerned, 14
Not at all concerned, 7

These last few questions are for background only. A person's social class is determined by a number of things including education, income, occupation and wealth. If you were asked to use one of these five names for your social class, which would you say you belong in—upper class, upper-middle class, middle class, working class or lower class? (Percentage)

Upper, 2
Upper middle, 13
Middle, 42
Working, 36
Lower, 7
Don't know/NA, 0

[From the Gallup Poll®, Apr. 16, 2007]

AMERICANS MORE IN FAVOR OF HEAVILY TAXING RICH NOW THAN IN 1939

(By Frank Newport)

PRINCETON, NJ.—About half of Americans advocate heavy taxation of the rich in order to redistribute wealth, a higher percentage than was the case in 1939. More generally, a large majority of Americans support the principle that wealth should be more evenly distributed in America, and an increasing number—although still a minority—say there are too many rich people in the country. Attitudes toward heavy taxes on the rich are strongly related to one's own income, and Democrats are much more likely to be in favor of income redistribution than are Republicans.

Basic Trends

A poll commissioned by Fortune Magazine in 1939 and conducted by famous pollster Elmo Roper included a question phrased as follows:

''People feel differently about how far a government should go. Here is a phrase which some people believe in and some don't. Do you think our government should or should not redistribute wealth by heavy taxes on the rich?''

At that time, near the end of the Depression, only a minority of Americans, 35%, said the government should impose heavy taxes on the rich in order to redistribute wealth. A slight majority—54%—said the government should not. (Eleven percent did not have an opinion.)

Gallup asked this question again in 1998 and found the percentage willing to say that the government should redistribute wealth had gone up by 10 points (while the ''no opinion'' responses had dropped to 4% and the negative stayed slightly above 50%).

Now, the attitudes have shifted slightly again, to the point where Americans' sentiment in response to this question is roughly split, with 49% saying the government should redistribute wealth by heavy taxes on the rich, and 47% disagreeing.

People feel differently about how far a government should go. Here is a phrase which some people believe in and some don't. Do you think our government should or should not redistribute wealth by heavy taxes on the rich?

	Percent		
	Yes, should	No, should not	No opinion
April 2 to 5, 2007	49	47	4
April 23 to May 31, 1998	45	51	4
March 1939 [1]	35	54	11

[1] Roper for Fortune Magazine.

One must be cautious in interpreting changes between the 1939 poll, which was conducted using different sampling and methods than is the case today, and the current poll. It does appear safe to say, however, that based on this one question, the American public has become at least somewhat more ''redistributionist'' over the almost seven decades since the end of the Depression.

The current results of this question are in line with a separate Gallup question that asks whether various groups in American society are paying their fair share of taxes, or too much or too little. Two-thirds of Americans say ''upper-income people'' are paying too little in taxes.

As I read off some different groups, please tell me if you think they are paying their FAIR share in federal taxes, paying too much or paying too little?

Upper-income people:

	Percent			
	Fair share	Too much	Too little	No opinion
April 2 to 5, 2007	21	9	66	4
April 10 to 13, 2006	21	8	67	4
April 4 to 7, 2005	22	7	68	3
April 5 to 8, 2004	24	9	63	4
April 7 to 9, 2003	24	10	63	3
April 6 to 7, 1999	19	10	66	5
April 9 to 10, 1996	19	9	68	4
April 16 to 18, 1994	20	10	68	2
March 29 to 31, 1993	16	5	77	2
March 26 to 29, 1992	16	4	77	3

There is no trend on this question going back to the 1930s, but the supermajority agreement that upper-income people pay too little in taxes has been evident for the last 15 years.

More on attitudes toward wealth and the rich:

The most recent Gallup Poll included two other questions measuring attitudes toward wealth and the rich.

Do you feel that the distribution of money and wealth in this country today is fair, or do you feel that the money and wealth in this country should be more evenly distributed among a larger percentage of the people?

	Percent		
	Distribution is fair	Should be more evenly distributed	No opinion
April 2 to 5, 2007	29	66	5
January 10 to 12, 2003	31	63	6
September 11 to 13, 2000	38	56	6
April 23 to May 31, 1998	31	63	6
April 25 to 28, 1996	33	62	5
May 17 to 20, 1990	28	66	6
December 7 to 10, 1984D31	60	9	

The results of this question, asked seven times over the past 23 years, have consistently shown that Americans are strongly in favor of the principle that money and wealth in this country should be more evenly distributed. The current 66% who feel that way is tied for the highest reading on this measure across this time period in which the question has been asked.

A separate question asked:

As far as you are concerned, do we have too many rich people in this country, too few, or about the right amount?

	Percent			
	Too many	Too few	Right amount	No opinion
April 2 to 5, 2007	37	17	40	6
April 23 to May 31, 1998	25	20	50	5
May 17 to 20, 1990	21	15	55	9

Here we have evidence of a growing resentment toward the rich. The percentage of Americans who say there are too many rich people in the United States—although still a minority—is up significantly from the two times in the 1990s when this question was asked.

In summary, the data show that:

A significant majority of Americans feel that money and wealth should be distributed more equally across a larger percentage of the population.

A significant majority of Americans feel that the rich pay too little in taxes.

About half of Americans support the idea of ''heavy'' taxes on the rich to help redistribute wealth.

Almost 4 out of 10 Americans flat-out say there are ''too many'' rich people in the country

IMPLICATIONS

Most societies experience tensions revolving around inequalities of wealth among those societies' members. This seemingly inevitable fact of life has been at the core of revolutions throughout history. American society has been immune from massive revolts of those at the bottom end of the spectrum in part because the public perceives that the United States is an open society with upward social mobility. A recent Gallup Poll found a majority of Americans believing that people who make a lot of money deserve it, and that almost anyone can get rich if they put their mind to it. And a 2003 Gallup Poll found that about a third of Americans, including a significantly higher percentage of younger Americans, believed that they themselves would one day be rich.

The findings reviewed in this report most likely reflect at least in part the fact that it is easy to advocate greater taxation of the rich, since most Americans do not consider themselves rich.

In fact, a 2003 Gallup Poll found that the median annual income that Americans considered ''rich'' was $122,000. Since the average income in America is markedly below that, it follows that most Americans do not consider themselves rich. (Eighty percent of Americans put themselves in the middle class, working class, or lower class. Only 1 % identify themselves as being in the upper class, while 19% are willing to say the upper middle class.)

The data show that as one gets closer to being what Americans consider rich, one is also less interested in the rich being taxed heavily. This relationship is fairly linear; the more money one makes in general, the more likely one is to say that the government should not be imposing heavy taxes on the rich.

People feel differently about how far a government should go. Here is a phrase which some people believe in and some don't. Do you think our government should or should not redistribute wealth by heavy taxes on the rich?

Income	Percent	
	Yes, should	No, should not
$75,000+	35	62
$50,000 to $75,000	46	51
$30,000 to $50,000	58	41
$20,000 to $30,000	55	42
$20,000	64	26

There are also political differences in views on heavy taxes on the rich. Democrats are more than twice as likely as Republicans to agree that the government should redistribute wealth by heavy taxes on the rich.

People feel differently about how far a government should go. Here is a phrase which some people believe in and some don't. Do you think our government should or should not redistribute wealth by heavy taxes on the rich?

Party	Percent	
	Yes, should	No, should not
Republican	30	68
Independent	51	43
Democrat	63	32

BOTTOM LINE

Americans in general agree with the concept that money and wealth should be distributed more equally in society today, and that the upper-income class of Americans do not pay their fair share in taxes. About half of Americans are willing to go so far as advocate ''heavy taxes'' on the rich in order to redistribute wealth. These findings are despite the belief of many Americans that the rich deserve their money and the hopes Americans themselves harbor that they will be rich some day.

From a political viewpoint, these data suggest that a political platform focused on addressing the problems of the lower and middle classes contrasted with the rich, including heavier taxes on the upper class, could meet with significant approval, particularly among Democrats and those with lower incomes.

SURVEY METHODS

These results are based on telephone interviews with a randomly selected national sample of 1,008 adults, aged 18 and older, conducted April 2–5, 2007. For results based on this sample, one can say with 95% confidence that the maximum error attributable to sampling and other random effects is ±3 percentage points. In addition to sampling error, question wording and practical difficulties in conducting surveys can introduce error or bias into the findings of public opinion polls.

Mr. SANDERS. When the American people were asked by CBS News the question, ''Do you think the economy is getting better, getting worse or staying about the same?'' 11 percent of the American people said the economy is getting better, 44 percent thought it was getting worse, and 44 percent thought it was about the same.

Then, interestingly, in that same poll, when the American people were asked by CBS the question, ''Over the past 10 years, do you think life for middle class Americans has gotten better or worse?'' 30 percent said life has gotten better, 59 percent, almost a 2-to-1 margin, said life is getting worse, and 7 percent said the same.

Technology has exploded in recent years. Our workers are far more productive than used to be the case. Yet by a 2-to-1 margin the American people have said that life for the middle class is getting worse, not better.

In terms of the Gallup Poll, the Gallup people, from April 2 to April 5, asked some very interesting questions that we very often do not speak about here on the floor of the Senate. In my view, what we have seen since President Bush has been in office, in a general sense, is the shrinking of the middle class, an increase in poverty, and a growing gap between the rich and the poor—not something we talk about terribly often on the floor of the Senate, not something that is talked about terribly often in the corporate media. But here is the question, very interestingly, that Gallup asked the American people, between April 2 and April 5: ''Do you feel that the distribution of money and wealth in this country today is fair, or do you feel that the money and wealth in this country should be more evenly distributed among a larger percentage of the people?'' Answer: Distribution is fair, 29 percent; should be more evenly distributed, 66 percent.

Then the next question they asked, which was rather a clumsy question, I thought, and I was surprised by the answer, but this was the question. Question: ''People feel differently about how far a government should go. Here is a phrase which some people believe in and some don't. Do you think our Government should or should not redistribute wealth by heavy taxes on the rich?''

That is a pretty clumsy question. Do you know what the answer was to that rather clumsy question? Yes, should redistribute wealth, 49 percent; no, should not, 47 percent.

I mention this poll because it is important to understand that despite a lot of the rhetoric we hear from the White House and on the floor of the Senate, the American people understand that in terms of our economy, something is fundamentally wrong. They understand it because they are living the experience of working longer hours for lower wages; of working day after day, trying to pay the bills for their family, trying to send their kids to college, trying to take care of health care, trying to provide childcare for their kids. They know the reality of the economy because they are the economy.

Every single day the people of our country are seeing an economy which is forcing them in many instances to work longer hours for lower wages, an economy in which they wonder how their kids are going to be able to go to college, able to afford college; an economy in which they worry that for the first time in the modern history of our country, their children will see a lower standard of living than they do. That is the reality of the economy, in the eyes, I believe, of millions of American workers.

That perception that the American worker has of the economy is, in my view, the correct perception of what is going on. Since George W. Bush has been President, more than 5 million Americans have slipped into poverty, including 1 million children. This country now has the very dubious distinction of having by far the highest rate of childhood poverty of any major industrialized country on Earth. How do you have a great economy, a booming economy, when 5 million more Americans have slipped into poverty? Median income has declined in our country for 5 years in a row. Americans understand that the economy is not doing well when the personal savings rate is below zero, which has not happened since the Great Depression. How do we talk about a strong economy when 7 million Americans have lost their health insurance since President Bush has been in office, and when we now have, unbelievably, 47 million Americans who have no health insurance at all?

How can anybody come to the floor of the Senate, or anybody in the Bush administration talk about a strong economy, when we have 47 million Americans who have no health insurance at all; when 35 million Americans in our country, the richest country in the history of the world, struggled to put food on the table last year; and the number of the poorest, most hungry Americans keeps getting larger? The American people understand this is not an economy that is working for ordinary people. In this economy today, more and more of our brothers and sisters, our fellow Americans, are going hungry. Let's not talk about a booming economy when we have children in America who are hungry.

Mr. President, you and I have heard, over and over again, people talking about the importance of education for this country. Yet millions of working families do not know how they are going to be able to send their kids to college when the cost of college education is soaring, when the average person graduating a 4-year college leaves that school $20,000 in debt, when hundreds of thousands of young people are now giving up the dream of going to college because they don't want to come out deeply in debt? How do we talk about a booming economy when so many of our young people, some of the brightest, most able of our young people, are giving up the dream of going to college? How do you compete on the international and global economy if so many of our young people are not able to get the kind of education they need?

When we talk about a booming economy, how does that correlate with the fact that our manufacturing infrastructure is falling apart, that since President Bush has been in office we have lost over 3 million good manufacturing jobs, and when people go out to the store to shop, when they look at the product, they know where that product is manufactured today? It is not manufactured in the United States. Over and over again they see it is manufactured in China.

We have a trade deficit now of over $700 billion. In my small State of Vermont, not a manufacturing center, we lost 20 percent of our manufacturing jobs in the last 5 years and that phenomenon is going on all over this country. How do you have a booming economy when we are losing huge numbers of good-paying manufacturing jobs and we are on the cusp of losing millions of good-paying, white-collar information technology jobs?

Three million fewer American workers today have pension coverage than when President Bush took office. Half of private sector American workers have no pension coverage whatsoever. How does that speak to a strong economy? It was not so many years ago that workers understood that when they left their job, there would be a defined pension available to them. They knew what they were getting. Today, those days seem like ancient history. Fewer and fewer workers have solid pensions on which to depend.

What is important to understand is, while poverty is increasing, while the middle class is shrinking, while more and more people are losing their health insurance, while hunger is growing in America, while good-paying jobs are going to China, the truth is not all is bad in the American economy. We have to acknowledge that. Are there some people who in fact are doing well? The answer is yes. Today, the simple truth is the top 1 percent of the families in our country have not had it so good since the 1920s. When that poll I mentioned from Gallup talks about the American people wanting to seek an understanding of the unfair distribution of wealth, this is precisely what they are referring to.

Today in the United States we have by far the most unequal distribution of income and wealth of any major country on Earth. Let me highlight very briefly a recent study done by Professor Emmanuel Saez from the University of California-Berkeley and Professor Thomas Piketty from the Paris School of Economics. This is what they found. In 2005, while average incomes for the bottom 90 percent of Americans declined by $172, the wealthiest one one-hundredth of 1 percent reported an average income of $25.7 million, a 1-year increase of $4.4 million.

In other words, for the people at the very top, a huge increase in their income, while 90 percent of the American people saw a decline. The gap between the rich and the poor, the rich and the middle class, continues to grow wider.

The top 1 percent of Americans received, in 2005, the largest share of national income since 1928. And some people may remember what happened in 1929. The top 300,000 Americans now earn nearly as much income as the bottom 150 million Americans combined.

You and I have heard many of our friends here on the other side of the aisle talk about how much the wealthy are paying in taxes. My, my, my. Yet the reason for that is what we are seeing is, with the decline of the middle class, a huge increase in the percentage of the income being made by the people on top. Let me repeat it. The top 300,000 Americans now earn nearly as much income as the bottom 150 million Americans. Is that the kind of country we really want to become, with so few having so much and so many having so little? I do not think that is the America most people want to see us evolve into, an oligarchic form of society. That is wrong.

According to Forbes magazine, the collective net worth of the wealthiest 400 Americans increased by $120 billion last year to $1.25 trillion—$1.25 trillion for the wealthiest 400 Americans. That is an astounding number. The reality is that in America today, we have the people on the top who have more income, in some cases, than they are going to be able to spend in a thousand lifetimes, while people in Vermont, people in Ohio, people in Minnesota, people all over our country are struggling so hard to provide basic needs for their families.

One of the reasons the gap between the rich and the poor is growing wider and why we now have by far the most unequal distribution of income and wealth of any major country is due to the passage of massive tax breaks for millionaires and billionaires since President Bush has been in office.

Now, you stop and you take a look at the needs of the people of our country in the most basic sense.

Hunger is increasing. Well, what do we think? Should we eliminate hunger in America or do you give tax breaks to billionaires? I don't think too many people would disagree with what we should be doing.

We have a crisis in affordable childcare in America. We have single moms, working families, both parents going to work, trying to provide well for their 2-year-old, 3-year-old. They cannot provide affordable childcare. The Federal Government provides totally inadequate childcare. Do we increase funding for childcare or do we give tax breaks to millionaires?

We are all aware of the scandal at Walter Reed Hospital. We are all aware of the outrageously inadequate way we treat our veterans, men and women who put their lives on the line defending this country. Yet when they come home from Iraq, there is inadequate care at the hospital at Walter Reed and inadequate care and waiting lines at VA hospitals all over America. What is our priority? Do we take care of our veterans or do we give tax breaks to millionaires and billionaires?

In America, millions of children do not have any health insurance. What are our priorities?

People are paying 50 percent of their limited income for housing because we are not building affordable housing. What are our priorities?

We have a major crisis in global warming. We should be investing in sustainable energy, energy efficiency, not giving tax breaks to billionaires. What are our priorities?

Let me conclude by saying that I think the American people, on issue after issue, are far ahead of where we are in Congress. So we are going to have to work very hard to catch up to where the American people are. I think we should begin the process of doing that.

We need to fundamentally change our national priorities. We have to have the courage now to stand up to the wealthiest people and the largest corporations and say to those people: The free ride is over.

Our job is to represent the middle class, working families, the lower income people who are not getting justice from the Congress. When we stand and do the right thing for the middle class and working families of this country, I believe we are going to see a significant increase in the respect this body receives.

Mr. President, I yield the floor.

Ms. KLOBUCHAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BROWN. Mr. President, I rise in support of this crucial legislation. I want to read into the record a statement from the Bush administration in support of the bill. It is from the Executive Office of the President, Statement of Administration Policy:

> The Administration supports Senate passage of S. 378 to strengthen judicial security. The legislation would enhance the ability of the Federal government to prosecute individuals who attack or threaten participants in the Nation's judicial system, including judges, lawyers, witnesses, and law enforcement officers. A Nation founded on the rule of law must protect the integrity of its judicial system, which must apply the law without fear or favor. The Administration also supports the provision to prohibit the filing of false liens against judges, prosecutors, and other government officials to retaliate against them for the performance of their official duties.

Another of the most important provisions of this bill was brought to our attention by Judge Carr of the Northern District Court in Toledo, OH. Judge Carr pointed out the importance of section 101 that ''enhances the ability of the Judicial Conference of the United States to participate in determining the security needs of the judicial branch by requiring the Director of the U.S. Marshals Service . . . to consult with the Judicial Conference on an ongoing basis regarding the security requirements of the judicial branch.''

This legislation makes sense for a variety of reasons. Not only must our judges be protected, but they must have a seat at the table in determining

the safety of our Federal courthouses and the personal safety of the employees of the Federal judiciary and the participants who come in front of the Federal bench.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, I rise in strong opposition to the amendment before us that will split the Ninth Circuit. We will be voting on a point of order at 2 o'clock.

I think it is very unfortunate that the pending bill, to make much-needed improvements in the security of our judges, is being threatened by a rehashing of an old and bad idea to split the circuit. There is a raft of reasons why the Senate should defeat this effort to divide the Ninth Circuit. First, it would be a serious blow to judicial independence if the circuit were to be split because of disagreement with its decisions. It would also result in an unfair distribution of the Ninth Circuit caseload. Judges in the new Ninth Circuit would be much more busy than their counterparts on the Twelfth Circuit. The proposal that is being made by Senator ENSIGN essentially takes California, Hawaii, Guam, and the Mariana Islands and puts them into their own Ninth Circuit, and takes all the big continental States that are now part of the Ninth Circuit and creates a Twelfth Circuit. That is the proposal that is before the body now.

This proposal would also destroy the current uniformity of the law in the West. It would have significant costs that the judiciary cannot afford to bear, given its already tight budgets, and it is opposed by the vast majority of the people who know the circuit best: its judges. Virtually overwhelmingly I think all but three or four of the judges in the Ninth Circuit oppose its splitting.

I agree with many of the Ninth Circuit's decisions. I disagree with some of them. However, the Framers of the Constitution intended the judiciary to be independent and free from congressional or Presidential pressure or reprisal. I am concerned that recent attempts to split the Ninth Circuit are part of an assault on the independence of the judiciary by those who disagree with some of the court's rulings.

As former Gov. Pete Wilson has stated:

> These attempts are judicial ''gerrymandering,'' designed to isolate and punish judges whose decisions some disagree with. They are antithetical to the Constitution.

That is not me saying that; that is the former Republican Governor of California.

Attempting to coerce or punish judges or rig the system is not an appropriate response to disagreements with a court's decisions. Rather, it is essential that we preserve our system of checks and balances and make it clear that politicians will not meddle in the work of judges. The configuration of the Ninth Circuit is not set in stone; however, any change to the Ninth Circuit should be guided by concerns of efficiency and administration, not ideology.

After a substantial review of the statistics, decisions, and reports from those who know the circuit best, it is clear that splitting the Ninth Circuit would hinder its mission of providing justice for the people of the West.

The split proposal before us would unfairly distribute judicial resources to the West. This is the key. The Ninth Circuit would keep 71 percent of the caseload of the current circuit but only 58 percent of its permanent judges. Any split we look at, because California is so big, tilts the circuit and, of course, all of the proponents of the circuit split take the judges with them. So it leaves a disproportionate share of a heavy caseload in the Ninth Circuit—unless you split California, and to split California creates a host of technical and legal problems.

Last year, the Ninth Circuit had a caseload of 570 cases per judge, as opposed to a national average of 381 cases per judge. So under the proposed split, the Ensign plan, the average caseload in the new Ninth Circuit would actually increase to 600 cases per judge, while the new Twelfth Circuit would have half that, 326 cases per judge. There is no effort to give the Ninth the new judges they would need to keep the caseload even. This inequitable division of resources would leave residents of California and Hawaii facing greater delays and with court services inferior to their Twelfth Circuit neighbors.

The uniformity of law in the West is a key advantage of the Ninth Circuit, offering consistency to States that share many common concerns. The size of the Ninth Circuit is an asset, offering a unified legal approach to issues from immigration to the environment. Dividing the circuit would make solving these problems even more difficult. For example, splitting the circuit could result in different interpretations in California and Arizona of laws that govern immigration, different applications of environmental regulations on the California and Nevada sides of Lake Tahoe, and different intellectual property law in Silicon Valley and the Seattle technology corridor. These differences would have real economic costs. These are border States, and trade and commerce in the Pacific is a huge part of what they do. Therefore, the legal consistency between them is an asset, not a disadvantage.

In a time of tight judicial budgets, splitting the circuit would add significant and unnecessary expense. The split actually would require additional Federal funds to duplicate the current staff of the Ninth Circuit and a new or expanded courthouse and an administrative building since existing judicial facilities for a Twelfth Circuit are inadequate. The Administrative Office of the U.S. Courts estimated that creating a Twelfth Circuit would have a startup cost of $96 million, with another $16 million in annual recurring cost.

If we are going to do anything, what we need is more judges on the Ninth Circuit. That is the key. With budget pressures already forcing our Federal courts to cut staff and curtail services, this is no time to impose new, unnecessary costs on the judiciary.

My colleague, Senator BARBARA BOXER, joins me in these remarks. She will have a separate statement.

Those who know the Ninth Circuit best overwhelming oppose the split. Of the active Ninth Circuit Court of Appeals judges, 18 oppose the split, to be exact, and only 3 support it. The district court and bankruptcy judges of the Ninth Circuit also oppose the split. Every State bar association that has weighed in on the split—Alaska, Arizona, Hawaii, Montana, Nevada, Oregon, and Washington—opposes breaking up the Ninth Circuit, and more than 100 different national, regional, and local organizations have written to urge that the Ninth Circuit be kept intact.

I believe splitting the Ninth Circuit would create more problems right now than it would solve. It will not solve the caseload problem of the circuit, and that is the critical issue. Those who propose the split do so to unfairly benefit themselves because they also take the judges from the Ninth Circuit and they add them to the Twelfth Circuit. They would end up having a caseload per judge of one-half of what the caseload would be in a new Ninth Circuit. So it is not a fair plan because it does not fairly distribute the resources based on caseload. I believe there is only one criterion for resources, and that is caseload. The judges must be where the cases are, and that should be an inescapable truth that we follow.

I urge the Senate to vote to sustain the point of order on the Ensign amendment to split the Ninth Circuit, and instead let's focus our attention on securing the courts and then, secondly, providing the judges who are necessary to equalize caseloads throughout the Nation.

Mr. President, I raise a point of order that the pending amendment violates section 505(a) of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004; that at 2 p.m. today, a vote occur on Senator ENSIGN's motion to waive the point of order, considered made by this agreement, with the time until 2 p.m. equally divided and controlled between Senators FEINSTEIN and ENSIGN or their designees; that if the motion to waive the Budget Act is not successful, then without further intervening action or debate, the bill be read a third time and the Senate vote

on passage of the bill; that if the motion to waive the Budget Act is successful, the provision on third reading and passage be vitiated.

I ask that the preceding be done by unanimous consent.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, I urge my colleagues to sustain the budget point of order because the underlying amendment, which would split the Court of Appeals for the Ninth Circuit, is not yet ripe for consideration by this body. The issue is a very complicated one as to what will happen with the Ninth Circuit. It is admittedly too large at the present time, but we have a lot of analysis to do as to which States ought to be in which divisions. It is an issue which the Judiciary Committee has wrestled with for some time. We took it up in the 109th Congress. The two confirmations of Chief Justice Roberts and Justice Alito took a great deal of time, as did the PATRIOT Act, and our bankruptcy legislation and class action reform, the confirmation process generally. I know Senator LEAHY, as chairman, plans to take up this issue as soon as we can do so. We are not ripe for action.

When we finish the next vote, we will be taking up final passage on the Court Security Act. I urge my colleagues to pass this important legislation. There is no doubt that there is a real threat to judges. We have seen violence right in the courtroom. We have seen violence against family members of Federal judges. We have seen the extraordinary situation that in April of 2005, cookies with rat poison were mailed to each of the nine Supreme Court Justices, also to FBI Director Robert Mueller, and others in the Federal establishment.

The core legislation was introduced during the 109th Congress in November 7, 2005. It passed unanimously. We need to pass it now to make some very important changes to provide for the security of our Federal judges.

I see the arrival of the Senator from California who has raised a budget point of order. I know we plan to vote imminently.

Mr. BAUCUS. Mr. President, I rise to express my opposition to the Ensign amendment. Splitting the circuit would have detrimental effects on the West—in particular, in my home State of Montana. Splitting the Ninth Circuit would eliminate uniformity of law in the West. States sharing common concerns such as the environment and Native American rights could end up with different rules of law. This would create confusion and cause serious problems between States.

And splitting the Ninth Circuit would impose huge new costs. A split would require new Federal funds for courthouses and administrative buildings. Existing judicial facilities are just not equipped for a new circuit. The Administrative Office estimates these start-up costs to be $96 million, and then $16 million in annual recurring costs under the proposed split. The judiciary budget is already stretched thin. The creation of a new and costly bureaucracy to administer the new circuit would just add to our growing deficit. And this proposal does not have the support of the people whom it will most directly affect.

Judges on the circuit oppose the split. Members of the State bars affected by the split oppose it. And almost 100 Federal, State, and local organizations oppose splitting the Ninth Circuit. Only 3 of the 26 active judges on the Ninth Circuit favor splitting the circuit. Many State bars oppose this proposal including Alaska, Washington, Nevada, Hawaii, and Arizona. Even the Federal Bar Association and the appellate section of the Oregon bar feel strongly that we should not split the Ninth Circuit. The State Bar of Montana does not support this proposal. The Montana bar unanimously passed a resolution opposing division of the Ninth Circuit.

We ought to be listening to the people on the ground who deal with this issue every day, not creating hardship from our offices in DC. Let's be frank here. The motivation behind splitting the circuit is political. It is an attempt to control the decisions of the judiciary by rearranging the bench. The judiciary is supposed to be an independent branch of government. It must remain so. Splitting the circuit is not the right thing to do for Montana. It is not the right thing to do for the country.

Mrs. BOXER. Mr. President, once again we are faced with a proposal to split the Ninth Circuit Court of Appeals, which includes my home State of California.

The amendment before us today would create a ''new'' Ninth Circuit, with California, Hawaii, and Guam, and a new 12th Circuit, consisting of other Western States.

I oppose this amendment for three reasons: First, splitting the Ninth Circuit would place a greater burden on California Federal appellate judges. Under the new plan, California judges would constitute only 58 percent of the former circuit's judicial staff, but required to handle more than 70 percent of former circuit's total caseload. Second, splitting the Ninth Circuit is unnecessary. The Ninth Circuit has performed well according to most performance measures, despite having one of the highest caseloads per judge in the country. Third, splitting the Ninth Circuit is opposed by the majority of people who would be most affected—the judges and attorneys of the Ninth Circuit.

I urge my colleagues to reject this unnecessary amendment that has nothing to do with court security, and creates new problems and costs for the parties, lawyers and judges that practice in the Ninth Circuit.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Nevada is expected to make a motion to waive the Budget Act.

Mr. ENSIGN. Mr. President, I ask the Chair to rule on the point of order.

The PRESIDING OFFICER. The point of order is sustained.

The amendment falls.

Mr. KYL. Mr. President, I wish to comment on section 207 of the pending matter, the Court Security Improvement Act of 2007. Section 207 increases the statutory maximum penalties for the Federal offense of manslaughter. Pursuant to this legislation, the maximum penalty for involuntary manslaughter will be increased from 6 to 10 years, and the penalty for voluntary manslaughter will be increased from 10 to 20 years. This is a change that I sought to have included in last year's various court security bills. I am pleased to see that it will be included in this year's final Senate bill.

The need for an increase in the manslaughter statutory maximum penalty is made clear in testimony that was presented before the U.S. Sentencing Commission by Paul Charlton, the U.S. Attorney for the District of Arizona, on March 25, 2003. Despite recent changes to the guidelines for manslaughter offenses, the typical DUI involuntary manslaughter crime still is subject to a sentencing range of only 30 to 37 months. Yet, as Mr. Charlton noted in his testimony, under Arizona State law, the presumptive sentence for a typical DUI involuntary manslaughter offense is 10½ years. In other words, despite recent guidelines adjustments, the Federal criminal justice system still imposes a sentence for involuntary manslaughter in drunk driving cases that is only a third of the sentence that would be imposed for the exact same conduct under State law.

Mr. Charlton concluded that there is a ''dire need for immediate improvements to the manslaughter statutory penalty and sentencing guidelines.'' As he noted, ''the respect and confidence of surviving victims in the federal criminal justice system is severely undermined and will continue to be unless the statutory maximum penalties are increased to reflect the seriousness of the crime and the sentencing guidelines are comparably changed to reflect that increase.''

With this bill, the Congress finally acts on Mr. Charlton's recommendation to increase the statutory maximum. I would like to emphasize, however, that enactment of section 207 does not alone finish the job. As Mr.

Charlton noted in his testimony, even after Congress increased statutory penalties for these offenses in 1998, the sentences imposed by Federal courts ''remain[ed] inadequate to deter and punish offenders [as of March 2003] because the federal manslaughter sentencing guideline was never changed to reflect the increased penalty.''

The Sentencing Commission did eventually adjust the guidelines in response to the 1998 amendments, albeit 5 years after those changes were enacted. In case a staffer for the Sentencing Commission reads this speech in the CONGRESSIONAL RECORD, let me be clear: yes, we do expect the Commission to adjust the guidelines for voluntary and involuntary manslaughter in order to reflect the statutory changes made by section 207. And please persuade the Commissioners to act expeditiously. If this matter is not addressed during the next appropriate period for submitting proposed changes to the guidelines, I will contact the Commission to inquire why no adjustment has been made.

I ask unanimous consent that Mr. Charlton's 2003 testimony before the Sentencing Commission be printed in the RECORD.

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

TESTIMONY BEFORE THE U.S. SENTENCING COMMISSION

(By Paul Charlton)

Members of the U.S. Sentencing Commission, thank you for giving me the opportunity to appear before you to discuss sentencing in federal manslaughter cases. This topic is particularly important to the District of Arizona because my district routinely handles the highest number of prosecutions under the Major Crimes Act arising out of violations in Indian country, including federal manslaughter cases, in the United States. The low statutory and guideline sentences for these offenses are a topic of frustration routinely discussed among my counterparts with similar criminal jurisdiction responsibilities and who serve on the United States Attorney General's Native American Issues Advisory Subcommittee.

The District of Arizona encompasses the entire state of Arizona. We have exclusive authority to prosecute Major Crimes Act violations occurring within Arizona's 21 Indian Reservations. Two of the nation's largest Indian Reservations are located in Arizona—the Navajo Nation, with an approximate total population of 275,000 members and a land base of over 17 million acres spanning three states (Arizona, New Mexico and Utah), and the Tohono O'odham Nation, with an approximate total population of 24,000 members and a land base comparable to the state of Connecticut. Recent Department of Justice data revealed that the violent crime rate on the Navajo Reservation is six times the national average. In total, in calendar year 2002, my office handled a total of 64 manslaughter and 94 murder cases. In a two-year period ending September 2002, the Flagstaff division of the U.S. Attorney's Office (which responds to Northern Arizona federal crimes) handled 65 homicide prosecutions, including 27 manslaughter and 38 murder cases.

In the summer of 2001, this Commission held a hearing on the impact of the sentencing guidelines on Indians committing offenses in Indian country. The perception going into this hearing was that Indians sentenced under the federal sentencing guidelines are treated more harshly than those who are adjudicated in the State system. The experiences of federal prosecutors in my District as they relate to the crimes of voluntary and involuntary manslaughter are not consistent with this perception. Our perception, and that of many Indian and non-Indian victims, is that the federal criminal justice system is in many circumstances unjust. Consequently, the respect and confidence of surviving victims in the federal criminal justice system is severely undermined and will continue to be unless the statutory maximum penalties are increased to reflect the seriousness of the crime and the sentencing guidelines are comparably changed to reflect that increase.

In 1994, the United States Congress amended the penalty for involuntary manslaughter from three years to the current six year maximum term. [Footnote: See H.R. Conf. Rep. 103–711 (1994).] The primary purpose for the amendment was to correct the inadequacy of the three-year penalty as it applied to drunk driving homicides. In passing the amendment, one Senator noted ''Involuntary manslaughter most often occurs through reckless or drunken driving. A three-year maximum sentence is not adequate to vindicate the most egregious instances of this conduct, which takes an increasing toll of innocent victims' lives.'' [Footnote: 134 CONG. REC. S.7446–01 (statement of Sen. Byrd).] I applaud Congress' efforts in amending the law. However, it has become abundantly clear that the current statutory penalties remain inadequate to deter and punish offenders because the federal manslaughter sentencing guideline was never changed to reflect the increased penalty.

Today, the average range of sentence for a defendant for involuntary manslaughter is 16–24 months imprisonment followed by three years on Supervised Release. I would like to share with you some of the experiences faced by federal prosecutors assigned to DUI homicides in Indian country to illustrate the gravity of theses crimes, the comparable state sentences imposed, and to demonstrate the need for increased penalties and comparable sentencing guidelines:

Kyle Peterson, was charged with one count of involuntary manslaughter for the death of a 60-year-old man who was driving to work southbound on the Loop 101 Freeway in Phoenix. Peterson was driving north in the southbound lanes of the Loop 101. The two vehicles collided head-on as they entered a portion of the freeway located in Indian country. The victim was killed instantly. Peterson suffered serious head injuries but his recovery has been positive. At the time of impact Peterson's blood alcohol level was .158. He pled guilty to the charge of involuntary manslaughter with no agreements and was sentenced to 14 months in custody followed by three years on supervised release. In her victim impact statement, the decedent's widow stated ''[f]inally there is me rage at a system that allows a criminal to face almost no punishment because of Federal Sentencing Commission laws . . . DUI is a criminal offense. Why does the Federal system not treat it as such?''

Gaylen Lomatuwayma was charged with one count of involuntary manslaughter after he struck and killed the victim, who was walking along Navajo Route 2. The crash took place after a night of drinking in Flagstaff, Arizona. The defendant kept driving until his truck stopped working. He was indicted on one count of involuntary manslaughter and was sentenced to 21 months in custody followed by 3 years on supervised release.

In July, 2001, Zacharay Guerrero was driving intoxicated on the Salt River Pima-Maricopa Reservation near Phoenix when he failed to stop at a clearly posted stop sign. He collided with a vehicle occupied by two female tribal members. On impact, both females were ejected from the vehicle, which ignited in flames and burned at the scene. Guerrero fled the scene. Investigation revealed that the defendant's vehicle had an impact speed of between 64 and 70 mph (while the posted speed limit was 35 mph) and the victim vehicle had an impact speed of 9 mph. One victim died at the scene. The medical examiner attributed her death to multiple blunt force trauma due to the motor-vehicle impact. The second victim died two months later. While there were small amounts of alcohol detected in the victim/driver's blood, the accident reconstructionist did not believe it was a significant contributing factor to the crash. Guerrero was charged and plead guilty to two counts of involuntary manslaughter, with no sentencing agreement. The guideline calculation resulted in a total offense level 13, with acceptance of responsibility, or a sentencing range of only 12–18 months. Only because of Guerrero's prior criminal history did he receive a sentence of concurrent terms of 37 months, the high end of the applicable guideline range.

In November 2001, Ernest Zahony was driving eastbound on hwy 160 near the Old Red Lake Trading Post on the Navajo Indian Reservation. He crossed the center line and struck a family headed westbound on their way to a late Thanksgiving dinner. The driver was pinned behind the steering wheel and later died as a result of her injuries. Five other occupants, including children, received serious injuries. The defendant walked away from the scene and was found about a mile away. The defendant admitted to drinking all night and into the morning. At the time of the crash, he is estimated to have had a .252 blood alcohol level. The court, applying an upward departure, sentenced the defendant to 40 months in custody.

Victim families routinely hear or read about state drunk-driving homicide cases where long sentences are imposed by state court judges. Without exception, every Assistant U.S. Attorney and Victim Advocate assigned to federal drunk driving homicides must go through the painful process of explaining to victim families that the long sentences meted out in the state court system do not apply because the defendant will be sentenced under the federal sentencing guideline scheme. Victim families cannot comprehend that had the crime occurred in state jurisdiction, the defendant would be imprisoned for a substantially longer term.

To illustrate this, in Arizona state court, the crime of manslaughter is designated either ''dangerous'' or ''non-dangerous.'' [Footnote: Case illustrations were provided by the Arizona Chapter of MADD. Explanation of state sentencing categories were provided by the Maricopa County Attorney's Office.] In Maricopa County, DUI homicides are almost exclusively charged as ''dangerous'' felonies. [Footnote: According to the Maricopa County Attorney's Office, ''non-dangerous'' felonies are reserved for those DUI homicides with great evidentiary weaknesses and are rarely, if ever, charged.] The sentence for manslaughter ''dangerous'' ranges from seven to 21 years in custody and yields a presumptive 10½ year sentence.

For example, the Maricopa County Attorney's Office stated that generally, where an intoxicated defendant crosses a center line striking and killing someone, he/she will almost assuredly receive a sentence of 10½ years. If the individual has a prior drunk driving history, the range of sentence increases by 2 years. In cases where a passenger in a defendant's car is killed, the

range of sentence generally is 7–10½ years in custody.

Compare Arizona v. Bruguier with United States v. Lomatuwayma. In Bruguier, the defendant was sentenced to 11½ years for driving while intoxicated and striking and killing an individual who was jogging along a roadway.

Ironically, if any of the victims in the above-mentioned cases were injured, rather than killed, each defendant would have been sentenced under the assault statute, resulting in much harsher penalties. [Footnote: Similarly, the statutory maximum for Assault with a Dangerous Weapon and Assault Resulting in Serious Bodily Injury is no more than 10 years and a $250,000 fine. 18 U.S.C.§113. The Base Offense Level is 15 and allows for specific offense characteristics which may result in a substantially higher sentencing range.] To address the low statutory and guideline penalty for involuntary manslaughter cases, my office applies alternative or additional charges in appropriate cases such as assault or second degree murder. This approach enhances the penalties available to the court. Also, the added charges will hopefully deter the defendant from future conduct, and provide a means to advocate on behalf of the surviving victims.

For example, Sebastian Lopez plead guilty to Second Degree Murder for committing a DUI homicide and was sentenced to 11½ years in custody. At the time of this offense, Lopez was serving a sentence of federal probation for a prior DUI homicide. In total, this defendant had four prior DUI convictions, three involving accidents and one involving death, yet he remained undeterred by his first DUI homicide crime and federal sentence.

Additionally, federal prosecutors routinely seek upward departures to increase a drunk driving defendant's final adjusted sentence. However, courts are reluctant to impose upward departures in manslaughter cases. In United States v. Merrival, 176 F.3d 1079 (8th Cir. 1999), a case prosecuted by the District of South Dakota, the defendant was charged with one count of Involuntary Manslaughter for the DUI homicide of his two passengers, which included a 5-month-old infant. The defendant plead guilty to the indictment and the district court departed upward to sentence him to 70 months in custody. In imposing sentence, the court stated that the defendant's conduct was extremely dangerous and resulted in two deaths and severe bodily injury to the three surviving victims. In upholding the sentence, the Eighth Circuit stated ''[w]e make special note, however, that in imposing a departure of this magnitude, the district court acted at the outermost limits of its discretionary authority.'' Id. at 1082. Consequently, federal courts themselves appear to struggle with finding a just sentence for these crimes and remain reluctant to impose an upward departure even in the most egregious cases.

Additionally, if a defendant's tribal criminal history reflects repeated criminal conduct while they are under the influence of alcohol, a prosecutor may seek an enhanced sentence pursuant to U.S.S.G. §4A1.3, Adequacy of Criminal History. [Footnote: This section may only be applied where a defendant's prior sentence(s) are not factored into his sentencing guideline range. 4A1.3(a).] However, federal court judges are reluctant to apply an upward departure even where a defendant has prior multiple tribal court DUI convictions. Recently, Dale Haskan received a 14 month sentence for the DUI homicide of a 15-year-old girl. Haskan had multiple prior DUIs in tribal court dating back 20 years. The district court ruled that only one of his prior convictions was admissible because of inadequate documentation and his concern whether Haskan was represented in tribal court on those multiple convictions.

Depending on the extent and substance of a defendant's tribal criminal history, the facts, and the character of the victim, a court may make legal and factual findings that the defendant is entitled to an enhancement. See United States v. Betti Rowbal, 105 F.3d 667 (9th Cir. Nev.) (Unpublished Decision). In drunk driving homicides, however, it is hard for a prosecutor to argue that the Sentencing Commission did not take into account the loss of life or the degree of a defendant's intoxication. Id. Therefore, sentencing enhancements in these cases, although routinely sought, are difficult to substantiate and thus are rarely imposed. It is my hope that these examples will serve to illustrate the dire need for immediate improvements to the manslaughter statutory penalty and sentencing guidelines.

I would like to briefly address second degree murder. As you consider addressing manslaughter, I urge the Commission to reexamine the murder sentencing guidelines in relationship to the statutory maximum penalty, life imprisonment. The Commission must evaluate whether the 33 base offense level is appropriate given that second degree murder involves a high level of culpability on the part of the defendant. [Footnote: With a Criminal History of I and a 3-level adjustment for Acceptance of Responsibility, a defendant would face an adjusted offense level of 30 (97–121 months in custody).] For example, Douglas Tree plead guilty to Second Degree Murder for beating his girlfriend's 18 month old daughter. Her injuries included a fractured clavicle and fractured ribs. He waited until his girlfriend came home to take the child in for medical treatment. The infant was hospitalized, placed on life support and later died. Tree received a 142 month sentence. Leslie Vanwinkle was also charged with Second Degree Murder for the beating death of his 70-year-old father. Vanwinkle was sentenced to a term of 151 months in custody. These crimes are among the most malicious and often occur with weapons including knives, rocks and shovels. The use of a firearm gives prosecutors the leverage of charging a gun violation, which drastically enhances the second degree murder sentence.

Finally, should the Commission increase the manslaughter sentencing guideline, it must evaluate the impact that the existing second degree murder guideline will have relative to any increase. I therefore encourage the Commission to consider creating specific offense characteristics that reflect the more egregious and aggravated type of murder.

The frustration felt by the victim families, prosecutors, and often expressed by district court judges in imposing sentences is all to common in my district and experienced by every federal prosecutor with similar federal criminal jurisdictional responsibilities. So, I am thankful and encouraged that this Commission continues to have an interest in this area. I am also encouraged that the Commission developed the Native American Ad Hoc Advisory Committee to more thoroughly review the perceptions of Indian Country Crimes and Sentencing disparity. My colleagues and I on the Attorney General's Native American Issues Advisory Committee look forward to the Committee's findings. Thank you again for extending to me the invitation to speak to you today.

Mr. LEAHY. Mr. President, I appreciate the hard work of my colleagues in coming to agreement to proceed to final passage of this important legislation.

This bill has been a top priority of the Federal judiciary. I introduce it back in January, and it proceeded through regular order. We held a hearing, issued a committee report, considered floor amendments, and debated the measure.

Now it is time to vote for its passage. We can and we must provide for increased security for our Federal judges.

Physical attacks on our judges threaten not only the dedicated public servants who serve in these roles but also the institution. Our Nation's Founders knew that without an independent judiciary to protect individual rights from the political branches of Government, those rights and privileges would not be preserved. Our Federal courts are the ultimate check and balance in our system of government.

We owe it to our judges to better protect them and their families from violence to ensure that they have the peace of mind to do their vital and difficult jobs.

The PRESIDING OFFICER. 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.

Mrs. FEINSTEIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall it pass?

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 135 Leg.]

YEAS—97

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

Thune	Warner	Wyden
Vitter	Webb	
Voinovich	Whitehouse	

NOT VOTING—3

Inouye	Johnson	McCain

The bill (S. 378), as amended, was passed, as follows:

S. 378

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Court Security Improvement Act of 2007''.

TITLE I—JUDICIAL SECURITY IMPROVEMENTS AND FUNDING

SEC. 101. JUDICIAL BRANCH SECURITY REQUIREMENTS.

(a) ENSURING CONSULTATION WITH THE JUDICIARY.—Section 566 of title 28, United States Code, is amended by adding at the end the following:

''(i) The Director of the United States Marshals Service shall consult with the Judicial Conference of the United States on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.''.

(b) CONFORMING AMENDMENT.—Section 331 of title 28, United States Code, is amended by adding at the end the following:

''The Judicial Conference shall consult with the Director of United States Marshals Service on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.''.

SEC. 102. PROTECTION OF FAMILY MEMBERS.

Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by inserting ''or a family member of that individual'' after ''that individual''; and

(2) in subparagraph (B)(i), by inserting ''or a family member of that individual'' after ''the report''.

SEC. 103. FINANCIAL DISCLOSURE REPORTS.

(a) EXTENSION OF AUTHORITY.—Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended by striking ''2005'' each place that term appears and inserting ''2009''.

(b) REPORT CONTENTS.—Section 105(b)(3)(C) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended—

(1) in clause (ii), by striking ''and'' at the end;

(2) in clause (iii), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(iv) the nature or type of information redacted;

''(v) what steps or procedures are in place to ensure that sufficient information is available to litigants to determine if there is a conflict of interest;

''(vi) principles used to guide implementation of redaction authority; and

''(vii) any public complaints received in regards to redaction.''.

SEC. 104. PROTECTION OF UNITED STATES TAX COURT.

(a) IN GENERAL.—Section 566(a) of title 28, United States Code, is amended by striking ''and the Court of International Trade'' and inserting '', the Court of International Trade, and the United States Tax Court, as provided by law''.

(b) INTERNAL REVENUE CODE.—Section 7456(c) of the Internal Revenue Code of 1986 (relating to incidental powers of the Tax Court) is amended in the matter following paragraph (3), by striking the period at the end, and inserting ''and may otherwise provide, when requested by the chief judge of the Tax Court, for the security of the Tax Court, including the personal protection of Tax Court judges, court officers, witnesses, and other threatened persons in the interests of justice, where criminal intimidation impedes on the functioning of the judicial process or any other official proceeding.''.

(c) REIMBURSEMENT.—The United States Tax Court shall reimburse the United States Marshals Service for protection provided under the amendments made by this section.

SEC. 105. ADDITIONAL AMOUNTS FOR UNITED STATES MARSHALS SERVICE TO PROTECT THE JUDICIARY.

In addition to any other amounts authorized to be appropriated for the United States Marshals Service, there are authorized to be appropriated for the United States Marshals Service to protect the judiciary, $20,000,000 for each of fiscal years 2007 through 2011 for—

(1) hiring entry-level deputy marshals for providing judicial security;

(2) hiring senior-level deputy marshals for investigating threats to the judiciary and providing protective details to members of the judiciary and assistant United States attorneys; and

(3) for the Office of Protective Intelligence, for hiring senior-level deputy marshals, hiring program analysts, and providing secure computer systems.

TITLE II—CRIMINAL LAW ENHANCEMENTS TO PROTECT JUDGES, FAMILY MEMBERS, AND WITNESSES

SEC. 201. PROTECTIONS AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.

(a) OFFENSE.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

''SEC. 1521. RETALIATING AGAINST A FEDERAL JUDGE OR FEDERAL LAW ENFORCEMENT OFFICER BY FALSE CLAIM OR SLANDER OF TITLE.

''Whoever files, attempts to file, or conspires to file, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of an individual described in section 1114, on account of the performance of official duties by that individual, knowing or having reason to know that such lien or encumbrance is false or contains any materially false, fictitious, or fraudulent statement or representation, shall be fined under this title or imprisoned for not more than 10 years, or both.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

''1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title.''.

SEC. 202. PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.

(a) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

''§ 119. Protection of individuals performing certain official duties

''(a) IN GENERAL.—Whoever knowingly makes restricted personal information about a covered official, or a member of the immediate family of that covered official, publicly available—

''(1) with the intent to threaten, intimidate, or incite the commission of a crime of violence against that covered official, or a member of the immediate family of that covered official; or

''(2) with the intent and knowledge that the restricted personal information will be used to threaten, intimidate, or facilitate the commission of a crime of violence against that covered official, or a member of the immediate family of that covered official, shall be fined under this title, imprisoned not more than 5 years, or both.

''(b) DEFINITIONS.—In this section—

''(1) the term 'restricted personal information' means, with respect to an individual, the Social Security number, the home address, home phone number, mobile phone number, personal email, or home fax number of, and identifiable to, that individual;

''(2) the term 'covered official' means—

''(A) an individual designated in section 1114; or

''(B) a grand or petit juror, witness, or other officer in or of, any court of the United States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate;

''(3) the term 'crime of violence' has the meaning given the term in section 16; and

''(4) the term 'immediate family' has the meaning given the term in section 115(c)(2).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

''119. Protection of individuals performing certain official duties.''.

SEC. 203. PROHIBITION OF POSSESSION OF DANGEROUS WEAPONS IN FEDERAL COURT FACILITIES.

Section 930(e)(1) of title 18, United States Code, is amended by inserting ''or other dangerous weapon'' after ''firearm''.

SEC. 204. CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.

Section 1513 of title 18, United States Code, is amended by adding at the end the following:

''(g) A prosecution under this section may be brought in the district in which the official proceeding (whether pending, about to be instituted, or completed) was intended to be affected, or in which the conduct constituting the alleged offense occurred.''.

SEC. 205. MODIFICATION OF TAMPERING WITH A WITNESS, VICTIM, OR AN INFORMANT OFFENSE.

(a) CHANGES IN PENALTIES.—Section 1512 of title 18, United States Code, is amended—

(1) so that subparagraph (A) of subsection (a)(3) reads as follows:

''(A) in the case of a killing, the punishment provided in sections 1111 and 1112;'';

(2) in subsection (a)(3)—

(A) in the matter following clause (ii) of subparagraph (B) by striking ''20 years'' and inserting ''30 years''; and

(B) in subparagraph (C), by striking ''10 years'' and inserting ''20 years'';

(3) in subsection (b), by striking ''ten years'' and inserting ''20 years''; and

(4) in subsection (d), by striking ''one year'' and inserting ''3 years''.

SEC. 206. MODIFICATION OF RETALIATION OFFENSE.

Section 1513 of title 18, United States Code, is amended—

(1) in subsection (a)(1)(B)—

(A) by inserting a comma after ''probation''; and

(B) by striking the comma which immediately follows another comma;

(2) in subsection (a)(2)(B), by striking ''20 years'' and inserting ''30 years'';

(3) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting a comma after ''probation''; and

(ii) by striking the comma which immediately follows another comma; and

(B) in the matter following paragraph (2), by striking ''ten years'' and inserting ''20 years''; and

(4) by redesignating the second subsection (e) as subsection (f).

SEC. 207. GENERAL MODIFICATIONS OF FEDERAL MURDER CRIME AND RELATED CRIMES.

Section 1112(b) of title 18, United States Code, is amended—

(1) by striking ''ten years'' and inserting ''20 years''; and

(2) by striking ''six years'' and inserting ''10 years''.

TITLE III—PROTECTING STATE AND LOCAL JUDGES AND RELATED GRANT PROGRAMS

SEC. 301. GRANTS TO STATES TO PROTECT WITNESSES AND VICTIMS OF CRIMES.

(a) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(5) by a State, unit of local government, or Indian tribe to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

''SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $20,000,000 for each of the fiscal years 2007 through 2011 to carry out this subtitle.''.

SEC. 302. ELIGIBILITY OF STATE COURTS FOR CERTAIN FEDERAL GRANTS.

(a) CORRECTIONAL OPTIONS GRANTS.—Section 515 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762a) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(4) grants to State courts to improve security for State and local court systems.''; and

(2) in subsection (b), by inserting after the period the following:

''Priority shall be given to State court applicants under subsection (a)(4) that have the greatest demonstrated need to provide security in order to administer justice.''.

(b) ALLOCATIONS.—Section 516(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762b) is amended by—

(1) striking ''80'' and inserting ''70'';

(2) striking ''and 10'' and inserting ''10''; and

(3) inserting before the period the following: '', and 10 percent for section 515(a)(4)''.

(c) STATE AND LOCAL GOVERNMENTS TO CONSIDER COURTS.—The Attorney General may require, as appropriate, that whenever a State or unit of local government or Indian tribe applies for a grant from the Department of Justice, the State, unit, or tribe demonstrate that, in developing the application and distributing funds, the State, unit, or tribe—

(1) considered the needs of the judicial branch of the State, unit, or tribe, as the case may be;

(2) consulted with the chief judicial officer of the highest court of the State, unit, or tribe, as the case may be; and

(3) consulted with the chief law enforcement officer of the law enforcement agency responsible for the security needs of the judicial branch of the State, unit, or tribe, as the case may be.

(d) ARMOR VESTS.—Section 2501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll) is amended—

(1) in subsection (a), by inserting ''and State and local court officers'' after ''tribal law enforcement officers''; and

(2) in subsection (b), by inserting ''State or local court,'' after ''government,''.

TITLE IV—LAW ENFORCEMENT OFFICERS

SEC. 401. REPORT ON SECURITY OF FEDERAL PROSECUTORS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the security of assistant United States attorneys and other Federal attorneys arising from the prosecution of terrorists, violent criminal gangs, drug traffickers, gun traffickers, white supremacists, those who commit fraud and other white-collar offenses, and other criminal cases.

(b) CONTENTS.—The report submitted under subsection (a) shall describe each of the following:

(1) The number and nature of threats and assaults against attorneys handling prosecutions described in subsection (a) and the reporting requirements and methods.

(2) The security measures that are in place to protect the attorneys who are handling prosecutions described in subsection (a), including threat assessments, response procedures, availability of security systems and other devices, firearms licensing (deputations), and other measures designed to protect the attorneys and their families.

(3) The firearms deputation policies of the Department of Justice, including the number of attorneys deputized and the time between receipt of threat and completion of the deputation and training process.

(4) For each requirement, measure, or policy described in paragraphs (1) through (3), when the requirement, measure, or policy was developed and who was responsible for developing and implementing the requirement, measure, or policy.

(5) The programs that are made available to the attorneys for personal security training, including training relating to limitations on public information disclosure, basic home security, firearms handling and safety, family safety, mail handling, counter-surveillance, and self-defense tactics.

(6) The measures that are taken to provide attorneys handling prosecutions described in subsection (a) with secure parking facilities, and how priorities for such facilities are established—

(A) among Federal employees within the facility;

(B) among Department of Justice employees within the facility; and

(C) among attorneys within the facility.

(7) The frequency attorneys handling prosecutions described in subsection (a) are called upon to work beyond standard work hours and the security measures provided to protect attorneys at such times during travel between office and available parking facilities.

(8) With respect to attorneys who are licensed under State laws to carry firearms, the policy of the Department of Justice as to—

(A) carrying the firearm between available parking and office buildings;

(B) securing the weapon at the office buildings; and

(C) equipment and training provided to facilitate safe storage at Department of Justice facilities.

(9) The offices in the Department of Justice that are responsible for ensuring the security of attorneys handling prosecutions described in subsection (a), the organization and staffing of the offices, and the manner in which the offices coordinate with offices in specific districts.

(10) The role, if any, that the United States Marshals Service or any other Department of Justice component plays in protecting, or providing security services or training for, attorneys handling prosecutions described in subsection (a).

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EXPANDED PROCUREMENT AUTHORITY FOR THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Section 995 of title 28, United States Code, is amended by adding at the end the following:

''(f) The Commission may—

''(1) use available funds to enter into contracts for the acquisition of severable services for a period that begins in 1 fiscal year and ends in the next fiscal year, to the same extent as executive agencies may enter into such contracts under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253l);

''(2) enter into multi-year contracts for the acquisition of property or services to the same extent as executive agencies may enter into such contracts under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c); and

''(3) make advance, partial, progress, or other payments under contracts for property or services to the same extent as executive agencies may make such payments under the authority of section 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255).''.

(b) SUNSET.—The amendment made by subsection (a) shall cease to have force and effect on September 30, 2010.

SEC. 502. BANKRUPTCY, MAGISTRATE, AND TERRITORIAL JUDGES LIFE INSURANCE.

(a) IN GENERAL.—Section 604(a)(5) of title 28, United States Code, is amended by inserting after ''hold office during good behavior,'' the following: ''bankruptcy judges appointed under section 152 of this title, magistrate judges appointed under section 631 of this title, and territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1877 (48 U.S.C. 1821), or

section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)),''.

(b) CONSTRUCTION.—For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, the following categories of judicial officers shall be deemed to be judges of the United States as described under section 8701 of title 5, United States Code:

(1) Bankruptcy judges appointed under section 151 of title 28, United States Code.

(2) Magistrate judges appointed under section 631 of title 28, United States Code.

(3) Territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1877 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)).

(4) Judges retired under section 377 of title 28, United States Code.

(5) Judges retired under section 373 of title 28, United States Code.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

SEC. 503. ASSIGNMENT OF JUDGES.

Section 296 of title 28, United States Code, is amended by inserting at the end of the second undesignated paragraph the following new sentence: ''However, a judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed, shall have all the powers of a judge of that court, including participation in appointment of court officers and magistrate judges, rulemaking, governance, and administrative matters.''.

SEC. 504. SENIOR JUDGE PARTICIPATION IN THE SELECTION OF MAGISTRATE JUDGES.

Section 631(a) of title 28, United States Code, is amended by striking ''Northern Mariana Islands'' the first place it appears and inserting ''Northern Mariana Islands (including any judge in regular active service and any judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed)''.

SEC. 505. FEDERAL JUDGES FOR COURTS OF APPEALS.

Section 44(a) of title 28, United States Code, is amended in the table—

(1) in the item relating to the District of Columbia Circuit, by striking ''12'' and inserting ''11''; and

(2) in the item relating to the Ninth Circuit, by striking ''28'' and inserting ''29''.

Ms. CANTWELL. 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.

MORNING BUSINESS

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

Ms. CANTWELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

IRAQ

Mr. REID. Madam President, the White House has been telling America that Democrats are doing the wrong thing by calling for a change of course in Iraq. They say holding the Iraqi Government accountable is wrong. They say finding a political solution in Iraq is wrong. They say redeploying troops out of a civil war is wrong. They have said even debating a strategy for changing course is dangerous, and many Senate Republicans have backed that up by blocking several of our attempts to debate this issue here on the Senate Floor.

The American people want us to debate the war, and they want us to change the course. Listen to what the President's own Secretary of Defense Robert Gates said in the last few hours, and I quote:

> The debate in Congress has been helpful in demonstrating to the Iraqis that American patience is limited. The strong feelings expressed in the Congress about the timetable probably has had a positive impact in terms of communicating to the Iraqis that this is not an open-ended commitment.

The President and some of my Republican colleagues have also attempted to create a false crisis by claiming that Democrats are putting the troops in danger by not sending the supplemental bill immediately. But today, the Pentagon acknowledged what Democrats have long known—that President Bush continues to misstate the reality on the ground and in Iraq to score political points.

Like the nonpartisan Congressional Research Service, the Pentagon now acknowledges that it can pay for the Iraq war at least through June with the funds that have already been provided.

I hope the President and our Republican colleagues in Congress will put these false claims aside so we can get back to working toward a bipartisan solution.

Yesterday I met with President Bush to express the will of the American people, senior military officials, and a bipartisan majority of Congress that we must change course in Iraq. I told President Bush that, going on to 5 years, more than 3,300 American soldiers lost, tens of thousands wounded, a third of them gravely wounded, and billions and billions of dollars depleted from our Treasury, we as a country must change course in Iraq.

Conditions in Iraq get worse by the day. Now we find ourselves policing another nation's civil war. We are less secure from the many threats to our national security than we were when the war began. As long as we follow the President's path in Iraq, the war is lost. But there is still a chance to change course and we must change course. No one wants us to succeed in the Middle East more than I do. But there must be a change of course. Our brave men and women overseas have passed every test with flying colors. They have earned our pride and our praise. More important, they deserve a strategy worthy of their sacrifice.

The supplemental bill we passed with bipartisan support offers that. It includes a reasonable and attainable timeline to reduce combat missions and refocus our efforts on the real threats to our country's security. It offers a new path, a new direction forward. If we put politics aside, I believe we can find a way to make America safer and stronger.

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. ALEXANDER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. ALEXANDER. Madam President, I ask unanimous consent that I may speak as in morning business for as much time as I may require.

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

Mr. ALEXANDER. I thank the Chair.

(The remarks of Mr. ALEXANDER pertaining to the introduction of S. 1168 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. ALEXANDER. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

GONZALES V. CARHART

Mr. HATCH. Madam President, yesterday was a good day for democracy. It was a great day for American constitutionalism. I have said it before. I will continue to say it. All too often, we see judicial decisions on America's most important social issues made without any constitutional warrant.

Too difficult to convince your community that it should not pray before football games? No problem. Just find a judge to say that the practice is unconstitutional.

Too discouraged by the slow pace of the march toward same-sex marriage? Find a judge to declare that the State constitution has allowed it all along. A constitutional right to same-sex marriage—''presto chango.''

Americans of all political stripes understand that this highjacking of social policy from the people's representatives is deeply misguided.

A good number of law professors, law students, judges, and politicians still continue to inject the judicial branch

into social controversies. Yet, in attempting to smooth out the rough edges of democracy, activist judges have time and again undermined democracy and increased bitterness in our political debates.

Yesterday's decision in Gonzales v. Carhart was a step toward righting that dangerous trend. It was a step toward restoring the people's liberties and the vitality of our democracy.

Let me explain.

In 2003, Congress passed, and the President signed, the Partial-Birth Abortion Ban Act. This was well-considered legislation. It was broadly supported by the public. Senators of both parties, including my colleague from Vermont, the chairman of the Judiciary Committee, supported the bill. And after years of trying, it finally became law.

It was a modest bill, born of an existential abhorrence of a procedure that callously snuffed out human life. Nonetheless, a coalition of the usual proponents of judicial legislating attempted to undo this law.

Fortunately, the Supreme Court disagreed and upheld this legislation. It was a reasonable decision. And it showed a proper deference to the people and their representatives—deference that one would expect in a democracy.

The public first became aware of partial-birth abortion in 1992, when Dr. Martin Haskell gave a presentation describing the procedure. A nurse who assisted him in a partial-birth abortion on a 26½ week fetus testified before the Senate Judiciary Committee of her experience with this procedure. It was shocking testimony. I am glad that Justice Kennedy included it in his majority opinion. I will not repeat it here. It was graphic. It was horrific. And it will stay with me forever.

A 6-month-old fetus was treated worse than any animal—and disposed of like garbage. The American people were rightly appalled.

It very well might be that there is some give in the seams of our Constitution. The meaning of every term and principle is not entirely clear. But if you are going to be making up constitutional rights without textual warrant, the American people understand what many law professors, radical—I mean, progressive—activists, and judges did not.

It perverts our constitutional traditions to argue that a document committed to life, liberty, and the dignity of the human person would prohibit public condemnation and legal regulation of such barbarity. And the Court agreed.

This was a reasonable and a limited decision. The Court rejected a facial challenge to the law. Relying on its precedent in Casey v. Planned Parenthood, the Court held that the law was not unconstitutionally vague and did not impose an undue burden on a woman's right to abortion.

This was a reasonable decision, one rooted in a deep respect for the role of the people's representatives in Congress. And what is the response of the hard left? Hysteria.

I know many of my colleagues in this body are familiar with the blog, Daily Kos. It is the online meeting room for the political left.

The complaints of its members recently led a number of Democratic candidates for President to withdraw from a Fox News-sponsored debate. They were intimately involved in the debate in the House over how best to cut off funding for our troops. This is what one of these citizen agitators posted about the decision:

> The 5 Catholics on the court have ruled!! Why don't we just outsource the Supreme Court to the Vatican. Save some money!!

There was a time when this anti-Catholic venom had no place in our political discourse. Unfortunately, liberal groups are becoming more and more radical, and less and less liberal in their thinking.

This is what Nancy Keenan, of the radical abortion-rights lobby NARAL, had to say:

> An anti-choice Congress and an anti-choice president pushed this ban all the way to the Supreme Court.

An anti-choice Congress? Is she kidding? Is the Democratic chairman of the Appropriations Committee anti-choice? Is the Democratic chairman of the Judiciary Committee anti-choice? Is the Democratic chairman of the Budget Committee anti-choice?

Give me a break.

The radicals criticizing this decision are seriously unmoored from the American people and our legal traditions. The radicals who support abortion on demand reject the choices of the American people. They reject the informed choice that the people's representatives made about this gruesome procedure. They are ''Johnny and Jane one-notes''—abortion now, abortion always, abortion forever.

The American people deserve better. We have been told by the new majority that America is done with partisanship. America needs results.

Well, we got results with the Partial-Birth Abortion Ban Act. This was a bipartisan achievement that brought together Republicans and Democrats, conservatives and liberals. It is unfortunate, then, to see certain Democratic candidates bemoaning this decision in the same old terms.

It is not too surprising to see the New York Times editorial page hyperventilating over this decision. But we deserve more from our party leaders and Presidential candidates. I understand their predicament. When you have to answer to uncompromising abortion-rights groups, logic sometimes gets tossed by the wayside.

When President Clinton was in the White House, he abandoned almost every liberal group imaginable in his quest for triangulation. But there was one group that he would never cross—the abortion-rights lobby.

And given the knee-jerk reactions about this decision from the leftwing blogosphere and Democratic candidates, I have no doubt that this commitment will not change. I think that is sad. But if they want to have a fight, the centerpiece of which is judicial administration of a judicially created right to abort your baby at any time during pregnancy, I am sure many will gladly meet them in the ring.

I think that these overheated comments are particularly interesting in light of the legislation that we considered earlier today. I was an original cosponsor of the court security bill.

Obviously, our judges need to be protected from violent criminals. They are public servants. And all too often they are threatened with, or subjected to, physical violence. This is unacceptable. And so I joined with many of my Judiciary Committee colleagues in supporting this bill.

But I want to distance myself from some of the remarks made by my Democratic colleagues yesterday. The suggestion that strong and vigorous criticism of judicial decisionmaking is somehow inappropriate or collaterally responsible for violence against judges is absurd. Violence against judges is unacceptable. But violence against judges is not caused by criticism of judicial activism. And it is not caused by overheated rhetoric.

I find it particularly ironic that on the same day that liberal pundits and interest groups are bemoaning a moderate and limited Supreme Court decision as the catalyst for making women second-class citizens, Democrats took to the floor to brand serious and vigorous criticism of judges as irresponsible.

In the end, I think Justice Scalia was right in his Casey concurrence. So long as the Court went about doing what lawyers and judges are supposed to do—interpret the law—nobody gave the Supreme Court a second thought. But when the Court decided that it should be a super legislature that second guesses the judgments of the American people and their representatives, the Court invited criticism.

You act like legislators, you get treated like legislators.

If my colleagues would like to see less criticism of judges, maybe they should stop advocating an undemocratic and constitutionally ungrounded judicial activism.

The people can criticize the courts. And their representatives can criticize the courts. If Lincoln did it, and FDR did it, I think we are on solid ground.

But I am not going to criticize yesterday's decision. I would like to close by again applauding it. It was not just a victory for the unborn child. It was a victory for moderation and the rule of law.

TRIBUTE TO BRIGADIER GENERAL DARRELL S. CRAMER

Mr. HATCH. Madam President, I wish to pay special tribute to an extraordinary man, a loving husband, father

and grandfather; a valiant soldier; and a true patriot in every sense of the word—BG Darrell S. Cramer.

Darrell recently passed away, leaving a tremendous void in the lives of all who knew him. Yet his legacy of service, courage, and dedication will serve as an example for many generations to come.

Darrell was born in Ogden, UT, to Olvie and Loretta Stuart Cramer and was the oldest in a family of five. He enjoyed his childhood immensely and excelled in athletics and academics. As a young child he developed a strong interest in aviation which would guide his future life. His dream of flying became a reality shortly after enrolling in a civilian pilot training course at Weber College.

On December 7, 1941, Darrell was listening to the radio at home when he heard the news bulletin that stunned the Nation—Pearl Harbor had been attacked, and the United States was now joining the war. The very next day, he drove to Salt Lake City and visited the recruiting offices of both the Army and the Navy to try to enlist in the Aviation Cadet programs. At that time a recruit was to be at least 20 years old and have 2 years of college, so he was turned away.

Just over a month later the rules were changed, and Darrell, eager to serve his country, immediately enlisted in the Army. He quickly became an excellent fighter pilot candidate and excelled in the training. Thus began a storied and exemplary military career.

The highlights of his military service included many tours of duty beginning in November 1942, when Darrell was sent to the South Pacific area as a P–38 pilot assigned to the 339th Fighter Squadron of the 13th Air Force. The young airman flew in the campaigns of Guadalcanal, New Guinea, and North Solomons and completed his tour of duty with credit for the destruction of a Japanese Zero fighter and Betty bomber aircraft.

In December 1943, he returned to the United States and was assigned to a P–47 combat training school in Abilene, TX. In June 1944, General Cramer was assigned to the European Theater of Operations and flew a P–51 aircraft with the 55th Fighter Group. He finished this tour of duty as a squadron commander with a total of 300 flying hours in 60 missions and credited for the destruction of 11 German aircraft. As such, he joined an exclusive fraternity of fighter ace.

At the end of World War II, Darrell returned home, and shortly after, he left active duty to go into business with his father forming the Cramer and Son Coal Company. He went on to pursue additional business opportunities but couldn't put his love of flying behind him and once again joined the Utah Air National Guard. When the Berlin Airlift began in 1948, he was again called to active duty for Operation Vittles.

When that operation ended, Darrell once again returned to the United States and began service as director of flying in the Advanced Flying School at Williams Air Force Base in Arizona. This was followed 2 years later with his return to Europe to assume command of the 53rd Fighter Squadron and later the 36th Fighter Bomber Wing in Germany.

This service was followed by assignments in Washington, DC, California, Turkey, Thailand, and Vietnam. In February 1971, General Cramer became the vice commander of the 17th Air Force, Ramstein Air Base in Germany. He was promoted to brigadier general in 1970 and retired from military service in June 1973.

During his many years of military service, Darrell was recognized and awarded many times for his courage and exemplary service to our Nation. His military awards and decorations included the Distinguished Service Medal, Legion of Merit with an oak leaf cluster, Distinguished Flying Cross with an oak leaf cluster, Air Medal with 21 oak leaf clusters, Joint Service Commendation Medal, Air Force Commendation Medal, Presidential Unit Citation emblem with two oak leaf clusters, and an Air Force Outstanding Unit Award Ribbon with an oak leaf cluster. In addition, he was also inducted into the Utah Aviation Hall of Fame and the Order of the Daedalians, a fraternity of pilots.

With all of these accomplishments, Darrell became a larger-than-life figure to all those who knew him. Yet his humble and unassuming spirit was demonstrated in all he did. His greatest accomplishments he always maintained was marrying the love of his life, Mildred ''Mick'' McPhie. They built a beautiful life together providing a loving, cherished home for friends, children, grandchildren, and great-grandchildren to enjoy.

In his later years, Darrell didn't just quietly sit and watch the days go idly by. He found happiness pursuing many hobbies and interests including golfing, skiing, and spending quality time with his brothers and sisters, grandchildren, and friends.

He also appreciated computer technology and used it to modernize his work in genealogy and family history. He spent many hours serving in the Church of Jesus Christ of Latter-day Saints' Family History Program. He shared his knowledge and helped many search for their own ancestors.

As the wonderful, strong military leader General George S. Patton once said, ''It is foolish and wrong to mourn the men who died. Rather we should thank God that such men lived.''

While I don't believe it is foolish for many to mourn the loss of this great man, I do believe that many do thank our Heavenly Father that BG Darrell S. Cramer lived and that he provided such a powerful example of courage, service, and love for generations to follow.

COURT SECURITY IMPROVEMENT ACT

Mr. LEAHY. Madam President, earlier today the Senate passed S. 378, the Court Security Improvement Act, with overwhelming, bipartisan support. With this legislation, we in the Senate acted for the third time in a year to better protect our Federal judges from institutional and physical threats.

For the past several years, I have introduced and sponsored legislation to extend the authority for Federal judges to redact relevant portions of their financial disclosure statements if they have been threatened. The authority to redact portions of judges' financial disclosure statements expired last year.

The redaction authority bill passed by the Senate last year would have extended the redaction authority without interruption and expanded it to judges' families. It struck the right balance by preserving congressional oversight to prevent the misuse of this redaction authority, which has been a matter of some concern.

I was disappointed that the House of Representatives failed to act on this legislation that passed the Senate last November but I am pleased that the new House of Representatives was able to pass it earlier this year. I continue to support an extension of redaction authority for threatened judges and am glad that the Senate is passing that measure, H.R. 1130 today. I trust that the President will sign it into law without delay.

U.S.-RUSSIAN ECONOMIC RELATIONSHIP

Mr. LUGAR. Madam President, I wish to congratulate Secretary of Commerce Carlos M. Gutierrez on his recent trip to Moscow, Russia. The Secretary delivered an important message to the Russian Government and Russian people: ''While political issues between our nations tend to garner the most headlines, economic interests should not be ignored. U.S.-Russia commercial ties are stronger and more dynamic than ever before, providing stability to our overall relationship.'' I couldn't agree more with this assessment.

The United States and Russia business relationship is expanding significantly. Last year, U.S. exports to Russia increased by 20 percent to $4.7 billion in a broad range of merchandise and service markets. The American Chamber of Commerce in Russia recently conducted a survey of American business in Russia. They made some interesting findings:

Half of the American companies surveyed report sales increases of 200 percent in Russia from 2001 to 2005.

Ninety-seven percent of U.S. companies in Russia project continued growth in sales during the next three years.

Ninety-two percent of U.S. companies in Russia believe that continued

commercial engagement with Russia is positive for American business, and 86 percent believe that Russia's membership in the WTO will bring new opportunities for them.

Profitability of two-thirds of American companies in Russia is on or above target.

Seventy-five percent of Russian employees of American companies in Russia view the United States positively, compared to 47 percent of employees in Russian-owned companies.

The people of Russia and the United States stand to benefit a great deal from this expanded relationship. The Secretary also focused on those areas where improvement is needed, including, stronger accountability, enforcement of intellectual property rights and anticorruption efforts.

The U.S.-Russia relationship is critical to the security and prosperity of both countries and the international community. In recent months the bilateral relationship has been dominated by disagreements and confrontation on a number of important issues. American and Russian leaders must reverse this trend. I congratulate Secretary Gutierrez in making a strong step forward in the right direction.

I ask unanimous consent that the text of a speech he delivered at the American Chamber of Commerce's Annual Investment Conference in Moscow on April 4, be printed in the RECORD at this point.

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

Thank you for inviting me to this Conference.

Minister Gref, Ambassador Burns, it is an honor to join you in opening this conference. This is my second trip to Moscow as Secretary of Commerce. It has been nearly two years since my first visit and I'm pleased to be here today to discuss economic growth and opportunity between Russia and the United States.

As you know, this year marks the 200th anniversary of diplomatic relations between the U.S. and Russia. Though there have been times of great challenge during that history, we are now poised to enter a new era of commercial engagement which will strengthen our ties, grow our economies and create prosperity for our citizens.

My visit this week reflects the considerable and growing value the U.S. places on our business ties with Russia, and our desire to find new ways to bring greater economic opportunity to the people of our countries.

While political issues between our nations tend to garner the most headlines, the economic relationship is a great untold story.

U.S.-Russia commercial ties are stronger and more dynamic than ever before. This creates great opportunity for our future.

In the past two decades, Russia has begun to reap the benefits of engagement in the global economy and take a place as one of the world's great economic powers.

Today, Russia's nearly $1 trillion economy is in its 9th straight year of growth, and the Economic Development Ministry reported 8.4 percent growth in the first two months of this year. That is impressive.

With inflation below 10 percent, an 11 percent increase in real disposable income within the past year, early debt repayments and budget surpluses, Russia's economy is indeed on the rise.

As the economy continues to grow, so does U.S. business. I know later today you will hear from executives of companies such as Alcoa, Boeing, Coca-Cola and Motorola. Their presence at this conference speaks to the growing environment for business and investment here.

According to some recent surveys, 84 percent of foreign companies active in Russia report being successful in meeting their goals; 95 percent plan to expand.

Consistent with these figures, current bilateral trade and future prospects for U.S. businesses in Russia are expanding significantly.

In 2006, U.S. exports to Russia grew 20 percent to $4.7 billion. This growth is occurring in a wide range of merchandise and service categories, suggesting that Russia's growth is having a positive impact in purchasing power.

Importantly, the growth in our trade is a two-way street:

In 2006, Russian exports to the U.S. were more than $19 billion, 30 percent more than in 2005.

Russia is, for the first time, beginning to take on a notable direct investment profile in the United States, with investments in mining, steel-manufacturing, and retail-petroleum, helping support American jobs and supply American consumers. Russia's direct investment in the U.S. is $3 billion. The U.S. has $11 billion invested in Russia.

As big as these numbers sound, they are actually quite small for two countries our size. Indeed, we are just getting started.

The next step for Russia is World Trade Organization accession. Russia is the world's largest economy not yet in the WTO.

The United States has been working side-by-side with Russia to achieve WTO membership. Last November, Minister Gref and U.S. Trade Representative Susan Schwab signed a bilateral market access agreement.

Now Russia, working multilaterally with the U.S. and other WTO members, has the opportunity to take the necessary steps to bring this process to a close, and enable its economy, companies and people to fully participate in the world market.

Many U.S. multinationals regard Russia as a strategic market.

At the same time, their perception is colored by what they hear about political issues such as energy security and a challenging business climate.

Expansion of Russian commercial engagement with America and globally requires transparent markets that embrace foreign and domestic competition.

As the Organization for Economic Cooperation and Development noted in its 2006 economic survey of Russia, ''Greater openness is essential to monitoring, accountability and anti-corruption efforts.''

The U.S. and other economies have greatly benefited from openness, transparency, competition and adherence to the rule of law. Democratic institutions fostering economic freedom and rule of law offer the best mix of economic and social justice.

We believe that companies and economies benefit from the accountability provided by a vibrant media and independent courts. They serve to ensure government agencies responsible for upholding the rules of commerce carry out their duties properly and evenhandedly.

As Russia becomes more prominent on the global stage, creating and maintaining a level playing field that encourages competition will attract more investment and ensure that Russian companies can successfully thrive at home and abroad.

It is crucial for Russia, just as it is for the United States, to maintain an open business climate for capital, goods and services moving back and forth with its trade and investment partners.

Transparency and predictability in regulations and laws governing investment would send positive signals to potential partners in both our countries. Capital allocators look for secure, predictable markets, and they watch with concern where uncertainty exists.

In every country with an aspiration of attracting capital, business law should be applied consistently across companies and never selectively.

Building in predictability, transparency and reliability for investors will give Russia a competitive advantage.

While we are mindful of countries' interests in protecting so-called ''strategic'' aspects of their economies, policies which seek to cordon off broad segments of an economy are policies that carry risks of their own to a nation's economic strength. Russia's challenge will be to pursue ''strategic sectors'' while welcoming and encouraging foreign capital and avoiding protectionist policies.

Protectionism often has the unintended consequence of limiting access to capital, technology and know-how, and sheltering companies and entire industries from competition that sparks innovation and drives efficiency.

Protectionism doesn't protect jobs—the only thing that does is to compete, innovate and grow.

The United States and Russia should have a stronger partnership in areas such as energy, aerospace, transportation infrastructure, and high technology, to name some examples.

There have been tremendous technological advancements from which Russian companies could greatly benefit.

Russians and Americans, like the rest of the world's people, stand to benefit from stronger enforcement of intellectual property.

Around the globe we have seen that stolen intellectual property is not only an economic hazard, stifling innovation technological innovation, and discouraging works of culture in music and the arts, but also a health hazard.

The World Health Organization estimates that 10 percent of global medicine is counterfeit. Tough IP enforcement will protect Russian businesses and their ideas, like this country's resurgent film industry, and it will also protect Russian people.

Russia is doing better from an economic standpoint than it has ever done before. However, from my discussions with American business leaders, it is clear to me that there remains much unrealized opportunity.

This foregone potential is an opportunity cost upon Russia's consumers, entrepreneurs, producers and workers, even as it also represents unmet potential for Russia's suppliers, clients and customers.

With the maturity of our bilateral relations, we can afford to be frank and honest with one another about issues on which we disagree, in the economic realm as well as other areas.

It is important that we speak up when we find ways to unlock untapped potential for expanding and building upon our commercial and political relationships in ways that would serve the mutual interests of our two nations.

We have come too far in building a new foundation based on cooperation and mutual interests to turn back the clock. There is much work to be done, but the foundation has been laid for the future of U.S.-Russia relations to include economic growth, prosperity and opportunity for both our peoples.

I believe we are entering a new era of collaboration and prosperity for our two great

nations, and I thank AmCham Russia for your leadership and commitment to that future.

EARTH DAY

Mr. CARDIN. Madam President, I commemorate April 22—Earth Day 2007, a day set aside to celebrate gains we have made in improving the environment and to renew our commitment to protect our planet.

Earth Day was established by Senator Gaylord Nelson of Wisconsin and was first celebrated in 1970. Senator Nelson firmly believed that education was the key to changing people's attitude about the environment. Since then, the Earth Day celebration has spread throughout the nation and to the rest of the world, with more and more people getting involved in efforts to clean and nurture the environment.

Despite Earth Day's popularity and the many programs that were created to improve the health of the planet, our world is still wrought with environmental problems. We still face many pressing issues such as global warming, protecting our coastal waters from over-fishing, and preserving America's most precious resource lands from the Alaskan Tongass Rainforest to the Redrock lands in Utah, to our own Chesapeake Bay.

Today, we face a serious and growing threat from global warming. Recently I told the Senate Environment and Public Works Committee about the immediate threats that global warming poses to Maryland. A significant part of Maryland is in low-lying areas that would be inundated if global temperatures keep rising. The National Flood Insurance Program has designated more than 12 percent of Maryland as a special flood hazard area, and an estimated 68,000 Maryland homes and buildings are located within a flood plain.

We are already seeing the effects. About a third of Blackwater National Wildlife Refuge on the Eastern Shore has been lost to sea level rise in the past 70 years. Smith Island, situated in the Chesapeake Bay, has lost 30 percent of its land to rising sea levels since 1850.

I have long supported a comprehensive, environmentally friendly energy policy that emphasizes increasing the availability and use of renewable energy, as well as promoting greater energy efficiency. Energy efficiency and renewable energy will reduce America's dangerous dependency on foreign oil while also dramatically reducing greenhouse gases.

Closer to home, we must continue to focus our efforts on restoring the Chesapeake Bay. The Bush administration's budget proposes drastic cuts to vital initiatives, including environmental education, funds to upgrade wastewater treatment plants, and several farm bill conservation programs that help farmers reduce nutrient runoff from entering the Bay. The budget resolution that I helped draft and the Senate passed last month restores many of those dangerous cuts, but we still have much work ahead of us to assure that these critical Federal programs are fully funded.

Earth Day celebrations serve as important reminders that we cannot take our natural resources for granted. I urge all Americans to join together to protect, preserve, and restore the planet's natural treasures.

RURAL VETERANS HEALTH CARE IMPROVEMENT ACT

Ms. SNOWE. Madam President, I am a proud cosponsor of the Rural Veterans Health Care Improvement Act. Increasing access to veterans' health care facilities is essential to recognizing the realities that exist on the ground today, not only for veterans living in rural areas of my home State of Maine, but for the millions of veterans living in remote areas across our broad land. I applaud Senator SALAZAR for introducing this legislation at a time when so many of our veterans receive their health care through the VA and nearly half of today's active duty military servicemembers and tomorrow's veteran population list rural communities as their homes of record. Once again, I commend Senator SALAZAR for his continuing resoluteness and advocacy for our veterans.

Our legislation will work to expand upon the Veterans Benefits, Health Care, and Information Technology Act of 2006, which passed the Senate with my support at the end of the 109th Congress. Under that legislation, the Veterans Affairs Office of Rural Health was created in order to enhance access to VA medical facilities for veterans living in geographically remote areas.

First off, our newly proposed legislation tasks the Office of Rural Health with developing demonstration projects that would broaden the access to health care in rural areas by way of partnership between the Department of Veterans Affairs, Centers for Medicare and Medicaid Services, and the Department of Health and Human Services at access hospitals and community health centers. Second, this bill calls on the Office of Rural Health to establish between one and five Centers for Excellence to be based at VA medical centers to research ways to improve health care for rural veterans.

While increased outpatient care services in Maine and other underserved areas is a good step forward, it is only half of the equation. Veterans must also be able to get to the facilities, and while programs such as the Disabled American Veterans Transportation Network are to be commended, they simply cannot take care of all the transportation needs of all the patients who require VA health care.

Therefore, our legislation would task the Director of the Office of Rural Health to create a program that would provide grants of up to $50,000 to veterans' service organizations and State veterans' service officers to assist veterans with innovative travel options to VA medical centers. Additionally, this legislation directly addresses the inequitable travel reimbursements currently provided to veterans for their travel expenses to VA medical facilities, an issue which I have brought up to the VA Secretary Jim Nicholson in the past. Under current law, veterans with a disability of 30 percent or more are entitled to 11 cents per mile, a rate that has not changed since 1977. In order to put an end to this unjust practice, our legislation would provide critical assistance to veterans traveling long distances to VA health care facilities by reimbursing them at the Federal rate of 48.5 cents per mile.

Establishing new facilities and transportation networks in Maine, as enumerated within the provisions of our legislation, would give rural veterans better access to the veteran health care system and deliver on the promise America has made to our men and women in uniform. But as rural veterans will tell you, there is a long way to go, and we must redouble our efforts to ensure that the VA secures the necessary resources for all rural regions across Maine and throughout the Nation.

Furthermore, I have nothing but the utmost respect for those brave Americans who served in uniform with honor, courage, and distinction. The obligation our Nation holds for its veterans is enormous, and it is an obligation that must be fulfilled every day, by invoking the indelible words of President John F. Kennedy, who stated:

> As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them.

Undoubtedly, these words still speak truth today, at a time when over 600,000 courageous men and women have returned from combat in both Iraq and Afghanistan. It is now up to Congress to do everything in its power to answer our veterans' call, to ensure that they receive the benefits that they rightly earned and rightly deserve. I strongly urge my colleagues to support this legislation. Our veterans deserve nothing less.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

ADDITIONAL STATEMENTS

CONGRATULATING THE SOUTH DAKOTA STATE UNIVERSITY WOMEN'S BASKETBALL TEAM

• Mr. THUNE. Madam President, today I honor the South Dakota State University women's basketball team. In only their third season as Division I competitors, the Jackrabbits made it to the quarterfinals of the Women's

National Invitational Tournament. This impressive accomplishment capped off an extremely successful season in which the Jacks finished with a record of 25–6.

The SDSU women's basketball team has a long tradition of postseason success. During the 1970s and early 1980s, the Jacks qualified for 10 AIAW regional tournaments. As NCAA Division II competitors, they made nine postseason appearances and won the national title in 2003. Additionally, the Jackrabbits reached the Elite Eight in each of their last three seasons as a Division II team.

In 2004, SDSU transitioned its athletic program to compete in NCAA Division I, becoming the first school in South Dakota to do so. Since this transition, the Jackrabbits women's basketball team has successfully risen to meet the challenge that comes with this new level of competition. By defeating well-known teams with much bigger budgets, this year's team once again proved that SDSU can compete with the top programs in the Nation.

The Jackrabbits were led by Aaron Johnston, who has served as head coach of the SDSU women's basketball team for the past seven seasons. Coach Johnston was responsible for taking the Jacks to the top of NCAA Division II and has shown his strong leadership skills in successfully transitioning the team to Division I. He was the 2006 South Dakota Sportswriters Women's College Basketball Coach of the Year and has been named the Division I Independent Coach of the Year for the past two seasons. Johnston was supported by Assistant Coaches Laurie Melum, Jina Johansen, and Matt Stamerjohn.

Of course, this historic season would be impossible without the players themselves. The athletes of the 2006–2007 South Dakota State University women's basketball team, in alphabetical order, are as follows: Alison Anderson, Maria Boever, Ketty Cornemann, Courtney Grimsrud, Nicole Helsper, Abby Kratovil, Morgan Meier, Ashlea Muckenhirn, Laura Nielsen, Stacie Oistad, Andrea Verdegan, Megan Vogel, and Jennifer Warkenthien.

While all of these women should be commended for their efforts, I would like to especially recognize the team's only senior, Megan Vogel. A 4-year starter, Vogel ended her career as the second leading scorer in SDSU school history with 1,850 career points. During this past season, she led the Jacks in scoring with 17.5 points per game and was chosen as a first-team all-Division I Independent selection for the second time. After participating in the WNBA Pre-Draft Camp, Vogel was chosen as a second round draft pick by the Washington Mystics. Selected as the 19th overall pick, Vogel became the first Jackrabbit and first player from a South Dakota college to be taken in the WNBA draft.

These are just a few of the many firsts that the Jacks accomplished this season. These student-athletes should be very proud of all of their remarkable achievements. On behalf of the State of South Dakota, I am pleased to say congratulations Jackrabbits on this impressive accomplishment and keep up the great work.●

ROBERT WINGET: IN MEMORIAM

● Mrs. BOXER. Madam President, I ask my colleagues to join me in honoring the memory of a respected law enforcement officer, Officer Robert Winget of the Ripon Police Department.

For the past 3 years, Officer Winget worked tirelessly to provide the residents of Ripon with safety and service. On the morning of April 10, 2007, Officer Winget's life was tragically cut short in the line of duty as a result of a vehicle accident while patrolling the heavily wooded banks of the Stanislaus River.

Officer Winget began his law enforcement career at the Los Angeles Police Department in the early 1970s. In a career that would span 37 years, Officer Winget also worked for the Stanislaus County Sheriff's Department before lending his considerable talents to the Ripon Police Department. Throughout his career, Officer Winget demonstrated a passion for law enforcement and commitment to helping others, qualities that enabled him to become a beloved member of the Ripon Police Department. Officer Wignet's colleagues and the people whom he protected shall always remember him for his devotion to serving the community.

Officer Winget is survived by his wife and four children. Officer Winget served the people of Ripon with honor and dignity and fulfilled his oath as a peace officer. His contributions to law enforcement and the many lives he touched will serve as a shining example of his legacy.

We shall always be grateful for Officer Wignet's service and the dedication that he displayed while serving the people of Ripon.●

MESSAGES FROM THE HOUSE

At 12:42 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1361. An act to improve the disaster relief programs of the Small Business Administration, and for other purposes.

ENROLLED BILL SIGNED

At 4:36 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1132. An act to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. CASEY).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1571. A communication from the Secretary of Agriculture, transmitting, pursuant to law, an annual report relative to the assessment of the cattle and hog industries; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1572. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the report of the Department's intent to close the Defense commissary stores at Bad Nauheim, Germany, on or about June 30, 2007, and at Giessen, Germany, on or about September 1, 2007; to the Committee on Armed Services.

EC–1573. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the determination that the Joint Cargo Aircraft is subject to realistic survivability testing; to the Committee on Armed Services.

EC–1574. A communication from the Senior Attorney-Advisor, Office of General Counsel, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled ''Federal Home Loan Bank Appointive Directors'' (RIN3069–AB33) received on April 17, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1575. A communication from the Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''HOME Investment Partnerships Program; American Dream Downpayment Initiative and Amendments to Homeownership Affordability'' ((RIN2501–AC93)(FR–4832–F–02)) received on April 17, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1576. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Approval of Condominiums in Puerto Rice on Evidence of Presentment of Legal Documents'' ((RIN2502–AI36)(FR–5009–F–02)) received on April 17, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1577. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processor Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area'' (ID No. 031507D) received on April 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1578. A communication from the Acting Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska'' (ID No. 032607F) received on April 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1579. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska'' (ID No. 031507D) received on April 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1580. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Continuation of the Current Prohibition on the Harvest of Certain Shellfish from Areas Contaminated by the Toxin that Causes Paralytic Shellfish Poisoning'' (RIN0648–AT48) received on April 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1581. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Test Procedures and Labeling Standards for Recycled Oil'' (RIN3084–AB06) received on April 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1582. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the implementation of the Clean Coal Power Initiative; to the Committee on Energy and Natural Resources.

EC–1583. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Temporary Extension of Attorney Fee Payment System to Title XVI; 5–Year Demonstration Project Extending Fee Withholding and Payment Procedures to Eligible Non–Attorney Representatives; Definition of Past–due Benefits; and Assessment for Fee Payment Services'' (RIN0960–AG35) received on April 17, 2007; to the Committee on Finance.

EC–1584. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Finalizing Medicare Regulations under Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 for Calendar Year 2006''; to the Committee on Finance.

EC–1585. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report providing descriptions of all programs or projects of the International Atomic Energy Agency in each country described in Section 307(a) of the Foreign Assistance Act of 1961; to the Committee on Foreign Relations.

EC–1586. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, United States Agency for International Development, transmitting, pursuant to law, a report relative to Multilateral Development bank loans likely to have substantial adverse impacts on environment, natural resources, public health, and indigenous peoples; to the Committee on Foreign Relations.

EC–1587. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Letter Report: Sufficiency Review of the Water and Sewer Authority's Fiscal Year 2007 Revenue Estimate in Support of $50,000,000 in Commercial Paper Notes''; to the Committee on Homeland Security and Governmental Affairs.

EC–1588. A communication from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Suicide Prevention Program Final Rule'' ((RIN1120–AB06)(72 FR 12085)) received on April 17, 2007; to the Committee on the Judiciary.

EC–1589. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, a report regarding the federal courts' compliance with the requirements of the E–Government Act of 2002; to the Committee on the Judiciary.

EC–1590. A communication from the Chief, Regulatory Management Division, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Petitioning Requirements for the O and P Nonimmigrant Classifications'' (RIN1615–AB17) received on April 17, 2007; to the Committee on the Judiciary.

EC–1591. A communication from the Chief Executive Officer, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the Bureau's Annual Report for fiscal year 2006; to the Committee on the Judiciary.

EC–1592. A communication from the Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Correspondence with the Madrid Processing Unit of the United States Patent and Trademark Office'' (RIN0651–AC11) received on April 16, 2007; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HARKIN:

S. 1157. A bill to amend the Tariff Act of 1930 to eliminate the consumptive demand exception relating to the importation of goods made with forced labor; to the Committee on Finance.

By Mr. INHOFE:

S. 1158. A bill to amend the Clean Air Act to increase the use of renewable and alternative fuel, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HAGEL (for himself, Mr. HARKIN, Ms. SNOWE, Mr. ROBERTS, Mr. COLEMAN, Mr. WARNER, Ms. COLLINS, Mr. KENNEDY, Mr. DODD, Ms. MIKULSKI, Mr. SCHUMER, Mr. LIEBERMAN, and Mrs. MURRAY):

S. 1159. A bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW (for herself, Mr. CRAIG, Mr. CRAPO, Mrs. CLINTON, Mr. CASEY, Mr. LEVIN, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. MURRAY, Ms. CANTWELL, Mr. WYDEN, Mr. SMITH, Mr. ISAKSON, Mr. BROWN, Mr. MENENDEZ, Mr. BURR, and Ms. SNOWE):

S. 1160. A bill to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BINGAMAN (for himself, Mr. CRAIG, Mr. CONRAD, Mr. SCHUMER, and Ms. CANTWELL):

S. 1161. A bill to amend title XVIII of the Social Security Act to authorize the expansion of medicare coverage of medical nutrition therapy services; to the Committee on Finance.

By Mr. LIEBERMAN:

S. 1162. A bill to amend the Federal Cigarette Labeling and Advertising Act with respect to the labeling of cigarette packages, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA (for himself, Mr. BROWN, Mr. FEINGOLD, Mr. HAGEL, Mr. ISAKSON, and Mr. WEBB):

S. 1163. A bill to amend title 38, United States Code, to improve compensation and specially adapted housing for veterans in certain cases of impairment of vision involving both eyes, and to provide for the use of the National Directory of New Hires for income verification purposes; to the Committee on Veterans' Affairs.

By Mr. CARDIN (for himself, Ms. COLLINS, Mr. LIEBERMAN, Mr. GRAHAM, and Mr. NELSON of Nebraska):

S. 1164. A bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program; to the Committee on Finance.

By Mr. CARDIN:

S. 1165. A bill to require Federal buildings to be designed, constructed, and certified to meet, at a minimum, the Leadership in Energy and Environmental Design green building rating standard identified as silver by the United States Green Building Council, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WARNER:

S. 1166. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain zone compensation of civilian employees of the United States; to the Committee on Finance.

By Mr. HARKIN:

S. 1167. A bill to amend the Higher Education Act of 1965 in order to provide funding for student loan repayment for civil legal assistance attorneys; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALEXANDER:

S. 1168. A bill to amend the Clean Air Act to establish a regulatory program for sulfur dioxide, nitrogen oxides, mercury, and carbon dioxide emissions from the electric generating sector; to the Committee on Environment and Public Works.

By Mr. FEINGOLD (for himself and Mr. GRAHAM):

S. 1169. A bill to ensure the provision of high quality health care coverage for uninsured individuals through State health care coverage pilot projects that expand coverage and access and improve quality and efficiency in the health care system; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mr. KERRY, Mr. FEINGOLD, Ms. CANTWELL, Mr. MENENDEZ, Mr. CARDIN, Mr. REED, Mr. HARKIN, Mr. KENNEDY, Mr. BAYH, Mr. LIEBERMAN, Ms. STABENOW, Mr. SCHUMER, Mr. LAUTENBERG, Mrs. BOXER, Mr. WHITEHOUSE, Mr. BROWN, Mrs. CLINTON, and Mr. LEAHY):

S. 1170. A bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Basin and Range Deserts in the State of Utah for the benefit of present and future generations of people in the United States; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1171. A bill to amend the Colorado River Storage Project Act and Public Law 87-483 to authorize the construction and rehabilitation of water infrastructure in Northwestern New Mexico, to authorize the use of the reclamation fund to fund the Reclamation Water Settlements Fund, to authorize the conveyance of certain Reclamation land and infrastructure, to authorize the Commissioner of Reclamation to provide for the delivery of water, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself, Mr. LUGAR, Mrs. LINCOLN, Mr. SMITH, Mr. OBAMA, Mr. REED, Mr. WYDEN, Mr. NELSON of Florida, Mr. FEINGOLD, Mr.

DOMENICI, Mr. KENNEDY, Mr. ROCKEFELLER, and Mr. AKAKA):

S. 1172. A bill to reduce hunger in the United States; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. BOXER (for herself, Mrs. MURRAY, Ms. STABENOW, Mr. BINGAMAN, Mr. MENENDEZ, Mr. LAUTENBERG, Mr. CARDIN, Mr. SCHUMER, Mrs. CLINTON, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. BAUCUS, and Ms. CANTWELL):

S. 1173. A bill to protect, consistent with Roe v. Wade, a woman's freedom to choose to bear a child or terminate a pregnancy, and for other purposes; to the Committee on the Judiciary.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 1174. A bill to amend the Natural Gas Act to modify a provision relating to the siting, construction, expansion, and operation of liquefied natural gas terminals; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself and Mr. BROWNBACK):

S. 1175. A bill to end the use of child soldiers in hostilities around the world, and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 231

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 231, a bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

S. 254

At the request of Mr. ENZI, the names of the Senator from Tennessee (Mr. CORKER) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 254, a bill to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 378

At the request of Mr. LEAHY, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 378, a bill to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

S. 430

At the request of Mr. LEAHY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 479

At the request of Mr. HARKIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 479, a bill to reduce the incidence of suicide among veterans.

S. 502

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 502, a bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gains rates.

S. 506

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 506, a bill to improve efficiency in the Federal Government through the use of high-performance green buildings, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 558

At the request of Mr. KENNEDY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 558, a bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

S. 573

At the request of Ms. STABENOW, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 604

At the request of Mr. LAUTENBERG, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 604, a bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

S. 609

At the request of Mr. ROCKEFELLER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 609, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 648

At the request of Mr. CHAMBLISS, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 648, a bill to amend title 10, United States Code, to reduce the eligibility age for receipt of nonregular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods.

S. 659

At the request of Mr. HAGEL, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 659, a bill to amend section 1477 of title 10, United States Code, to provide for the payment of the death gratuity with respect to members of the Armed Forces without a surviving spouse who are survived by a minor child.

S. 713

At the request of Mr. OBAMA, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 713, a bill to ensure dignity in care for members of the Armed Forces recovering from injuries.

S. 721

At the request of Mr. ENZI, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 721, a bill to allow travel between the United States and Cuba.

S. 761

At the request of Mr. REID, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Utah (Mr. BENNETT), the Senator from Michigan (Mr. LEVIN) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 761, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

S. 796

At the request of Ms. STABENOW, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 796, a bill to amend title VII of the Tariff Act of 1930 to provide that exchange-rate misalignment by any foreign nation is a countervailable export subsidy, to amend the Exchange Rates and International Economic Policy Coordination Act of 1988 to clarify the definition of manipulation with respect to currency, and for other purposes.

S. 805

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 805, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 815

At the request of Mr. CRAIG, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 815, a bill to provide health care benefits to veterans with a service-connected disability at non-Department of Veterans Affairs medical facilities that receive payments under

the Medicare program or the TRICARE program.

S. 871

At the request of Mr. LIEBERMAN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 871, a bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes.

S. 875

At the request of Mr. DORGAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 875, a bill to improve energy security of the United States through a 50 percent reduction in the oil intensity of the economy of the United States by 2030 and the prudent expansion of secure oil supplies, to be achieved by raising the fuel efficiency of the vehicular transportation fleet, increasing the availability of alternative fuel sources, fostering responsible oil exploration and production, and improving international arrangements to secure the global oil supply, and for other purposes.

S. 897

At the request of Ms. MIKULSKI, the names of the Senator from Connecticut (Mr. DODD), the Senator from Delaware (Mr. CARPER) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 897, a bill to amend the Internal Revenue Code of 1986 to provide more help to Alzheimer's disease caregivers.

S. 898

At the request of Ms. MIKULSKI, the names of the Senator from Indiana (Mr. BAYH), the Senator from Ohio (Mr. BROWN), the Senator from Minnesota (Mr. COLEMAN), the Senator from Illinois (Mr. DURBIN), the Senator from Rhode Island (Mr. REED), the Senator from Delaware (Mr. CARPER), the Senator from Indiana (Mr. LUGAR) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 898, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 901

At the request of Mr. KENNEDY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 961

At the request of Mr. NELSON of Nebraska, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 972

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 972, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 999

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1018

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1018, a bill to address security risks posed by global climate change and for other purposes.

S. 1060

At the request of Mr. BIDEN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

S. 1115

At the request of Mr. BINGAMAN, the names of the Senator from Maine (Ms. SNOWE), the Senator from Massachusetts (Mr. KERRY) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 1115, a bill to promote the efficient use of oil, natural gas, and electricity, reduce oil consumption, and heighten energy efficiency standards for consumer products and industrial equipment, and for other purposes.

S. 1125

At the request of Mr. LOTT, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1125, a bill to amend the Internal Revenue Code of 1986 to provide incentives to encourage investment in the expansion of freight rail infrastructure capacity and to enhance modal tax equity.

S. CON. RES. 22

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. Con. Res. 22, a concurrent resolution expressing the sense of the Congress that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that a commemorative postage stamp be issued to promote public awareness of Down syndrome.

S. RES. 106

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. Res. 106, a resolution calling on the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

AMENDMENT NO. 897

At the request of Mr. ENSIGN, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of amendment No. 897 proposed to S. 378, a bill to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN:

S. 1157. A bill to amend the Tariff Act of 1930 to eliminate the consumptive demand exception relating to the importation of goods made with forced labor; to the Committee on Finance.

Mr. HARKIN. Mr. President, today, I rise to introduce legislation that will strike the consumptive demand clause from Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307). Section 307 prohibits the importation of any product or good produced with forced or indentured labor including forced or indentured child labor.

The consumptive demand clause creates an exception to this prohibition. Under the exception, if a product is not made in the United States, and there is a demand for it, then a product made with forced or indentured child labor may be imported into this country.

Let us be clear: forced or indentured labor means work which is extracted from any person under the menace of penalty for nonperformance and for which the worker does not offer himself voluntarily. Let us be really clear: this means slave labor. In the case of children, it means child slavery.

Some examples of goods that are made with child slave labor include cocoa beans, hand-knotted carpets, beedis, which are small Indian cigarettes, and cotton.

Throughout my Senate career, I have worked to reduce the use of forced child labor worldwide. It was in 1992 that I first introduced a bill to ban all products made by abusive and exploitative child labor from entering the United States.

Over the years we have been making some progress. I was heartened last year when the International Labor Organization's (ILO) global report, The End of Child Labor Within Reach, detailed the progress being made on reducing the worst forms of child labor. The ILO projects that if the current pace of decline in child labor were to be maintained, child labor could be eliminated, in most of its worst forms, in 10 years—by 2016. Although there has been a tremendous amount of progress in ending child labor, there are still

some obstacles to ending these abusive practices. One of those impediments is the consumptive demand clause.

Today, hundreds of millions of children are still forced to work illegally for little or no pay, making goods that enter our country everyday. For this reason, the consumptive demand clause is outdated. Since this exception was enacted in the 1930s, the U.S. has taken numerous steps to stop the scourge of child slave labor. Most notably, the United States has ratified International Labor Organization's Convention 182 to Prohibit the Worst Forms of Child Labor. Currently, 162 other countries have also ratified this ILO Convention.

Additionally, in 2003, my staff was invited by Customs to meet with field agents on Section 307 to discuss what appropriations were needed to enforce the statute. At the meeting, the field agents reported that the consumptive demand clause was an obstacle to their ability to enforce the law that is supposed to prevent goods made with slave labor from being imported into the United States. Yet there has been no action from the Bush Administration to support efforts to remove the clause.

Retaining the consumptive demand clause contradicts our moral beliefs and our international commitments to eliminate abusive child labor. Maintaining the consumptive demand clause says to the world that the United States justifies the use of slave labor, if U.S. consumers need an item not produced in this country. Last year, Harvard University conducted a pilot study on the effects on sales of labeling towels, candles, and dolls as made under ''fair labor conditions.'' The study found that labeling the products and raising their prices slightly to cover the costs of ensuring fair labor conditions resulted in an increased demand for these products among certain consumers in New York City.

There should be no exception to a fundamental stand against the use of slave labor. I urge my colleagues to support this measure.

By Mr. INHOFE:

S. 1158. A bill to amend the Clean Air Act to increase the use of renewable and alternative fuel, and for other purposes; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, I rise today to introduce the Alternative Fuel Standard Act. The bill that I am introducing today reflects the President's draft legislation to which he referred in his State of the Union.

Although I may have some questions with the particulars of the President's plan, he and I share the common goal of increasing domestic energy security without compromising environmental quality.

As the committee of principal jurisdiction, the Committee on Environment and Public Works has a long history of moving fuels legislation. While chairman, I successfully discharged legislation that served as the historic fuels title to the comprehensive energy bill. That renewable fuels plan was the product of years of hearings, negotiation, and debate. The President's initiative deserves the same amount of attention.

According to a Labor Department report this month, most of the country's inflation can be directly attributed to higher gas prices. The USDA's Economic Research Service concluded that high gas prices will increase food costs in 2007; the Service noted that the food consumer price index increased at an annual rate of 2.3 percent in 2006 and will increase 2.5 percent to 3.5 percent.

The Energy Information Administration's April 2007 Outlook noted that the higher prices are due to continued international tensions, the conversion to summer blends, and unanticipated refinery problems.

AAA found that the average national price for gasoline is $2.87 up from $2.55 just a month earlier. Yet those national high prices seem low compared to California. AAA of Northern California noted that the average price for gasoline is $3.41 in Oakland, $3.53 in San Francisco, and averages $3.34 statewide.

The bottom line—supply source instability and inadequate domestic infrastructure have and will continue to contribute to high prices and inflation unless Congress does something about it. The President's ambitious proposal seeks to alleviate those concerns by sourcing new supply domestically.

The proposal that I am introducing would amend the Clean Air Act's existing renewable fuels standard by diversifying the types of qualifying fuels and increasing the volumes. Qualifying alternative fuels will be expanded to include fuels derived from gas and coal, and hydrogen, among others.

Cellulosic biomass ethanol is a promising technology that could significantly increase fuel supplies without compromising the food and feed prices. I am proud to say that some of the foremost research in the field is being done in my own State of Oklahoma, including a team at the Noble Foundation. Their work is engineering high energy and perennial crops that can be grown across the country.

Similarly, coal-to-liquids fuels could be the greatest domestic energy resource of all time. I have been promoting the technology for years, particularly for defense aircraft, but now is the time to expand this super clean fuel for use across America.

The plan would replace the current RFS by requiring 10 billion gallons of alternative fuel to be used in 2010 and increasing to 35 billion gallons by 2018. The bill similarly builds upon the current RFS by requiring EPA to incorporate the newer qualifying fuels into the credit trading system.

I have been seeking to increase U.S. energy security for years. I am glad that the President has stepped up and taken this issue head-on. The proposal deserves careful and proper consideration. The American people require as much. I look forward to working with my colleagues to improve U.S. domestic energy security while fully considering public health and welfare.

By Mr. HAGEL (for himself, Mr. HARKIN, Ms. SNOWE, Mr. ROBERTS, Mr. COLEMAN, Mr. WARNER, Ms. COLLINS, Mr. KENNEDY, Mr. DODD, Ms. MIKULSKI, Mr. SCHUMER, Mr. LIEBERMAN, and Mrs. MURRAY):

S. 1159. A bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I am pleased to join my colleague from Nebraska, Senator HAGEL, in introducing the IDEA Full Funding Act. The aim of this legislation is to ensure, at long last, that Congress makes good on a commitment it made more than three decades ago when we passed what is now called the Individuals with Disabilities Education Act. At that time, in 1975, we told children with disabilities, their families, schools, and States that the Federal Government would pay 40 percent of the extra cost of special education. We have never lived up to that commitment. In fact, today, we are not even halfway there.

As we introduce this bill, we want to pay tribute to our former colleague, Senator Jim Jeffords of Vermont, who, in 2001, joined with me to introduce the first amendment to make full funding of IDEA mandatory. In 1975, as ranking member of the House subcommittee on special education, Jim Jeffords co-authored what would later be known as the Individuals with Disabilities Education Act, requiring equal access to public education for millions of students with disabilities. It was a matter of profound disappointment to Jim that, year after year, the Federal Government failed to make good on its funding promises under that law.

We tell our children all the time to keep their promises, to live up to their commitments, to do as they say they are going to do. We teach them that if they fail to do so, other people can be hurt. Well, that is what Congress has done by failing to appropriately fund IDEA: We have hurt school children all across America. We have pitted children with disabilities against other children for a limited pool of school funds. We have put parents in the position of not demanding services that their child with a disability truly needs, because they have been told that the services cost too much and other children would suffer. We have hurt school districts, which are forced, in effect, to rob Peter to pay Paul in order to provide services to students with disabilities. We have also hurt local taxpayers, who are obliged to pay higher property taxes and other local taxes

in order to pay for IDEA services because the Federal Government has reneged on its commitment.

I was pleased that, at the outset of this new Congress, we were able to increase funding for the IDEA grants to states program as part of the FY 2007 Continuing Resolution to $10.8 billion. But even that level of funding is woefully inadequate. That represents only 17.2 percent of the additional funding needed to support special education. So we have a long way to go to reach the 40 percent level. But it is time to do so. It is time for the Federal Government to make good on its promise to students with disabilities in this country.

The IDEA Full Funding Act is pretty straight forward. It authorizes increasing amounts of mandatory funding in 8-year increments that, in addition to the discretionary funding allocated through the Appropriations Committee, will finally meet the Federal Government's commitment to educating children with special needs.

This bill is a win-win-win for the American people. Students with disabilities will get the education services that they need in order to achieve and succeed. School districts will be able to provide these services without cutting into their general education budgets. And local property tax payers will get relief.

Full funding of IDEA is not a partisan issue. We all share an interest in ensuring that children with disabilities get an appropriate education, and that local school districts do not have to slash their general education budgets in order to pay for special education. We all share a sense of responsibility to make good on the promise Congress made to fully fund its promised share of special education costs.

So I urge my colleagues to join with Senator HAGEL and me in sponsoring this bill. In the 30-plus years since we passed IDEA, and in the 6 years since we passed the No Child Left Behind Act, the expectations for students with disabilities have grown immensely. Likewise, we are holding local school systems accountable in unprecedented ways. It is high time for us in Congress to also be held accountable. It is time for us to make good on our promise to fully fund IDEA.

By Ms. STABENOW (for herself, Mr. CRAIG, Mr. CRAPO, Mrs. CLINTON, Mr. CASEY, Mr. LEVIN, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. MURRAY, Ms. CANTWELL, Mr. WYDEN, Mr. SMITH, Mr. ISAKSON, Mr. BROWN, Mr. MENENDEZ, Mr. BURR, and Ms. SNOWE):

S. 1160. A bill to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CRAIG. Mr. President, I rise today to introduce the ''Specialty Crop Competition Act of 2007.'' This bipartisan legislation co-sponsored by the distinguished Senator from Michigan, Senator STABENOW, increases the focus on the contribution that specialty crops add to the United States agricultural economy. This bill specifically provides the proper and necessary attention to many challenges faced throughout each segment of the industry.

Most do not realize the significance of specialty crops and their value to the U.S. economy and the health of U.S. citizens. According to the United States Department of Agriculture Economic Research Service, fruits and vegetables alone added $29.9 billion to the U.S. economy in 2002. This figure does not even include the contribution of nursery and other ornamental plant production, which our bill recognizes.

The specialty crop industry also accounts for more than $53 billion in cash receipts for U.S. producers, which is close to 54 percent of the total cash receipts for all crops. A surprising fact to some is that my State of Idaho is a top producer of specialty crops. Idaho proudly boasts production of cherries, table grapes, apples, onions, carrots, several varieties of seed crops and of course one of our most notable specialty crops, potatoes.

Maintaining a viable and sustainable specialty crop industry also benefits the health of America's citizens. Obesity continues to plague millions of people today and is a very serious and deepening threat not only to personal health and well-being, but to the resources of the economy as well. This issue is now receiving the necessary attention at the highest levels, and specialty crops will continue to play a prominent role in reversing the obesity trend.

The ''Specialty Crop Competition Act'' will also provide a stronger position for the U.S. industry in the global market arena. This legislation promotes initiatives that will combat diseases, both native and foreign, that continue to be used as non-tariff barriers to U.S. exports by foreign governments. Additionally, provisions in this bill seek improvements to federal regulations and resources that impede timely consideration of industry sanitary and phytosanitary petitions.

This bill does not provide direct subsidies to producers like other programs. This legislation takes a major step forward to highlight the significance of this industry to the agriculture economy, the benefits to the health of U.S. citizens, and the need for a stable, affordable, diverse, and secure supply of food.

Senator STABENOW, I, and our cosponsors fully intend to work with Chairman HARKIN, Ranking Member CHAMBLISS and the entire Senate Agriculture Committee to include this legislation in the new Farm Bill that Congress will soon be debating. Specialty crops have never sat at the head of the farm policy table, but their importance to our Nation's health, security, and economy cannot be avoided any longer.

I look forward to working with my colleagues and the Administration to consider this comprehensive and necessary legislation as we begin to discuss new initiatives for the 2007 Farm Bill.

By Mr. BINGAMAN (for himself, Mr. CRAIG, Mr. CONRAD, Mr. SCHUMER, and Ms. CANTWELL):

S. 1161. A bill to amend title XVIII of the Social Security Act to authorize the expansion of medicare coverage of medical nutrition therapy services; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I am pleased today to join with my colleagues Senators CRAIG and CONRAD and others in introducing the Medicare Medical Nutrition Therapy Act of 2007. This marks the fourth consecutive Congress that Senator CRAIG and I have joined together in introducing a bill to expand the current Medicare Medical Nutrition Therapy (MNT) benefit.

In 2000, the Congress passed a bill authorizing Medicare payment for MNT services, but only for patients with diabetes and renal diseases. Recognizing that many other diseases also have a nutrition component to their treatment, Congress asked the Centers for Medicare and Medicaid services to report back to Congress their recommendations on MNT coverage. That report was submitted to Congress in 2004 and recommended that patients with conditions such as hypertension, dyslipidemia, and certain cancers be eligible to receive MNT therapy.

Medical Nutrition Therapy is not nutrition counseling, it is much more. It involves a specific diagnosis of a disease, condition, or disorder that can be treated with nutrition intervention. That is why Congress limited MNT provider status to Registered Dietitians; they have the specific training necessary to address nutritional interventions as part of a diseased related therapy.

As we all know, Medicare is under tremendous financial stress. It is therefore critically important that bills designed to expand Medicare's coverage be both necessary and cost effective. This is exactly why Senator CRAIG and I have been such consistent supporters of expanding the MNT benefit.

Under our current bill, there is no mandated expansion of the benefit. Instead, we simply give the Centers for Medicare and Medicaid Services the authority to expand coverage using the National Coverage Determination process. The Congress has mandated that the criteria used in that process is necessary and reasonable.

As a result, the MNT benefit will not be expanded beyond diabetes and renal diseases unless such expansion is proven to be cost effective. This is likely not a difficult test for MNT to meet.

There is considerable evidence that MNT is cost effective in the treatment of conditions such as pre-diabetes, which surprisingly is not eligible for MNT.

Five years ago, in March of 2002, then HHS Secretary Tommy G. Thompson warned Americans of the risks of ''pre-diabetes,'' a condition affecting nearly 16 million Americans that sharply raises the risk for developing type 2 diabetes and increases the risk of heart disease by 50 percent.

HHS-supported research that shows most people with pre-diabetes will likely develop diabetes within a decade unless they make modest changes in their diet and level of physical activity, which can help them reduce their risks and avoid the debilitating disease.

Secretary Thompson called for physicians to begin screening overweight people age 45 and older for pre-diabetes. When Congress passed the Medicare Modernization Act in December 2003, it included diabetes (and pre-diabetes) screening in the Welcome to Medicare physical. So Medicare now covers diabetes screening and will pay for MNT for beneficiaries diagnosed with diabetes, but it will not pay for nutrition counseling for beneficiaries diagnosed with pre-diabetes. This makes no sense.

The last Congress recognized the critical role that MNT can play in the treatment of HIV/AIDS by making MNT one of the Core Medical Services under the Ryan White CARE Act. According to the American Dietetic Association, ''The importance of nutrition and especially medical nutrition therapy to the treatment and management of HIV disease cannot be overstated. MNT has become a critical element of disease management for persons living with HIV/AIDS.'' Many HIV/AIDs patients are eligible for Medicare and these patients are in need of MNT to help them manage their disease.

Since the current MNT benefit is limited under statute to just beneficiaries with diabetes and renal diseases, CMS lacks the authority to expand the benefit regardless of how cost effective it is or how many lives it might save. This makes no sense.

The bill that Senator CRAIG and I are introducing today gives the experts at CMS the authority to make those decisions. Choosing to rely on the National Coverage Determination (NCD) process would allow CMS to make decisions based upon the science, and establish the extent to which Medicare will cover specific services, procedures or technologies on a national basis. This is what the NCD is designed to do. This approach also recognizes the importance of saving Medicare dollars.

I urge my colleagues to join with me today in supporting this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1161

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Medicare Medical Nutrition Therapy Act of 2007''.

SEC. 2. AUTHORIZING EXPANSION OF MEDICARE COVERAGE OF MEDICAL NUTRITION THERAPY SERVICES.

(a) AUTHORIZING EXPANDED ELIGIBLE POPULATION.—Section 1861(s)(2)(V) of the Social Security Act (42 U.S.C. 1395x(s)(2)(V)) is amended—

(1) by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively, and indenting each such clause an additional 2 ems;

(2) by striking ''in the case of a beneficiary with diabetes or a renal disease who—'' and inserting ''in the case of a beneficiary—

''(i) with diabetes or a renal disease who—'';

(3) by adding ''or'' at the end of subclause (III) of clause (i), as so redesignated; and

(4) by adding at the end the following new clause:

''(ii) who is not described in clause (i) but who has another disease, condition, or disorder for which the Secretary has made a national coverage determination (as defined in section 1869(f)(1)(B)) for the coverage of such services;''.

(b) COVERAGE OF SERVICES FURNISHED BY PHYSICIANS.—Section 1861(vv)(1) of the Social Security Act (42 U.S.C. 1395x(vv)(1)) is amended by inserting ''or which are furnished by a physician'' before the period at the end.

(c) NATIONAL COVERAGE DETERMINATION PROCESS.—In making a national coverage determination described in section 1861(s)(2)(V)(ii) of the Social Security Act, as added by subsection (a)(4), the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall—

(1) consult with dietetic and nutrition professional organizations in determining appropriate protocols for coverage of medical nutrition therapy services for individuals with different diseases, conditions, and disorders; and

(2) consider the degree to which medical nutrition therapy interventions prevent or help prevent the onset or progression of more serious diseases, conditions, or disorders.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 2008.

By Mr. AKAKA (for himself, Mr. BROWN, Mr. FEINGOLD, Mr. HAGEL, Mr. ISAKSON, and Mr. WEBB):

S. 1163. A bill to amend title 38, United States Code, to improve compensation and specially adapted housing for veterans in certain cases of impairment of vision involving both eyes, and to provide for the use of the National Directory of New Hires for income verification purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I introduce the Blinded Veterans Paired Organ Act of 2007. This legislation would update the eligibility requirements for certain benefits provided to veterans with a service-connected disability due to blindness. It addresses two areas of veterans' law that heretofore excluded many veterans with severe vision impairment from accessing benefits that could significantly improve the quality of their lives. At a time when great changes are afoot in how this Nation prioritizes the care of its veterans, it is still important that we also remain attentive to the places where small changes can make a large impact. Several of my colleagues, including Senators BROWN, FEINGOLD, HAGEL, ISAKSON, and WEBB, join me in introducing this legislation.

This bill would relax the criteria for vision impairment in two separate areas of veterans' benefits law. The first governs eligibility for disability compensation under what is known as the ''paired organ law.'' The second relates to the criteria for blinded veterans seeking VA grants for specially adapted housing.

The paired organ law provides veterans who sustain a service-connected injury loss of function in one of their coupled organs, eyes, kidneys, ears, lungs, hands, and feet, with eligibility for additional compensation should they sustain a non-service-connected injury or loss of function in the companion organ.

With respect to vision, VA currently requires veterans to demonstrate a visual acuity of less than 5/200 in the non-service-connected eye in order to receive compensation for full service-connected blindness. However, this requires veterans to demonstrate more severe visual impairment to qualify for benefits than if the standard definition of blindness were used by VA. The standard definition, accepted by the American Medical Association, the Social Security Administration, and the motor vehicle license laws of all 50 States, is a visual acuity of 20/200 or less, or a peripheral field of vision of 20 degrees or less.

This difference in standards was initially brought to the attention of Representative TAMMY BALDWIN of Wisconsin several years ago by Dr. James Allen, a veteran of the Korean War and a long-time ophthalmologist at the Madison VA hospital. Representative BALDWIN subsequently engaged in a long fight on behalf of blinded veterans, ultimately securing passage of a bill this March which would change existing law. I would like to thank Representative BALDWIN and Dr. Allen for their hard work on behalf of veterans who are struggling with vision impairment as a result of their service and I am proud to join them in their efforts through introduction of this companion bill.

With respect to VA grants for specially adapted housing for blinded veterans, VA disburses grants of up to $10,000 to veterans with a service-connected disability due to blindness in both eyes for the purpose of adapting their homes to accommodate their disability. However, as with the paired organ statute, current law requires that veterans have a visual acuity of 5/200 or less in order to be eligible for these grants. This legislation would correct this standard as well, making

specially adapted housing grants available to veterans with a visual acuity of 20/200 or less, or a peripheral field of vison of 20 degrees or less.

This legislation is particularly important at this moment when so many of the men and women in our Armed Forces are deployed overseas in combat zones. Traumatic brain injury is frequently described as the ''signature wound'' of the conflict in Iraq and it is frequently accompanied by damage to the veteran's vision. Thus, there are numerous veterans recovering from battle wounds right now who can benefit from this legislation both in the immediate future and down the road. Some who have suffered severe vision impairment will be able to speed their readjustment by adapting their homes to accommodate the disability. And those who have suffered blindness in one eye will be assured that they are provided for in the event that they lose sight in the other eye.

With more and more servicemembers deployed in combat zones everyday, we are constantly reminded of the great sacrifice they make for this Nation. We owe it to them, at the very least, to ensure that they are not required to shoulder an undue burden when it comes to qualifying for veterans' benefits. Thus, I ask my colleagues in the Senate to join me in supporting this important legislation on behalf of blinded veterans.

By Mr. CARDIN (for himself, Ms. COLLINS, Mr. LIEBERMAN, Mr. GRAHAM, and Mr. NELSON of Nebraska):

S. 1164. A bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program; to the Committee on Finance.

Mr. CARDIN. Mr. President, today I introduce the Colon Cancer Screen for Life Act of 2007 along with my colleagues, Senator COLLINS, Senator LIEBERMAN, and Senator GRAHAM. Many people are aware that colon cancer is the second most deadly cancer in the United States. In 2006 alone, according to the American Cancer Society, more than 150,000 new cases were diagnosed and more than 50,000 Americans died from colon cancer. In my own State of Maryland, nearly 1,000 people lost their lives to this disease last year. What people are not as aware of, however, is that colon cancer is preventable with appropriate screening, highly detectable, and curable if found early. The purpose of our bill is to increase the rate of participation in colon cancer screening and ensure that we are saving every life that we can from this deadly disease.

Medicare coverage for colorectal cancer screening through colonoscopy was authorized in the Balanced Budget Act of 1997 and further expanded in 2000 when the colonoscopy benefit was added for high risk beneficiaries. Under this Medicare benefit, a low risk beneficiary is entitled to receive a colonoscopy once every ten years and a high risk beneficiary is entitled to a colonoscopy every two years. Despite this, recent studies have shown that patients are not utilizing coverage of CRC preventive screenings. According to the Government Accountability Office, since the implementation of the benefit in 1998, the percentage of Medicare beneficiaries receiving either a screening or a diagnostic colonoscopy has increased by 1 percent.

Since providing coverage for this lifesaving service, Congress has discovered many barriers that stand in the way of patients having access to the colonoscopy benefit. One reason for such low utilization is that the physician reimbursement has been cut by 33 percent since this benefit was enacted. In 1997, a colonoscopy performed in a hospital outpatient department or an ambulatory surgery center was reimbursed at approximately $301. Now, in 2007, that reimbursement is only $198.20.

Some may argue that reductions in Medicare payments are necessary to keep the Medicare Program financially viable. While I strongly support efforts to eliminate wasteful spending in Medicare, I can assure my colleagues that is not the case here. To the contrary, providing adequate reimbursement for screening will result in Medicare savings and better health outcomes. Let me explain. Our health care system spends an estimated $8.3 billion annually to treat newly diagnosed cases of colon cancer. The average cost of direct medical care for each cancer episode is estimated to be between $35,000 for early stage detection and $80,000 for later stage detection. So each time that cancer is not detected early, that individual faces an increased risk of developing the disease and needing treatment that costs Medicare Program tens of thousands of dollars.

Patient participation has also been is that currently Medicare does not cover a preoperative visit with a physician prior to screening. While it is true that a colonoscopy is a minimally invasive procedure, an anesthetic is used to sedate the patient to make the colonoscopy less uncomfortable. Because the patient is going to be sedated, medical standards require doctors to visit with the patient before surgery to determine and protect against any risks, such as drug interaction, and to give them preoperative instructions. Recognizing the importance of these visits, Medicare does reimburse for a consultation prior to a diagnostic colonoscopy. A preoperative visit is no less medically necessary before a preventive screening, and therefore should be reimbursed in the same manner.

Finally, some beneficiaries may delay seeking colorectal cancer screening because they cannot afford Medicare's Part B deductible. Recognizing this, Congress recently took an important step by waiving the Part B deductible for preventive colon cancer screenings, effective January 1, 2007. However, gastroenterologists are now reporting that, if polyps or other signs of cancer are discovered in the course of a preventive colonoscopy, the procedure is then considered to be diagnostic and Medicare requires that the beneficiary pay a deductible. Congress needs to ensure that beneficiaries are not dissuaded from getting this lifesaving procedure by the concern that they might have to pay a deductible if a polyp is discovered. Our legislation clarifies congressional intent to ensure that CMS will waive the deductible in all screenings so that Medicare beneficiaries are not confronted with an unexpected additional expense, should the procedure's coding change.

The Colon Cancer Screen for Life Act would eliminate every one of these barriers, and in doing so, save lives. First, this legislation would increase reimbursement for colorectal cancer related procedures to ensure that physicians are able to continue to perform these valuable services. Reimbursement for procedures performed in a physician's office would be increased by up to 10 percent and reimbursement for procedures performed in Hospital Outpatient Department, HOPD, or Ambulatory Surgery Center, ASC, would be increased by up to 30 percent. The bill would also provide Medicare coverage for the preoperative doctor's visit conducted prior to a screening colonoscopy. Finally, the bill contains a technical provision to require that the deductible is waived whether or not the beneficiary's screening was clean or results in a biopsy or lesion removal.

More than 50,000 Americans will die from colon cancer this year alone. Ninety percent of these cases might have been prevented. We cannot afford to wait another moment before doing something to eliminate these and other barriers that are standing in the way of preventing colon cancer.

I urge my colleagues to join me in support of this important legislation and enact it this year.

By Mr. CARDIN:

S. 115. A bill to require Federal buildings to be designed, constructed, and certified to meet, at a minimum, the Leadership in Energy and Environmental Design green building rating standard identified as silver by the United States Green Building Council, and for other purposes; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, we need to make this country energy independent, and to enact a comprehensive, long-term energy policy that will give Americans the energy they need, while protecting our environment and our national security.

As one step in this direction, today I am introducing the American Green Building Act.

Our Federal Government is the largest single energy consumer in the world.

Buildings account for over a third of America's energy consumption. Buildings also account for 49 percent of sulfur dioxide emissions, 25 percent of nitrous oxide emissions, and 10 percent of particulate emissions, all of which damage our air quality. Buildings produce 38 percent of the country's carbon dioxide emissions—the chief pollutant blamed for global warming.

Federal buildings are a large part of this problem.

Energy used in Federal buildings in fiscal year 2002 accounted for 38 percent of the total Federal energy bill. Total Federal buildings and facilities energy expenditures in fiscal year 2002 were $3.73 billion.

The American Green Building Act would require all new Federal buildings to live up to green building LEED, Leadership and Energy in Environmental Design, Silver standards, set by the United States Green Building Council. These standards were created to promote sustainable site development, water savings, energy efficiency, materials selection, and indoor environmental quality. The average LEED-certified building uses 32 percent less electricity, 26 percent less natural gas and 36 percent less total energy. LEED-certified buildings in the U.S. are in aggregate saving 150,000 metric tons of carbon dioxide reduction, equivalent to 30,000 passenger cars not driven for one year. A single LEED-certified building is designed to save an average of 352 metric tons of carbon dioxide emissions annually, which is equivalent to 70 passenger cars not driven for one year. This standard would only apply to Federal buildings for which the design phase for construction or major renovation is begun after the date of enactment of the provision. The General Services Administration or relevant agency may waive this requirement for a building if it finds that the requirement cannot be met because of the quantity of energy required to carry out the building's purpose or because the building is used to carry out an activity relating to national security.

My bill will also require that significant new development or redevelopment projects undertaken by the Federal Government plan for storm water runoff. The hardened surfaces of modern life, such as roofs, parking lots, and paved streets, prevent rainfall from infiltrating the soil. Over 100 million acres of land have been developed in the United States. Development is increasing faster than population: Population growth in the Chesapeake Watershed, for example, increased by 8 percent during the 1990s, but the rate of impervious surface increased by 42 percent. Development not only leads to landscape changes but also to contamination of storm water runoff by pollutants throughout the watershed. Storm water runoff can carry pollutants to our streams, rivers, and oceans, and poses a significant problem for the Chesapeake Bay. Every other pollution source in the Chesapeake is decreasing, but pollution from storm water runoff is increasing. In urbanized areas, increased storm water runoff can cause increased flooding, stream bank erosion, degradation of in-stream habitat and a reduction in groundwater quality. For these reasons, as the Federal Government moves forward with development, we need to plan for how to manage storm water runoff. The storm water provisions in the American Green Building Act will be used to intercept precipitation and allow it to infiltrate rather than being collected on and conveyed from impervious surfaces.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1165

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Green Building Act of 2007''.

SEC. 2. DEFINITIONS.

In this Act:

(1) LEED SILVER STANDARD.—The term ''LEED silver standard'' means the Leadership in Energy and Environmental Design green building rating standard identified as silver by the United States Green Building Council.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 3. GREEN BUILDING STANDARDS FOR FEDERAL BUILDINGS.

(a) REQUIREMENT.—Except as provided in subsection (b), a Federal building for which the design phase for construction or major renovation is begun after the date of enactment of this Act shall be designed, constructed, and certified to meet, at a minimum, the LEED silver standard.

(b) DETERMINATION OF IMPRACTICABILITY.—

(1) IN GENERAL.—Subject to paragraph (3)(B), the requirement under subsection (a) shall not apply to a Federal building if the head of the Federal agency with jurisdiction over the Federal building, in accordance with the factors described in paragraph (2), determines that compliance with the requirement under subsection (a) would be impracticable.

(2) FACTORS FOR DETERMINATION.—In determining whether compliance with the requirement under subsection (a) would be impracticable, the head of the Federal agency with jurisdiction over the Federal building shall determine—

(A) the quantity of energy required by each activity carried out in the Federal building; and

(B) whether the Federal building is used to carry out an activity relating to national security.

(3) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the head of each Federal agency shall prepare and submit to the Secretary a report that includes a description of each Federal building for which the head of the Agency with jurisdiction over the Federal building determined that compliance with the requirement under subsection (a) would be impracticable.

(B) REVIEW BY SECRETARY.—Not later than 90 days after the date on which the Secretary receives a report from a head of a Federal agency under subparagraph (A), the Secretary shall review the report and notify the head of the Federal agency on whether any Federal building described in the report submitted by the head of the Federal agency shall be required to comply with the requirement under subsection (a).

(4) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations to carry out this subsection.

(c) STUDY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress the results of a study comparing—

(A) the expected energy savings resulting from the implementation of this section; with

(B) energy savings under all other Federal energy savings requirements.

(2) INCLUSION.—The Secretary shall include in the report any recommendations for changes to Federal law necessary to reduce or eliminate duplicative or inconsistent Federal energy savings requirements.

SEC. 4. STORM WATER RUNOFF REQUIREMENTS FOR FEDERAL DEVELOPMENT PROJECTS.

The sponsor of any development or redevelopment project involving property with a footprint that exceeds 5,000 square feet and that is federally-owned or federally-financed shall use site planning, design, construction, and maintenance strategies for the property to maintain, to the maximum extent technically feasible, predevelopment hydrology with regard to the temperature, rate, volume, and duration of flow.

By Mr. WARNER:

S. 1166. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain zone compensation of civilian employees of the United States; to the Committee on Finance.

Mr. WARNER. Mr. President, I rise today to introduce the Federal Employee Combat Zone Tax Parity Act, which would provide parity to civilian Federal employees by extending the tax credit currently received by military personnel in combat zones to the civilian Federal employees working alongside them. My fellow Virginian, Congressman FRANK WOLF, has introduced a similar bill in the House of Representatives.

In addition, several Federal employee organizations, such as the American Federation of Government Employees (AFGE), the National Treasury Employees Union (NTEU), the Financial Management Association (FMA), the Senior Executives Association (SEA), the American Foreign Service Association (AFSA), and the National Federation of Federal Employees (NFFE), strongly support this legislation.

As of today, I have made eleven separate trips to Iraq and Afghanistan to see firsthand the work of our military personnel, which is essential to success in these regions. In addition, the work of our Federal civilian employees in these regions is significantly important.

At the moment, a majority of the work in the reconstruction of these countries is being done by the military and the Department of State (DOS). These dedicated men and women deserve our gratitude. However, as I have said on a number of occasions, our challenging task requires the coordination and work of Federal agencies across the spectrum.

Regardless of whether one is in the military or a civilian, there are certain risks and hardships associated with working overseas. As a result, the Federal Government provides certain incentives to individuals when they take on extremely challenging jobs. For example, those in the military working in a combat zone receive the Combat Zone Tax Credit.

This tax credit permits military personnel working in combat zones to exclude a certain amount of income from their Federal income taxes. This benefit for the military was established in 1913.

Private contractors working in Iraq and Afghanistan get a similar benefit. Under the Foreign Earned Income Tax Credit, contractors are allowed to exclude a portion of their income from taxes while they work abroad, like in Iraq and Afghanistan.

To date, however, no similar benefit exists for Federal employees serving in the same combat zones. I do not believe it is fair for our Federal employees to be excluded from the same benefits available to military personnel and private contractors in the same combat zone.

The Commonwealth of Virginia, of which I have been honored to serve for the last 28 years in the Senate, is home to over 200,000 Federal employees. I have long been a strong supporter of our Federal employees as I have been for our military personnel.

Our efforts in the war on terrorism can only be successful with a highly skilled and experienced workforce. I can personally attest to the dedication of civil service employees throughout the Federal Government. Since the September 11th attacks, Federal employees have been relocated, reassigned, and worked long hours under strenuous circumstances without complaints, proving time and again their loyalty to their country is first and foremost.

During my service as Secretary of the Navy—during which I was privileged to have some 650,000 civilian employees working side by side with the uniformed Navy—I valued very highly the sense of teamwork between the civilian and uniformed members of the United States Navy. Teamwork is an intrinsic military value, in my judgment, and essential to mission accomplishment. A sense of parity and fairness is important for developing this teamwork.

In Iraq and Afghanistan, the teamwork of the entire Federal Government is essential to harness our overall efforts to secure a measure of democracy for the peoples of those countries, and we need to make it easier for our Federal employees to participate.

Last year, I offered additional legislation that became law under an emergency supplemental bill to achieve this goal. My bill, S. 2600, provided the heads of agencies other than DOS and the Department of Defense (DOD) with the authority, at their discretion, to give their employees who serve in Iraq and Afghanistan allowances, benefits, and gratuities comparable to those provided to State Department and DOD employees serving in those countries.

At that time, the agency heads of non-DOD and DOS agencies did not have such authority, and it is essential, as part of the U.S. effort to bring democracy and freedom to Iraq and Afghanistan, that agency heads be able to give their workers in those countries the same benefits as those they work beside.

In the last estimate, there are almost 2,000 Federal employees working a variety of jobs in Iraq and Afghanistan. I am grateful for their hard work in potentially dangerous situations. And, I know there are many other Federal employees who are anxious to serve their country and engage in these efforts, but it is a lot to risk.

Providing parity in this important tax credit would provide a significant incentive for individuals to take on this challenge—a challenge that America desperately needs Federal employees to undertake.

Throughout the world, America's civil servants are serving our government and our people, often in dangerous situations. They are on the ground in the war on terrorism taking over new roles to relieve military personnel of tasks civilian employees can perform. They are playing a vital role in the reconstruction of Iraq and Afghanistan.

We have a long tradition in Congress of recognizing the valuable contributions of our Federal employees in both the military service and in the civil service by providing fair and equitable treatment. This bill gives us the ability to continue this tradition while at the same time providing an important incentive to help America meet its needs.

I urge my colleagues to join with me in support of this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1166

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Employee Combat Zone Tax Parity Act''.

SEC. 2. EXCLUSION FROM GROSS INCOME FOR CERTAIN COMBAT ZONE COMPENSATION OF CIVILIAN EMPLOYEES OF THE UNITED STATES.

(a) IN GENERAL.—Section 112 of the Internal Revenue Code of 1986 (relating to certain combat zone compensation of members of the Armed Forces) is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

''(c) CIVILIAN EMPLOYEES OF THE UNITED STATES GOVERNMENT.—

''(1) IN GENERAL.—Gross income does not include so much of the compensation as does not exceed the maximum amount specified in subsection (b) for active service as an employee of the United States for any month during any part of which such employee—

''(A) served in a combat zone, or

''(B) was hospitalized as a result of wounds, disease, or injury incurred while serving in a combat zone; but this subparagraph shall not apply for any month beginning more than 2 years after the date of the termination of combatant activities in such zone.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) EMPLOYEE OF THE UNITED STATES.—The term 'employee of the United States' has the meaning given such term by section 2105 of title 5, United States Code, and includes—

''(i) an individual in the commissioned corps of the Public Health Service or the commissioned corps of the National Oceanic and Atmospheric Administration, and

''(ii) an individual not otherwise described in the preceding provisions of this subparagraph who is treated as an employee of the United States or an agency thereof for purposes of section 911(b).

''(B) ACTIVE SERVICE.—The term 'active service' means active Federal service by an employee of the United States.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 2201(b) of such Code is amended by striking ''112(c)'' both places it appears and inserting ''112(d)''.

(2) The heading for section 112 of such Code is amended to read as follows:

''SEC. 112. CERTAIN COMBAT ZONE COMPENSATION OF MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE UNITED STATES.''.

(3) The item relating to section 112 in the table of sections for part III of subchapter B of chapter 1 of such Code is amended to read as follows:

''Sec. 112. Certain combat zone compensation of members of the Armed Forces and civilian employees of the United States.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. HARKIN:

S. 1167. A bill to amend the Higher Education Act of 1965 in order to provide funding for student loan repayment for civil legal assistance attorneys; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, today I am introducing the Legal Aid Attorney Loan Repayment Act. This important legislation is critical to ensuring that basic civil liberties are protected for all of our citizens. Our promise of ''equal justice under law'' rings hollow if those who are most vulnerable are denied access to representation. Legal Aid attorneys across the country protect the safety, security, and health of low-income citizens. When a senior citizen is the victim of a financial scam, when a family faces the loss of their home, or, all too often, when a woman

seeks protection from abuse, Legal Aid is there to help them. Legal Aid attorneys are critical to ensuring that poverty is not a barrier to accessing the justice system.

Despite the importance of the services they provide, almost half of the eligible people seeking assistance from Legal Aid are being turned away because of a lack of funding. Additional qualified and experienced attorneys would alleviate some of the shortages facing Legal Aid.

I started my legal career as a legal service lawyer, and it is an experience that I will never forget. It helped shape many of my views about how government can most effectively help those in need. Working as a Legal Aid attorney is one of the most rewarding career choices a young lawyer can make.

Unfortunately, these days, it's harder and harder for newly minted lawyers to make the choice that I made to work for Legal Aid. The average starting salary for a Legal Aid lawyer is now $35,000. But the average annual loan repayment burden for a new law school graduate is $12,000! Many law graduates who are able to take positions with Legal Aid end up leaving after two or three years because their debt is too burdensome. They leave at a time when they have gained the necessary experience to provide valuable services to low-income clients, creating a revolving door of inexperienced lawyers within Legal Aid services.

That is why I am introducing this bill to provide a loan-repayment program for new law graduates who chose to work for Legal Aid. Such programs are available for Federal prosecutors and other Federal employees. But, for Legal Aid attorneys—who have the lowest incomes—there is not adequate access to loan-repayment programs. Estimates suggest that there are fewer than 2,000 attorneys who would need the assistance of such a program. This bill builds on existing loan-repayment and retention programs for lawyers in other fields by providing partial loan-repayment assistance to full time civil legal assistance lawyers. Recipients who receive the loan-repayment assistance must commit to a minimum of three years of service. And the bill prioritizes awards for those who have practiced public service law with less than five years of experience. This program is critical to ensure that lawyers who want to commit to public service are able to do so.

We have a responsibility to ensure that all citizens have appropriate protection under the law. By establishing a loan-repayment program, Legal Aid programs are better able to attract and retain qualified personnel. I urge my colleagues to support this critical legislation to reduce the barriers to public service and protect access to legal representation for all of our citizens.

By Mr. ALEXANDER:

S. 1168. A bill to amend the Clean Air Act to establish a regulatory program for sulfur dioxide, nitrogen oxides mercury, and carbon dioxide emissions from the electric generating sector; to the Committee on Environment and Public Works.

Mr. ALEXANDER. Mr. President, today I introduce legislation to reduce air pollution and the threat of global warming by enacting strict standards on the four major pollutants from powerplants. I send the legislation to the desk and ask it be introduced.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. ALEXANDER. Mr. President, I am pleased that Senator JOE LIEBERMAN, of Connecticut, who chairs a key environmental subcommittee, will be the bill's lead cosponsor, so it will be known as the Alexander-Lieberman Clean Air Climate Change Act of 2007. It will establish an aggressive but practical and achievable set of limits on four key pollutants. This is a little different sort of clean air and climate change bill, and I would like to talk for a few minutes about exactly what it does and why we are doing it this way.

Most of us in the Senate can be measured by where we come from. I come from the Great Smoky Mountains. When I go home tomorrow afternoon, after we hopefully start the competitiveness legislation debate, I will go to my home about 2 miles from the Great Smoky Mountains National Park. When the Cherokees named the Great Smoky Mountains, which today have become our most visited national park, they were not talking about smog and soot. Unfortunately, today they probably would be. There has been a lot of recent progress, but air pollution is still a serious health problem, causing illnesses from asthma to premature death, and making it harder to attract new jobs.

To be specific about that, recently, over the last 20 years, the auto industry has become important to Tennessee.

Tennessee was in competition recently for a Toyota plant that nearly came to Chattanooga but went to Mississippi. In the last 25 years, one-third of our manufacturing jobs have become auto jobs. I can remember when there were not any, and I was Governor, and the Nissan plant decided to come to Tennessee in 1980. The first thing I had to do as Governor was to help them go down to the air quality board and get a permit to paint 500,000 cars and trucks a year. That is a lot of paint, and produces a lot of emissions in the area. If Tennessee had not had clean air at that time, that Nissan plant would have been in Georgia. So clean air is not only about our health, although the more we learn about the effects of nitrogen pollutants and sulfur pollutants, the more that we learn that it and mercury are about our health, clean air is also about our ability to attract jobs. So we want to make sure that when Nissan or Toyota or any of the suppliers of any automobile company—General Motors with a Saturn plant in Tennessee—when they want to look at our State for expansion—they are not limited by our inability to meet clean air standards.

We also have jobs that come from another direction. In Tennessee, tourism is big business. Many people know about Yellowstone in the West, but the Great Smoky Mountains have three times as many visitors as any Western park, nearly 10 million visitors a year, and they come to see the Great Smokies, not to see smog, not to see soot. They want to enjoy it.

When I go into Sevierville, Dolly Parton's hometown, and ask the Chamber of Commerce right there next to Maryville where I grew up, what is your No. 1 issue, these conservative Republicans in Sevier County say to me: Clean air. That is what the Chamber of Commerce there says, clean air. So we Tennesseans think clean air is important for our health, because we love to look at our mountains and because of our jobs.

I am the chairman of the Tennessee Valley Authority Congressional Caucus. I sit on the Senate's Environment and Public Works Committee. I am especially delighted that Senator LIEBERMAN, who is the cosponsor of this legislation, not only is on that committee, but he chairs one of the major subcommittees on the Environment and Public Works Committee that has to do with global warming.

What we are hoping is that this legislation, which I am about to describe, along with legislation Senator CARPER of Delaware is introducing today or tomorrow, will help move along the debate about how we deal with global warming in our country.

In the legislation I have presented, the Alexander-Lieberman legislation, we seek to preserve our jobs while we clean the air and preserve the planet. We have a number of concerns in our country, and global warming is only one of those. So I would argue that the provisions we have set out are aggressive, but they are practical and they are achievable. They set schedules for powerplants to reduce emissions for sulfur dioxide, for nitrogen oxide, for mercury, and for carbon dioxide. Doing so will relieve some of the worst air-related health environmental problems such as ozone, acid rain, mercury contamination, and global warming.

I think it is important to note that one of the differences with this Alexander-Lieberman bill is it proposes carbon caps only on powerplants that produce electricity; it does not propose carbon caps on the economy as a whole.

Now, why would we only do that? Well, here are the reasons for that: No. 1, when we talk about global warming and carbon, we are dealing with a huge, complex economy. This country of ours produces and uses about 25 percent of all of the energy in the world. We have businesses that range from the shoe shop to Google to chemical plants.

I think we have to be very careful in Washington about coming up with great schemes and great ideas that sound good here but that might not apply to everyone across the country, because everyone across the country has a natural conservatism about the wisdom of those who are in Washington. We could scare them to death with some talk of an economywide global warming bill. So I am more comfortable thinking sector by sector. I want our steps to be practical and cost effective.

I do believe a market-based cap and trade system for powerplants makes a lot of sense. Powerplants are the logical place to start with carbon regulation. Powerplants produce about 40 percent of all the carbon in our economy. Powerplants are increasing emissions of carbon at a rate faster than any other large segment in our economy. We have selected in our legislation what we call a market-based cap and trade system to regulate the amount of carbon that is produced. This is not a new idea. The market-based cap and trade system was actually introduced by a Republican administration in which I served in the Cabinet, the first George Bush. It was a part of the Clean Air Act amendments in 1990. It was introduced because we were concerned about the amount of sulfur coming out of powerplants. Basically it created a lot of flexibility for those powerplants. It used a market system. We have now had 15 years experience with it. It has worked very well. It has significantly reduced the amount of sulfur in the air. It has done it in a way that most everyone concedes is the lowest possible cost of regulation.

It is a minimal amount of rules from here, a maximum amount of market decisions and individual decisions by individual utilities. So we have had that system in effect since 1990. There has been a similar system in effect for nitrogen. There has been a similar cap and trade system in Europe. We have a lot of experience with cap and trade. So we have elected to use a similar cap and trade market-based system to regulate the carbon coming out of the same smokestacks that sulfur, nitrogen, and mercury come out of. We can already measure the amount of carbon coming out, so we do not have to guess about that. We do not have to invent a new system.

We do have to be careful about what the standards are, what the dates are. We want to know what the costs will be to the ratepayers. We want to keep electric rates as low as we possibly can, as well as making the energy clean.

But if we are concerned about global warming in this generation, because I think we should be, then powerplants are a good place to start. It is time to finish the job of cleaning the air of sulfur, of too much sulfur, too much nitrogen, and too much mercury. It is time to take the right first step with controlling carbon emissions. It is time to acknowledge that climate change is real, that human activity is a big part of the problem, and that it is up to us to act.

Now not only am I glad to be working with Senator LIEBERMAN, who will be the lead cosponsor of this legislation, he, of course, is already a leader in this area and he has an economywide piece of legislation which he introduced. Senator MCCAIN in the last session—I am not about to try to speak for another Senator, but I think Senator LIEBERMAN is taking the position he would like to see several good trains moving down the track toward the same station in hopes that one of them eventually gets there, and that we can learn from each other.

That is the attitude I take with the legislation Senator CARPER has described today and that he is introducing today or tomorrow. Senator CARPER and I have worked together through two Congresses on four pollutant legislation. A lot has happened since we started working. For example, the Administration, to its credit, through the Environmental Protection Agency, has stiffened requirements for sulfur and nitrogen. I applaud President Bush for that. They are very good requirements. They have also proposed the regulation of mercury for the first time in our country's history. I applaud the EPA for that. So a lot has changed since Senator CARPER and I first started.

Also we have learned a lot. Senators who do not always have their mouths open learn a lot. We have discovered one of the most difficult areas in fashioning a market-based cap and trade system for sulfur or for nitrogen or for carbon is who pays for it. We called that the allocation system.

Senator CARPER and I started out with what we called an output system. We thought that sounded pretty good. It would be based upon the amount of electricity you would be putting out. But the more we studied it, he came to a different conclusion and I came to a different conclusion. I came to the conclusion that we should use historical emissions. In other words, we are saying to a utility in the United States: We are about to impose upon you some requirements for cleaning up more sulfur, cleaning up more nitrogen, cleaning up mercury—for the first time—and regulating the emissions of carbon for the first time, and I understand that is a significant cost.

That capital cost will have to be borne in the end by ratepayers. So, in my view, it seems to me that the fairest way to impose that cost would be through what we call the historical allocation system. That is the way we have done it with allowances for sulfur and nitrogen for the last 15 years.

In fact, the input or the historical allowance system as the way to pay the bill has been the way it is done almost everywhere, I believe.

But there is another way to allocate that is called the output. Senator CARPER selected that. There is still a third way to allocate the costs of doing whatever regulation we do, and that is called the auction. A market-based cap and trade system sounds complicated, but it is not so complicated. It basically says to each emitter of one of the pollutants: You have an allowance to emit one ton of that sulfur or of that carbon, and as long as you emit that much, you are okay. If you emit more than that, you are going to have to buy allowances to emit that much more from someone else. So it costs you more. Or if you emit less, you can sell your allowance. Then as the law goes along over the years, 2009 or 2010 to 2015, the amount of pollutants that come down, your allowance total drops down as well.

One of the favored proposals mostly—and especially by many environmental groups—is an auction of those allowances. Well, I have resisted. I have been careful about the auctions. I have been to a lot of auctions. I know they must have them in Minnesota as well as Tennessee. I have yet to see one where the purpose of the auction was not to get the highest possible price.

Well, if I am paying my electric bill down in Memphis, or if I am at Eastman Chemical in east Tennessee or ALCOA trying to keep my electric costs in line, I am not interested in my Senator coming to Washington and having an auction to raise my electric rates to the highest possible price.

So also there is the temptation that if you auction off these allowances, and there are a lot of them when we are talking about carbon allowances, many more than when we are talking about sulfur allowances over the last 15 years. They will bring in a lot of money. And whenever you bring in a lot of money, and 100 different Senators and lots of Congressmen know there is a pot of money, they will come up with a lot of ways to spend that money. And where will that money come from? Well, it has got to come from the man or women or family paying the electric bill in Nashville, or Knoxville. So I have been conservative about the use of auctions.

Senator LIEBERMAN and I, in this bill, say 75 percent of the allowance comes from historical emissions and 25 percent are sold in an auction. This gets way down in the weeds, as we say. But one of the things that I think may be beneficial from Senator CARPER going ahead with his bill, which relies on an output system that becomes a 100-percent auction, and way we go ahead in the Alexander-Lieberman bill with 75-percent input and 25-percent auction, may be that our colleagues will do as we have been doing over the last few months, and spend a little more time understanding allowances and auctions, and we can come to a better conclusion about this.

I value greatly my relationship with Senator CARPER and respect his leadership in this area. He chairs one of the principal subcommittees on the Environment Committee upon which I serve

and the Presiding Officer serves. What I hope is he and I are moving into a new stage of our working relationship on clean air and climate change, and the result of that will be that all of our ideas will be out in front of our colleagues and that it will move the debate along.

I would emphasize, we agree, he and I, on a lot more than we disagree on. In fact, I believe on all of the standards and deadlines for meeting those standards for nitrogen, sulfur, and mercury, we agree. We agree there should not be a cap and trade system for mercury because mercury is a neurotoxin, and down in east Tennessee where I live, we do not want TVA buying a lot of allowances so they can emit a lot more mercury, because it doesn't go up in the air and blow into North Carolina, it goes up in the air and comes right down on top of us, for the most part. We don't want that.

We don't want that. The more we learn about mercury, the less we want it. We don't have cap and trade for mercury, although we do suggest that for carbon.

Climate change has become the issue of the moment. Everybody is talking about it. There are movies about it. The Vice President was here testifying about it. It is not the only issue that faces us that has to do with air pollution. I am more concerned in Tennessee about sulfur, nitrogen, and mercury than I am about carbon. That is why this is a four-pollutant bill. We ought to address all of these at once.

I was in this body 40 years ago as a staff assistant working for Howard Baker. I remember very well when Senator Baker, a Republican, and Senator Muskie of Maine, a Democrat, worked together on the committee on which the Presiding Officer and I now serve. They passed the first Clean Water Act and the first Clean Air Act. The Clean Water Act, some people have said, is the most important piece of urban renewal legislation ever enacted because the rivers of America had gotten so dirty, nobody wanted to live on them. The rivers of America are where most of our great cities are. As soon as they were cleaned up, people moved back to the cities and around the rivers. That was 1970 and 1971.

It is appropriate to think about that now because Earth Day is coming up this weekend. I can remember Earth Day, which began in 1970. Suddenly the environment, which had been an issue that was reserved for only a few people, became a national craze. It was almost like a hula hoop. Everybody was interested in the environment and recycling. Former Senator Gaylord Nelson was a leader in creating Earth Day. I can remember sitting in a meeting of President Nixon and the Republican leadership in 1970 when I was on the White House staff, and President Nixon was trying to explain to the Republican leaders the importance of environmental issues. It was 8 o'clock in the morning, and they weren't listening very well. It was a new subject. But Gaylord Nelson was doing it. The kids were doing it. People were recycling. The Republican President was talking to the Republican leadership, and Senator Baker, Senator Muskie, and the Congress passed the first Clean Air and Clean Water Acts.

Many of us who have lived a while can remember things are better today in many ways. When I was a student at Vanderbilt in Nashville, it was so smoggy in the mornings, you couldn't see downtown. Your clothes got dirty during the day. Things got gradually better. In 1990, when the first President Bush was in office, we passed important Clean Air Act amendments, and the first cap and trade system for sulfur began. What also happened was that we learned more about how damaging these pollutants are to our health.

As a result, the standards which we once thought were high seemed low. Knoxville, the biggest city near where I grew up, near the Smoky Mountains, is the 14th most polluted city for ozone. Ozone irritates lung tissue, increases the risk of dying prematurely, increases the swelling of lung tissue. It increases the risk of being hospitalized with worsened lung diseases and triggering asthma attacks. At risk in Knoxville County alone are 176,000 children, 112,000 seniors, 15,000 children with asthma, and 50,000 adults with asthma. Ozone is not emitted directly from tailpipes and smokestacks. The raw ingredients come from coal-fired powerplants and cars.

Sulfur is in many ways our biggest problem. It is the primary contributor to haze. It causes difficulty in breathing. It causes damage to lung tissue and respiratory disease and premature death.

We know that mercury is also a problem. Monitoring by the National Park Service in the Great Smoky Mountains has found high levels of mercury deposits from air pollution. Mercury pollution of rivers and streams contaminates the fish we eat and poses a serious threat to children and pregnant women.

This bill is a clean air and a climate change bill. I hope our committee, as we take advantage of this resurgence of interest in the quality of air and our health and what we need to do about it, we won't just do part of the job. I would like to look at the whole picture. What we do in this bill is take the standards that the EPA has created for nitrogen and sulfur and put them into law. We make them a little stricter, but basically we put them into law. We take the mercury rule of the EPA, and we put it into law. We make it even stricter. The EPA says get rid of 70 percent of it. We say get rid of 90 percent. Then for the first time we put into law carbon caps on electric powerplants which produce 40 percent of all the carbon produced in the United States and are the fastest growing sector producing carbon in America.

I hope my colleagues will carefully consider this sector-by-sector approach to climate change. Carbon caps might be the best way—I believe they are—for dealing with electric powerplants. When it comes to fuel, there may be another strategy that makes sense. We could deal with that sector in a different way. For example, when we were dealing with sulfur, we didn't put a cap and trade on diesel fuel. We did on powerplants. But when we got to diesel fuel, we just said that you have to have ultra low sulfur diesel for big trucks, which just now went into effect.

There is also the large segment of building energy use. If we took the sector of building energy use, the fuel segment, and the electric powerplants, if we added that to a few stationery sources in America and developed strategies that were aggressive but practical and cost-effective for each of those segments, we would be up in the 85 to 90 percent of all the carbon we produce in America. That makes a lot more sense to me than trying to devise some one-size-fits-all system that affects every little shop, store, or farm in America. If we can get most of it this way, maybe we can learn something so that someday we can get the rest of it.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a section-by-section description of the Alexander-Lieberman bill, a one-page summary of the Alexander-Lieberman Clean Air/Climate Change Act of 2007, as well as a short memorandum which we describe as discussion points and with which I will conclude my remarks by going over in just a moment, and a letter from the National Parks Conservation Association endorsing the bill.

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

(See exhibits 1 through 4.)

Mr. ALEXANDER. Senator LIEBERMAN and I don't have all the answers with this legislation. I feel much more comfortable with this legislation today than I did with any I helped introduce last year or the year before because I have learned a lot more. But I will guarantee my colleagues that there are several areas in which I would welcome advice. Over the last several weeks, I have met with a dozen, two dozen environmental groups, utilities, Tennessee citizens, others who had suggestions. For example, the discussion points that I have put into the record contain five points that are arguable. I have come to a tentative conclusion on them. That is in the bill. But there is another side to the point. I am looking for advice.

For example, should we cap only carbon or all greenhouse gases emitted from electricity plants? I chose to cap CO_2 only. That is because this is a four-pollutant bill—sulfur, nitrogen, mercury, and carbon. It is not primarily a climate change bill.

Another consideration is that it seems Europe's experience is that it may be better to cap just carbon and

not all greenhouse gases. That is a question we can debate.

What should the size of an auction be in terms of the allowances? I discussed that earlier. Senator LIEBERMAN and I have chosen 25 percent of the total number of allowances. Senator CARPER, in his bill, eventually goes to 100 percent. There are arguments on both sides.

What influenced my decision was, I wanted to keep the costs down as much as possible. I was afraid that if we used some different kind of allowance allocation, we might literally take money away from the emitters that they ought to be using to put scrubbers on to reduce sulfur, nitrogen, mercury, or carbon and pay it to other utilities.

What rules should govern the use of offset allowances by electric plants? Offsets are an ingenious idea. The idea would be that an emitter of carbon might be able to pay somebody else to reduce their output of carbon and, therefore, we would end up with the same amount of carbon. There are many advantages to that. For example, the Tennessee Valley Authority might pay a Tennessee farmer to manage his livestock crop in a way as to not produce as much methane, might pay a Tennessee farmer to plant a lot of trees. Both of those things would reduce greenhouse gases, and the farmer would have more money in his pocket. That is a good idea.

The downside of offsets is that if they are unregulated entirely, it seems to me they could become a gimmick or a fad or worse. What we have done in this bill is adopt a system of offsets from a consortium of States ranging from Maryland to Maine—that includes Senator LIEBERMAN's State of Connecticut—and used those model rules on offsets. That tends to limit the way offsets may be used. It is a good place to at least begin. In other words, a utility might produce more carbon, but it might pay someone else who is reducing carbon by using biomass or by sequestering carbon in some other way.

There is a question about how should new coal-fired electric plants be treated. There are probably 160 new coal plants on the drawing boards. Some of them hope to escape the rules Congress is considering about capping the output of carbon. I don't think they should. This bill would apply to all coal-fired powerplants, including those on the drawing boards. It also would give an incentive to the first 30 of those plants to meet a high standard of clean coal technology. We don't want to encourage the use of natural gas in this bill. That is the last thing we want to do. We don't want to discourage the use of coal. We have a lot of coal. It would help make us energy independent. We want to encourage the creation of the kind of technology that will permit us to use coal in a clean way that either recaptures the carbon and stores it or finds some other way to deal with it.

Finally, what should the CO_2 cap levels be? We can debate that, and I am sure we will. But the cap level we pick in this legislation is to say, let's freeze at the level of last year, starting with 2011, and go down step by step into 2025 to 1.5 billion metric tons. This is our contribution to the debate.

We have learned enough about our health, about our ability to attract jobs, to know we need to finish the job of cleaning up the air of nitrogen, of sulfur, and of mercury; and we need to take the right first step to begin to control the emission of carbon to deal with global warming. I believe the right first step is a market-based cap and trade system of electricity plants which is described here.

May I also say this: Some people say: Well, let's wait until China does it. Let's wait until India does it. The great danger is that we will not unleash the technological genius of the United States of America to clean our air and to deal efficiently and inexpensively with the emissions of carbon. If we do not figure that out, India and China are going to build so many dirty coal powerplants that it will not make any difference what we do because the wind will blow the dirty air around here, and we will suffer and the planet will suffer whatever the consequences are of global warming and of the other pollutants that come from coal.

So we have an obligation not just to the world to do this, we have to do this for ourselves because 100, 200, 300, 400, 500 new coal-fired powerplants in India and China will obliterate any of the good work we might do here. I believe if we take the aggressive but practical cost-effective steps in this Clean Air/Climate Change Act, we will unleash the great entrepreneurial spirit of our country. We will be able to create an inexpensive way to deal with carbon on a segment-by-segment basis, deal with the other pollutants, and India and China will have to follow. The rest of the world will follow, and we will be better off.

I cannot imagine more interesting and exciting work to be doing. This is the kind of subject on which we should be working together on a bipartisan basis.

I thank Senator LIEBERMAN for joining me in cosponsoring this legislation. I salute Senator CARPER for his continued leadership. I look forward to working with him.

EXHIBIT 1

CLEAN AIR/CLIMATE CHANGE ACT OF 2007, SECTION BY SECTION DESCRIPTION, APRIL 19, 2007

TITLE I: GENERAL PROVISIONS

Sec. 101. New Source Performance Standard

Requires all new coal-fired electricity plants constructed or modified after January 1, 2015, to meet a performance standard of 1,100 pounds of carbon dioxide (CO_2) per megawatthour of electricity generated (MWh).

Between January 1, 2011 and December 31, 2020, 5 percent of the total CO_2 allowances will be set aside for new coal-fired power plants built after enactment that meet this performance standard.

Sec. 102. New Source Review Program

Beginning January 1, 2020, electricity plants that have been operating for 40 years or more have to meet a performance standard of 2 pounds of sulfur dioxide per MWh and 1 pound of nitrogen oxides per MWh.

Sec. 103. Integrated Air Quality Planning for the Electric Generating Sector

Cuts sulfur dioxide and nitrogen oxide emissions in two phases:

Phase One—codifies Phase One of the Clean Air Interstate Rule (CAIR).

Phase Two—in 2015, replaces CAIR with a national program, reducing the current SO_2 cap of 9.4 million tons to 2.0 million tons per year and establishing eastern and western NOx caps totaling 1.6 million tons per year.

Requires mercury emissions to be cut by 90 percent in 2015 without trading.

Establishes a Climate Champions Program that authorizes EPA to recognize electricity plants that meet a 1,100 pound of CO_2 per MWh.

Reduces carbon dioxide emissions as follows:

2011–2014 2.3 billion metric tons of CO_2
2015–2019 2.1 billion metric tons
2020–2024 1.8 billion metric tons
2025 and thereafter 1.5 billion metric tons

Authorizes an auction of 25 percent of the CO_2 allowances to be used to mitigate increased electricity costs, if any, of consumers and energy-intensive industries.

Sec. 104. Revisions to Sulfur Dioxide Allowance Program

Updates the allowance allocation formulas of the Title IV SO_2 program to meet the 2015 cap of 2.0 million tons per year and to include allowances for electricity plants built from 1990 to 2006.

Sec. 105. Air Quality Forecasts and Warnings

Requires the Administrator of the National Oceanic and Atmospheric Administration (NOAA), in cooperation with the EPA Administrator, to issue air quality forecasts and warnings.

Sec. 106. Relationship to Other Law

Requires the EPA Administrator within 2 years to promulgate regulations for the underground injection of CO_2 in a manner that protects human health and the environment.

TITLE II: GREENHOUSE GAS OFFSETS

Sec. 201. Greenhouse Gas Offsets

Establishes standards for offset allowances in six categories: landfill methane capture and destruction; sulfur hexafluoride reductions; sequestration of carbon due to afforestation or reforestation; reduction and avoidance of carbon dioxide emissions from natural gas, oil, and propane end-use combustion due to end-use energy efficiency; avoided methane emissions from agricultural manure management operations; and eligible biomass.

EXHIBIT 2

ALEXANDER-LIEBERMAN CLEAN AIR/CLIMATE CHANGE ACT OF 2007

Why legislation is needed

To improve public health and reduce the threat of global warming, Congress must enact electricity sector legislation that puts stricter standards on sulfur and nitrogen pollution, cuts mercury emissions by 90 percent, and places the first caps on carbon emissions.

The Environmental Protection Agency's new rules to limit sulfur, nitrogen, and mercury don't go far enough, fast enough.

Under current law, too many communities live with air that is unhealthy to breathe, and mercury continues to pollute our rivers and streams.

The Clean Air/Climate Change Act sets aggressive, but practical and achievable limits

for reducing four pollutants in order to preserve our jobs while we clean the air and preserve our planet.

Why the bill focuses on the electricity sector

Electricity plants are the logical place to start because:

They produce 40% of the CO_2 in our country, at a rate almost twice as fast as any other large segment of the economy.

We have 15 years' experience with a market-based cap and trade program to reduce sulfur emissions.

How Clean Air/Climate Change Act works

The Clean Air/Climate Change Act of 2007 provides an aggressive—yet achievable—schedule for power plants to reduce emissions and alleviate some of our worst air-related health and environmental problems, such as ozone, acid rain, mercury contamination, and global warming.

Specifically, the Clean Air/Climate Change Act would:

Cut sulfur dioxide (SO_2) emissions by 82 percent by 2015. This acid rain-causing pollution would be cut from today's 11 million tons to a cap of 2 million tons in 2015.

Cut emissions of nitrogen oxides (NO_x) by 68 percent by 2015. Ozone pollution would be cut from today's 5 million tons to a cap of 1.6 million tons in 2015.

Cut mercury emissions at each power plant by 90 percent in 2015. This is a stringent, yet achievable goal that would greatly reduce the risks this neurotoxin poses to children and pregnant women.

Implement a cap, trade, and offsets program to reduce CO_2 emissions. CO_2 emissions would be capped at 2.3 billion metric tons in 2011, 2.1 billion metric tons in 2015, 1.8 billion metric tons in 2020, and 1.5 billion metric tons in 2025 and beyond.

Innovative features

In order to encourage prompt, deep yet cost-effective CO_2 reductions, the Clean Air/Climate Change Act contains several innovative features, including:

Climate Champions Program. Establishes a reserve of 5% of all CO_2 allowances as an incentive for new coal-fired electricity plants that meet a performance standard of 1,100 pounds of CO_2 per megawatthour between 2011 and 2020. (This performance standard is comparable to an IGCC coal plant with 60% CO_2 capture and storage.)

Minimizes costs. Auctions 25% of the CO_2 allowances and authorizes the proceeds to be used to mitigate increased electricity costs (if any) to consumers and energy-intensive industry.

Discourages fuel switching from coal to natural gas. The use of natural gas to generate electricity can create volatility in electricity prices for consumers.

Flexible compliance. Permits the use of offsets so that companies may meet their carbon emissions reduction flexibly and cost-effectively.

EXHIBIT 3

CLEAN AIR/CLIMATE CHANGE ACT OF 2007, DISCUSSION POINTS

ISSUES THAT SEN. ALEXANDER WOULD LIKE TO DISCUSS

1. Should Congress cap only CO_2 or all greenhouse gases emitted from electricity plants?
2. What size should an auction be?
3. What rules should govern the use of offset allowances electricity plants?
4. How should new coal-fired electricity plants be treated?
5. What should CO_2 cap levels be?

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1. Should Congress cap only CO_2 or all greenhouse gases emitted from electricity plants

Clean Air/Climate Change Oct

Caps CO_2 only.

Discussion

In his bill, Sen. Alexander chose to cap CO_2 only. In part, that decision is a result of the Clean Air/Climate Change Act being a bill that limits the four major pollutants emitted from electricity plants: sulfur dioxide, nitrogen oxides, mercury, and carbon dioxide. It is not primarily a climate change bill.

Another consideration is the experience gained from Phase One of the European Union's Emissions Trading Scheme (EU ETS), the largest cap and trade program in the world. The EU ETS capped only CO_2 in its first phase. Phase Two of that program, which starts in 2008, will cap six greenhouse gases: carbon dioxide, methane, nitrogen oxides, perflourocarbons hydrofluorocarbons, and sulfur hexaflouride

The U.K. House of Commons Environmental Audit Committee in its Fourth Report (dated March 27, 2005) recommended that Phase Two not be expanded to include gases other than carbon dioxide.

Instead, the House of Commons Committee recommended minimal significant changes to the shape and scope of the trading program.

The House of Commons Committee also recommended non-carbon greenhouse gases be addressed through regulation and not through trading.

What is the best approach?

2. What size should an auction be

Clean Air/Climate Change Act

Auctions 25 percent of CO_2 allowances.

Uses the proceeds to offset increased electricity costs (if any) of consumers and energy-intensive industries.

Discussion

The total value of the CO_2 allowances will be much higher than the total value of SO_2 allowances because there will be about 1,000 times more CO_2 allowances than SO_2 allowances. Because CO_2 allowances will be so much more valuable, economists recommend that there be an auction.

In its 2004 report, the National Commission on Energy Policy (NCEP) recommended that 10 percent of allowances be auctioned. However, in March 2007 NCEP changed its recommendation on allocation. NCEP now recommends that 50 percent of allowances be auctioned.

Similarly, a March 2007 NCEP paper states that businesses and consumers at the end of the energy supply chain—not oil, natural gas, and electric utilities—bear the largest share of the costs of a greenhouse gas emissions cap-and-trade program.

Auctioning 25 percent of the CO_2 allowances for the power sector would generate revenues sufficient to protect consumers from higher electricity rates.

The Regional Greenhouse Gas Initiative (RGGI) model rule recommends that 25 percent of CO_2 allowances be auctioned.

3. What rules should govern the use of offset allowances by electricity plants?

Clean Air/Climate Change Act

Includes the RGGI model rules on offsets.

Offset types: landfill methane capture and destruction; sulfur hexafluoride reductions; sequestration of carbon through afforestation or reforestation; reduction and avoidance of carbon dioxide emissions from natural gas, oil, and propane end-use combustion due to end-use energy efficiency; avoided methane emissions from agricultural management operations; and eligible biomass.

Discussion

Allowing electricity plants to meet their CO_2 reductions through offsets provides compliance flexibility that greatly reduces costs to consumers and industry.

Offsets must be real reductions, however, and not gimmicks.

RGGI's model rules on offsets were adopted in an extensive, multi-state stakeholder process.

Sen. Alexander is seeking additional measures to include in a four pollutant law that will prevent fuel switching to natural gas, as the use of natural gas to generate electricity can create volatility in electricity prices for consumers.

4. How should new coal-fired electricity plants be treated

Clean Air/Climate Change Act

New fossil fuel electricity plants coming on line after January 1, 2007 will be required to purchase 100 percent of their required allowances.

Between January 1, 2007 and December 31, 2020, 5 percent of the total CO_2 allowances will be set aside as an incentive for new coal-fired power plants that meet a performance standard of 1,100 pounds of CO_2 per megawatt hour.

In 2015, all new coal-fired electricity plants must meet this performance standard.

Discussion

Electricity sector climate legislation should actively discourage the construction of new conventional fossil fuel power plant and encourage technologies that allow for the capture and sequestration of CO_2.

A performance standard of 1,100 pounds of CO_2 per MWh (the same standard used in California for electricity purchases from out-of-state coal-fired power plants) will ensure that new coal-fired power plants capture at least 60 percent of their CO_2.

Denying CO_2 allowances to plants that fail to meet this standard is a powerful disincentive to building conventional coal plants that lack lack carbon capture technology.

Otherwise, new conventional coal plants will lock in high CO_2 emissions for years.

Inclusion of natural gas-fired plants in this program is important to avoid creating an incentive to shift more generation to natural gas.

What should CO_2 cap levels be

Clean Air/Climate Chance Act

The power sector CO_2 cap should decline over time on the following schedule: 2011–2014, 2.3 billion metric tons; 2015–2019, 2.1 million metric tons; 2020–2024, 1.8 billion metric tons; and 2025 and beyond; 1.5 billion metric tons.

Discussion

This an aggressive yet achievable cap that starts with limiting electricity sector CO_2 to the level emitted in 2006 and then declines in a step wise manner out to 2025.

An electricity sector CO_2 cap on 1.5 billion metric tons is roughly equivalent to the electricity sector cap in the Lieberman-McCain Climate Stewardship and Innovation Act.

Electricity plants emit 40 percent of U.S. carbon dioxide. Emissions from this major sector source of carbon dioxide need to be reduced now in order to preserve the option of stabilizing atmospheric concentrations at 450 parts per million, the level that scientists believe will most likely prevent some of the worst global warming impacts being projected.

Delaying emissions reductions will make the job more challenging and expensive down the road.

EXHIBIT 4

NATIONAL PARKS CONSERVATION ASSOCIATION,
Washington, DC, April 18, 2007.

Hon. LAMAR ALEXANDER,
U.S. Senate,
Washington, DC.

DEAR SENATOR ALEXANDER: On behalf of the National Parks Conservation Association, we strongly commend you for introducing the Clean Air/Climate Change Act of 2007, a bill designed to provide healthier air to millions of Americans, help restore clear skies to our national parks, and take important steps toward addressing global warming.

As I know you are well aware, coal-fired power plants are a leading source of the pollutants that cause asthma attacks and respiratory disease in humans, habitat damage and hazy skies in our parks, and mercury-laden fish in our rivers and lakes. They are also the main industrial source of the pollution that causes global warming. Technologies are readily available that can allow these plants to operate much more cleanly. The Clean Air/Climate Change Act would employ flexible market mechanisms and adequate lead-time so these technologies can be affordably applied at these plants to help restore air quality and diminish the causes of global warming. Starting with the coal-fired power plants, which are the worst offenders, before proceeding to address other polluters makes strategic and economic sense.

Taken together, the provisions in the Clean Air/Climate Change Act provide a comprehensive and balanced solution to the problem of coal-fired power plant pollution. The National Parks Conservation Association is pleased to support the Clean Air/Climate Change Act of 2007. From all of us, thank you for your strong leadership on this incredibly important subject.

Sincerely,

THOMAS C. KIERNAN,
President.

By Mr. DURBIN (for himself, Mr. KERRY, Mr. FEINGOLD, Ms. CANTWELL, Mr. MENENDEZ, Mr. CARDIN, Mr. REED, Mr. HARKIN, Mr. KENNEDY, Mr. BAYH, Mr. LIEBERMAN, Ms. STABENOW, Mr. SCHUMER, Mr. LAUTENBERG, Mrs. BOXER, Mr. WHITEHOUSE, Mr. BROWN, Mrs. CLINTON, and Mr. LEAHY):

S. 1170. A bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Basin and Range Deserts in the State of Utah for the benefit of present and future generations of people in the United States; to the Committee on Energy and Natural Resources.

Mr. DURBIN. Mr. President, I rise today to introduce America's Red Rock Wilderness Act of 2007. This legislation continues our Nation's commitment to preserve our natural heritage. Preservation of our Nation's vital natural resources will be one of our most important legacies.

America's Red Rock Wilderness Act will designate as wilderness some of our Nation's most remarkable, but currently unprotected public lands. Bureau of Land Management (BLM) lands in Utah harbor some of the largest and most remarkable roadless desert areas anywhere in the world. Included in the 9.4 million acres I seek to protect are well known landscapes, like the Grand Staircase Escalante National Monument, as well as lesser known areas just outside Zion National Park, Canyonlands National Park, and Arches National Park. Together this wild landscape offers spectacular vistas of rare rock formations, canyons and desert lands, important archaeological sites, and habitat for rare plant and animal species.

I have visited many of the areas this Act would designate as wilderness. I can tell you that the natural beauty of these truly unique landscapes is a compelling reason for Congress to grant these lands wilderness protection. I have the honor of introducing legislation first introduced by my friend and former colleague in the House of Representatives, Wayne Owens. As the representative for much of Utah's Red Rock country, Representative Owens pioneered the Congressional effort to protect Utah wilderness. He did this with broad public support, which still exists not only in Utah, but in all corners of our Nation.

The wilderness designated in this bill was chosen based on more than twenty years of meticulous research and surveying. Volunteers have taken inventories of thousands of square miles of BLM land in Utah to help determine which lands should be protected. These volunteers provided extensive documentation to ensure that these areas meet Federal wilderness criteria. The BLM also completed a reinventory of approximately six million acres of Federal land in the same area in 1999. While only six million acres of the total 9.4 million acres were inventoried by the BLM, the results provide a convincing confirmation that the areas designated for protection under this bill meet Federal wilderness criteria.

For more than 20 years, Utah conservationists have been working to add the last great blocks of undeveloped BLM-administered land in Utah to the National Wilderness Preservation System. The lands proposed for protection surround and connect eight of Utah's nine national park, monument and recreation areas. These proposed BLM wilderness areas easily equal their neighboring national parklands in scenic beauty, opportunities for recreation, and ecological importance. Yet, unlike the parks, most of these scenic treasures lack any form of long-term protection.

Today, the BLM is in the process of making critical decisions about the future stewardship and use of nearly six million acres of wild lands that my legislation would protect. The BLM will decide which areas should be preserved or developed and whether they will be left roadless or have roads cut through them. It also will determine if these wild lands will be open to off-road vehicles or exploited for mineral mining and oil and gas exploration. Any policies put in place will stand for 15 to 20 years, a timespan long enough to leave a lasting mark on this landscape.

Americans understand the need for wise and balanced stewardship of these wild landscapes. Unfortunately, the Administration has proposed little or no serious protections for Utah's most majestic places. Instead, the BLM appears to lack a solid conservation ethic and routinely favors development and consumptive uses of our wild public land. In just the last four years, the BLM has leased for oil and gas development over 125,000 acres of land that would have been designated for wilderness in America's Red Rock Wilderness Act.

This legislation represents a realistic balance between our need to protect our natural heritage and our demand for energy. While wilderness designation has been portrayed as a barrier to energy independence, it is important to note that within the entire 9.4 million acres of America's Red Rock Wilderness Act the amount of ''technically recoverable'' undiscovered natural gas and oil resources amounts to less than four days of oil and four weeks of natural gas at current consumption levels.

America's Red Rock Wilderness Act is a lasting gift to the American public. By protecting this serene yet wild land we are giving future generations the opportunity to enjoy the same untrammeled landscape that so many now cherish.

I'd like to thank my colleagues who are original cosponsors of this measure, many of whom have supported the bill since it was first introduced. Original cosponsors are Senators KERRY, FEINGOLD, CANTWELL, MENENDEZ, CARDIN, REED, HARKIN, KENNEDY, BAYH, LIEBERMAN, STABENOW, SCHUMER, LAUTENBERG, BOXER, WHITEHOUSE, BROWN and CLINTON. Additionally, I would like to thank The Utah Wilderness Coalition, which includes The Wilderness Society and Sierra Club; The Southern Utah Wilderness Alliance; and all of the other national, regional and local, hard-working groups who, for years, have championed this legislation.

Theodore Roosevelt once stated:

''The Nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased and not impaired in value.''

Enactment of this legislation will help us realize Roosevelt's vision. To protect these precious resources in Utah for future generations, I urge my colleagues to support America's Red Rock Wilderness Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1170

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''America's Red Rock Wilderness Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
TITLE I—DESIGNATION OF WILDERNESS AREAS
Sec. 101. Great Basin Wilderness Areas.
Sec. 102. Zion and Mojave Desert Wilderness Areas.
Sec. 103. Grand Staircase-Escalante Wilderness Areas.
Sec. 104. Moab-La Sal Canyons Wilderness Areas.
Sec. 105. Henry Mountains Wilderness Areas.
Sec. 106. Glen Canyon Wilderness Areas.
Sec. 107. San Juan-Anasazi Wilderness Areas.
Sec. 108. Canyonlands Basin Wilderness Areas.
Sec. 109. San Rafael Swell Wilderness Areas.
Sec. 110. Book Cliffs and Uinta Basin Wilderness Areas.
TITLE II—ADMINISTRATIVE PROVISIONS
Sec. 201. General provisions.
Sec. 202. Administration.
Sec. 203. State school trust land within wilderness areas.
Sec. 204. Water.
Sec. 205. Roads.
Sec. 206. Livestock.
Sec. 207. Fish and wildlife.
Sec. 208. Management of newly acquired land.
Sec. 209. Withdrawal.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Bureau of Land Management.

(2) STATE.—The term ''State'' means the State of Utah.

TITLE I—DESIGNATION OF WILDERNESS AREAS

SEC. 101. GREAT BASIN WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the Great Basin region of western Utah is comprised of starkly beautiful mountain ranges that rise as islands from the desert floor;

(2) the Wah Wah Mountains in the Great Basin region are arid and austere, with massive cliff faces and leathery slopes speckled with piñon and juniper;

(3) the Pilot Range and Stansbury Mountains in the Great Basin region are high enough to draw moisture from passing clouds and support ecosystems found nowhere else on earth;

(4) from bristlecone pine, the world's oldest living organism, to newly-flowered mountain meadows, mountains of the Great Basin region are islands of nature that—

(A) support remarkable biological diversity; and

(B) provide opportunities to experience the colossal silence of the Great Basin; and

(5) the Great Basin region of western Utah should be protected and managed to ensure the preservation of the natural conditions of the region.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Antelope Range (approximately 17,000 acres).

(2) Barn Hills (approximately 20,000 acres).

(3) Black Hills (approximately 9,000 acres).

(4) Bullgrass Knoll (approximately 15,000 acres).

(5) Burbank Hills/Tunnel Spring (approximately 92,000 acres).

(6) Conger Mountains (approximately 21,000 acres).

(7) Crater Bench (approximately 35,000 acres).

(8) Crater and Silver Island Mountains (approximately 121,000 acres).

(9) Cricket Mountains Cluster (approximately 62,000 acres).

(10) Deep Creek Mountains (approximately 126,000 acres).

(11) Drum Mountains (approximately 39,000 acres).

(12) Dugway Mountains (approximately 24,000 acres).

(13) Essex Canyon (approximately 1,300 acres).

(14) Fish Springs Range (approximately 64,000 acres).

(15) Granite Peak (approximately 19,000 acres).

(16) Grassy Mountains (approximately 23,000 acres).

(17) Grouse Creek Mountains (approximately 15,000 acres).

(18) House Range (approximately 201,000 acres).

(19) Keg Mountains (approximately 38,000 acres).

(20) Kern Mountains (approximately 15,000 acres).

(21) King Top (approximately 110,000 acres).

(22) Ledger Canyon (approximately 9,000 acres).

(23) Little Goose Creek (approximately 1,200 acres).

(24) Middle/Granite Mountains (approximately 80,000 acres).

(25) Mountain Home Range (approximately 90,000 acres).

(26) Newfoundland Mountains (approximately 22,000 acres).

(27) Ochre Mountain (approximately 13,000 acres).

(28) Oquirrh Mountains (approximately 9,000 acres).

(29) Painted Rock Mountain (approximately 26,000 acres).

(30) Paradise/Steamboat Mountains (approximately 144,000 acres).

(31) Pilot Range (approximately 45,000 acres).

(32) Red Tops (approximately 28,000 acres).

(33) Rockwell-Little Sahara (approximately 21,000 acres).

(34) San Francisco Mountains (approximately 39,000 acres).

(35) Sand Ridge (approximately 73,000 acres).

(36) Simpson Mountains (approximately 42,000 acres).

(37) Snake Valley (approximately 100,000 acres).

(38) Stansbury Island (approximately 10,000 acres).

(39) Stansbury Mountains (approximately 24,000 acres).

(40) Thomas Range (approximately 36,000 acres).

(41) Tule Valley (approximately 159,000 acres).

(42) Wah Wah Mountains (approximately 167,000 acres).

(43) Wasatch/Sevier Plateaus (approximately 29,000 acres).

(44) White Rock Range (approximately 5,200 acres).

SEC. 102. ZION AND MOJAVE DESERT WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the renowned landscape of Zion National Park, including soaring cliff walls, forested plateaus, and deep narrow gorges, extends beyond the boundaries of the Park onto surrounding public land managed by the Secretary;

(2) from the pink sand dunes of Moquith Mountain to the golden pools of Beaver Dam Wash, the Zion and Mojave Desert areas encompass 3 major provinces of the Southwest that include—

(A) the sculpted canyon country of the Colorado Plateau;

(B) the Mojave Desert; and

(C) portions of the Great Basin;

(3) the Zion and Mojave Desert areas display a rich mosaic of biological, archaeological, and scenic diversity;

(4) 1 of the last remaining populations of threatened desert tortoise is found within this region; and

(5) the Zion and Mojave Desert areas in Utah should be protected and managed as wilderness areas.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Beaver Dam Mountains (approximately 30,000 acres).

(2) Beaver Dam Wash (approximately 23,000 acres).

(3) Beaver Dam Wilderness Expansion (approximately 8,000 acres).

(4) Canaan Mountain (approximately 67,000 acres).

(5) Cottonwood Canyon (approximately 12,000 acres).

(6) Cougar Canyon/Docs Pass (approximately 41,000 acres).

(7) Joshua Tree (approximately 12,000 acres).

(8) Mount Escalante (approximately 17,000 acres).

(9) Parunuweap Canyon (approximately 43,000 acres).

(10) Red Butte (approximately 4,500 acres).

(11) Red Mountain (approximately 21,000 acres).

(12) Scarecrow Peak (approximately 16,000 acres).

(13) Square Top Mountain (approximately 23,000 acres).

(14) Zion Adjacent (approximately 58,000 acres).

SEC. 103. GRAND STAIRCASE-ESCALANTE WILDERNESS AREAS.

(a) GRAND STAIRCASE AREA.—

(1) FINDINGS.—Congress finds that—

(A) the area known as the Grand Staircase rises more than 6,000 feet in a series of great cliffs and plateaus from the depths of the Grand Canyon to the forested rim of Bryce Canyon;

(B) the Grand Staircase—

(i) spans 6 major life zones, from the lower Sonoran Desert to the alpine forest; and

(ii) encompasses geologic formations that display 3,000,000,000 years of Earth's history;

(C) land managed by the Secretary lines the intricate canyon system of the Paria River and forms a vital natural corridor connection to the deserts and forests of those national parks;

(D) land described in paragraph (2) (other than East of Bryce, Upper Kanab Creek, Moquith Mountain, Bunting Point, and Vermillion Cliffs) is located within the Grand Staircase-Escalante National Monument; and

(E) the Grand Staircase in Utah should be protected and managed as a wilderness area.

(2) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(A) Bryce View (approximately 4,500 acres).

(B) Bunting Point (approximately 11,000 acres).

(C) Canaan Peak Slopes (approximately 2,300 acres).

(D) East of Bryce (approximately 750 acres).

(E) Glass Eye Canyon (approximately 24,000 acres).

(F) Ladder Canyon (approximately 14,000 acres).

(G) Moquith Mountain (approximately 16,000 acres).

(H) Nephi Point (approximately 14,000 acres).

(I) Paria-Hackberry (approximately 188,000 acres).

(J) Paria Wilderness Expansion (approximately 3,300 acres).

(K) Pine Hollow (approximately 11,000 acres).

(L) Slopes of Bryce (approximately 2,600 acres).

(M) Timber Mountain (approximately 51,000 acres).

(N) Upper Kanab Creek (approximately 49,000 acres).

(O) Vermillion Cliffs (approximately 26,000 acres).

(P) Willis Creek (approximately 21,000 acres).

(b) KAIPAROWITS PLATEAU.—

(1) FINDINGS.—Congress finds that—

(A) the Kaiparowits Plateau east of the Paria River is 1 of the most rugged and isolated wilderness regions in the United States;

(B) the Kaiparowits Plateau, a windswept land of harsh beauty, contains distant vistas and a remarkable variety of plant and animal species;

(C) ancient forests, an abundance of big game animals, and 22 species of raptors thrive undisturbed on the grassland mesa tops of the Kaiparowits Plateau;

(D) each of the areas described in paragraph (2) (other than Heaps Canyon, Little Valley, and Wide Hollow) is located within the Grand Staircase-Escalante National Monument; and

(E) the Kaiparowits Plateau should be protected and managed as a wilderness area.

(2) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(A) Andalex Not (approximately 18,000 acres).

(B) The Blues (approximately 21,000 acres).

(C) Box Canyon (approximately 2,800 acres).

(D) Burning Hills (approximately 80,000 acres).

(E) Carcass Canyon (approximately 83,000 acres).

(F) The Cockscomb (approximately 11,000 acres).

(G) Fiftymile Bench (approximately 12,000 acres).

(H) Fiftymile Mountain (approximately 203,000 acres).

(I) Heaps Canyon (approximately 4,000 acres).

(J) Horse Spring Canyon (approximately 31,000 acres).

(K) Kodachrome Headlands (approximately 10,000 acres).

(L) Little Valley Canyon (approximately 4,000 acres).

(M) Mud Spring Canyon (approximately 65,000 acres).

(N) Nipple Bench (approximately 32,000 acres).

(O) Paradise Canyon-Wahweap (approximately 262,000 acres).

(P) Rock Cove (approximately 16,000 acres).

(Q) Warm Creek (approximately 23,000 acres).

(R) Wide Hollow (approximately 6,800 acres).

(c) ESCALANTE CANYONS.—

(1) FINDINGS.—Congress finds that—

(A) glens and coves carved in massive sandstone cliffs, spring-watered hanging gardens, and the silence of ancient Anasazi ruins are examples of the unique features that entice hikers, campers, and sightseers from around the world to Escalante Canyon;

(B) Escalante Canyon links the spruce fir forests of the 11,000-foot Aquarius Plateau with winding slickrock canyons that flow into Glen Canyon;

(C) Escalante Canyon, 1 of Utah's most popular natural areas, contains critical habitat for deer, elk, and wild bighorn sheep that also enhances the scenic integrity of the area;

(D) each of the areas described in paragraph (2) is located within the Grand Staircase-Escalante National Monument; and

(E) Escalante Canyon should be protected and managed as a wilderness area.

(2) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(A) Brinkerhof Flats (approximately 3,000 acres).

(B) Colt Mesa (approximately 28,000 acres).

(C) Death Hollow (approximately 49,000 acres).

(D) Forty Mile Gulch (approximately 6,600 acres).

(E) Hurricane Wash (approximately 9,000 acres).

(F) Lampstand (approximately 7,900 acres).

(G) Muley Twist Flank (approximately 3,600 acres).

(H) North Escalante Canyons (approximately 176,000 acres).

(I) Pioneer Mesa (approximately 11,000 acres).

(J) Scorpion (approximately 53,000 acres).

(K) Sooner Bench (approximately 390 acres).

(L) Steep Creek (approximately 35,000 acres).

(M) Studhorse Peaks (approximately 24,000 acres).

SEC. 104. MOAB-LA SAL CANYONS WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the canyons surrounding the La Sal Mountains and the town of Moab offer a variety of extraordinary landscapes;

(2) outstanding examples of natural formations and landscapes in the Moab-La Sal area include the huge sandstone fins of Behind the Rocks, the mysterious Fisher Towers, and the whitewater rapids of Westwater Canyon; and

(3) the Moab-La Sal area should be protected and managed as a wilderness area.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Arches Adjacent (approximately 12,000 acres).

(2) Beaver Creek (approximately 41,000 acres).

(3) Behind the Rocks and Hunters Canyon (approximately 22,000 acres).

(4) Big Triangle (approximately 20,000 acres).

(5) Coyote Wash (approximately 28,000 acres).

(6) Dome Plateau-Professor Valley (approximately 35,000 acres).

(7) Fisher Towers (approximately 18,000 acres).

(8) Goldbar Canyon (approximately 9,000 acres).

(9) Granite Creek (approximately 5,000 acres).

(10) Mary Jane Canyon (approximately 25,000 acres).

(11) Mill Creek (approximately 14,000 acres).

(12) Porcupine Rim and Morning Glory (approximately 20,000 acres).

(13) Renegade Point (approximately 6,600 acres).

(14) Westwater Canyon (approximately 37,000 acres).

(15) Yellow Bird (approximately 4,200 acres).

SEC. 105. HENRY MOUNTAINS WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the Henry Mountain Range, the last mountain range to be discovered and named by early explorers in the contiguous United States, still retains a wild and undiscovered quality;

(2) fluted badlands that surround the flanks of 11,000-foot Mounts Ellen and Pennell contain areas of critical habitat for mule deer and for the largest herd of free-roaming buffalo in the United States;

(3) despite their relative accessibility, the Henry Mountain Range remains 1 of the wildest, least-known ranges in the United States; and

(4) the Henry Mountain range should be protected and managed to ensure the preservation of the range as a wilderness area.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System.

(1) Bull Mountain (approximately 16,000 acres).

(2) Bullfrog Creek (approximately 35,000 acres).

(3) Dogwater Creek (approximately 3,400 acres).

(4) Fremont Gorge (approximately 20,000 acres).

(5) Long Canyon (approximately 16,000 acres).

(6) Mount Ellen-Blue Hills (approximately 140,000 acres).

(7) Mount Hillers (approximately 21,000 acres).

(8) Mount Pennell (approximately 147,000 acres).

(9) Notom Bench (approximately 6,200 acres).

(10) Oak Creek (approximately 1,700 acres).

(11) Ragged Mountain (approximately 28,000 acres).

SEC. 106. GLEN CANYON WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the side canyons of Glen Canyon, including the Dirty Devil River and the Red, White and Blue Canyons, contain some of the most remote and outstanding landscapes in southern Utah;

(2) the Dirty Devil River, once the fortress hideout of outlaw Butch Cassidy's Wild Bunch, has sculpted a maze of slickrock canyons through an imposing landscape of monoliths and inaccessible mesas;

(3) the Red and Blue Canyons contain colorful Chinle/Moenkopi badlands found nowhere else in the region; and

(4) the canyons of Glen Canyon in the State should be protected and managed as wilderness areas.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Cane Spring Desert (approximately 18,000 acres).

(2) Dark Canyon (approximately 134,000 acres).

(3) Dirty Devil (approximately 242,000 acres).

(4) Fiddler Butte (approximately 92,000 acres).

(5) Flat Tops (approximately 30,000 acres).

(6) Little Rockies (approximately 64,000 acres).

(7) The Needle (approximately 11,000 acres).

(8) Red Rock Plateau (approximately 213,000 acres).

(9) White Canyon (approximately 98,000 acres).

SEC. 107. SAN JUAN-ANASAZI WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) more than 1,000 years ago, the Anasazi Indian culture flourished in the slickrock canyons and on the piñon-covered mesas of southeastern Utah;

(2) evidence of the ancient presence of the Anasazi pervades the Cedar Mesa area of the San Juan-Anasazi area where cliff dwellings, rock art, and ceremonial kivas embellish sandstone overhangs and isolated benchlands;

(3) the Cedar Mesa area is in need of protection from the vandalism and theft of its unique cultural resources;

(4) the Cedar Mesa wilderness areas should be created to protect both the archaeological heritage and the extraordinary wilderness, scenic, and ecological values of the United States; and

(5) the San Juan-Anasazi area should be protected and managed as a wilderness area to ensure the preservation of the unique and valuable resources of that area.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Allen Canyon (approximately 5,900 acres).

(2) Arch Canyon (approximately 30,000 acres).

(3) Comb Ridge (approximately 15,000 acres).

(4) East Montezuma (approximately 45,000 acres).

(5) Fish and Owl Creek Canyons (approximately 73,000 acres).

(6) Grand Gulch (approximately 159,000 acres).

(7) Hammond Canyon (approximately 4,400 acres).

(8) Nokai Dome (approximately 93,000 acres).

(9) Road Canyon (approximately 63,000 acres).

(10) San Juan River (Sugarloaf) (approximately 15,000 acres).

(11) The Tabernacle (approximately 7,000 acres).

(12) Valley of the Gods (approximately 21,000 acres).

SEC. 108. CANYONLANDS BASIN WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) Canyonlands National Park safeguards only a small portion of the extraordinary red-hued, cliff-walled canyonland region of the Colorado Plateau;

(2) areas near Arches National Park and Canyonlands National Park contain canyons with rushing perennial streams, natural arches, bridges, and towers;

(3) the gorges of the Green and Colorado Rivers lie on adjacent land managed by the Secretary;

(4) popular overlooks in Canyonlands Nations Park and Dead Horse Point State Park have views directly into adjacent areas, including Lockhart Basin and Indian Creek; and

(5) designation of those areas as wilderness would ensure the protection of this erosional masterpiece of nature and of the rich pockets of wildlife found within its expanded boundaries.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Bridger Jack Mesa (approximately 33,000 acres).

(2) Butler Wash (approximately 27,000 acres).

(3) Dead Horse Cliffs (approximately 5,300 acres).

(4) Demon's Playground (approximately 3,700 acres).

(5) Duma Point (approximately 14,000 acres).

(6) Gooseneck (approximately 9,000 acres).

(7) Hatch Point Canyons/Lockhart Basin (approximately 149,000 acres).

(8) Horsethief Point (approximately 15,000 acres).

(9) Indian Creek (approximately 28,000 acres).

(10) Labyrinth Canyon (approximately 150,000 acres).

(11) San Rafael River (approximately 101,000 acres).

(12) Shay Mountain (approximately 14,000 acres).

(13) Sweetwater Reef (approximately 69,000 acres).

(14) Upper Horseshoe Canyon (approximately 60,000 acres).

SEC. 109. SAN RAFAEL SWELL WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the San Rafael Swell towers above the desert like a castle, ringed by 1,000-foot ramparts of Navajo Sandstone;

(2) the highlands of the San Rafael Swell have been fractured by uplift and rendered hollow by erosion over countless millennia, leaving a tremendous basin punctuated by mesas, buttes, and canyons and traversed by sediment-laden desert streams;

(3) among other places, the San Rafael wilderness offers exceptional back country opportunities in the colorful Wild Horse Badlands, the monoliths of North Caineville Mesa, the rock towers of Cliff Wash, and colorful cliffs of Humbug Canyon;

(4) the mountains within these areas are among Utah's most valuable habitat for desert bighorn sheep; and

(5) the San Rafael Swell area should be protected and managed to ensure its preservation as a wilderness area.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Cedar Mountain (approximately 15,000 acres).

(2) Devils Canyon (approximately 23,000 acres).

(3) Eagle Canyon (approximately 38,000 acres).

(4) Factory Butte (approximately 22,000 acres).

(5) Hondu Country (approximately 20,000 acres).

(6) Jones Bench (approximately 2,800 acres).

(7) Limestone Cliffs (approximately 25,000 acres).

(8) Lost Spring Wash (approximately 37,000 acres).

(9) Mexican Mountain (approximately 100,000 acres).

(10) Molen Reef (approximately 33,000 acres).

(11) Muddy Creek (approximately 240,000 acres).

(12) Mussentuchit Badlands (approximately 25,000 acres).

(13) Pleasant Creek Bench (approximately 1,100 acres).

(14) Price River-Humbug (approximately 120,000 acres).

(15) Red Desert (approximately 40,000 acres).

(16) Rock Canyon (approximately 18,000 acres).

(17) San Rafael Knob (approximately 15,000 acres).

(18) San Rafael Reef (approximately 114,000 acres).

(19) Sids Mountain (approximately 107,000 acres).

(20) Upper Muddy Creek (approximately 19,000 acres).

(21) Wild Horse Mesa (approximately 92,000 acres).

SEC. 110. BOOK CLIFFS AND UINTA BASIN WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the Book Cliffs and Uinta Basin wilderness areas offer—

(A) unique big game hunting opportunities in verdant high-plateau forests;

(B) the opportunity for float trips of several days duration down the Green River in Desolation Canyon; and

(C) the opportunity for calm water canoe weekends on the White River;

(2) the long rampart of the Book Cliffs bounds the area on the south, while seldom-visited uplands, dissected by the rivers and streams, slope away to the north into the Uinta Basin;

(3) bears, Bighorn sheep, cougars, elk, and mule deer flourish in the back country of the Book Cliffs; and

(4) the Book Cliffs and Uinta Basin areas should be protected and managed to ensure the protection of the areas as wilderness.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System.

(1) Bourdette Draw (approximately 15,000 acres).

(2) Bull Canyon (approximately 2,800 acres).

(3) Chipeta (approximately 95,000 acres).

(4) Dead Horse Pass (approximately 8,000 acres).

(5) Desbrough Canyon (approximately 13,000 acres).

(6) Desolation Canyon (approximately 557,000 acres).

(7) Diamond Breaks (approximately 9,000 acres).

(8) Diamond Canyon (approximately 166,000 acres).

(9) Diamond Mountain (also known as ''Wild Mountain'') (approximately 27,000 acres).

(10) Dinosaur Adjacent (approximately 10,000 acres).

(11) Goslin Mountain (approximately 4,900 acres).

(12) Hideout Canyon (approximately 12,000 acres).

(13) Lower Bitter Creek (approximately 14,000 acres).

(14) Lower Flaming Gorge (approximately 21,000 acres).

(15) Mexico Point (approximately 15,000 acres).

(16) Moonshine Draw (also known as ''Daniels Canyon'') (approximately 10,000 acres).

(17) Mountain Home (approximately 9,000 acres).

(18) O-Wi-Yu-Kuts (approximately 13,000 acres).

(19) Red Creek Badlands (approximately 3,600 acres).

(20) Seep Canyon (approximately 21,000 acres).

(21) Sunday School Canyon (approximately 18,000 acres).

(22) Survey Point (approximately 8,000 acres).

(23) Turtle Canyon (approximately 39,000 acres).

(24) White River (approximately 24,500 acres).

(25) Winter Ridge (approximately 38,000 acres).

(26) Wolf Point (approximately 15,000 acres).

TITLE II—ADMINISTRATIVE PROVISIONS

SEC. 201. GENERAL PROVISIONS.

(a) NAMES OF WILDERNESS AREAS.—Each wilderness area named in title I shall—

(1) consist of the quantity of land referenced with respect to that named area, as

generally depicted on the map entitled ''Utah BLM Wilderness Proposed by S. [_____], 110th Congress''; and

(2) be known by the name given to it in title I.

(b) MAP AND DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by this Act with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—A map and legal description filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be filed and made available for public inspection in the Office of the Director of the Bureau of Land Management.

SEC. 202. ADMINISTRATION.

Subject to valid rights in existence on the date of enactment of this Act, each wilderness area designated under this Act shall be administered by the Secretary in accordance with—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(2) the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 203. STATE SCHOOL TRUST LAND WITHIN WILDERNESS AREAS.

(a) IN GENERAL.—Subject to subsection (b), if State-owned land is included in an area designated by this Act as a wilderness area, the Secretary shall offer to exchange land owned by the United States in the State of approximately equal value in accordance with section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)) and section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)).

(b) MINERAL INTERESTS.—The Secretary shall not transfer any mineral interests under subsection (a) unless the State transfers to the Secretary any mineral interests in land designated by this Act as a wilderness area.

SEC. 204. WATER.

(a) RESERVATION.—

(1) WATER FOR WILDERNESS AREAS.—

(A) IN GENERAL.—With respect to each wilderness area designated by this Act, Congress reserves a quantity of water determined by the Secretary to be sufficient for the wilderness area.

(B) PRIORITY DATE.—The priority date of a right reserved under subparagraph (A) shall be the date of enactment of this Act.

(2) PROTECTION OF RIGHTS.—The Secretary and other officers and employees of the United States shall take any steps necessary to protect the rights reserved by paragraph (1)(A), including the filing of a claim for the quantification of the rights in any present or future appropriate stream adjudication in the courts of the State—

(A) in which the United States is or may be joined; and

(B) that is conducted in accordance with section 208 of the Department of Justice Appropriation Act, 1953 (66 Stat. 560, chapter 651).

(b) PRIOR RIGHTS NOT AFFECTED.—Nothing in this Act relinquishes or reduces any water rights reserved or appropriated by the United States in the State on or before the date of enactment of this Act.

(c) ADMINISTRATION.—

(1) SPECIFICATION OF RIGHTS.—The Federal water rights reserved by this Act are specific to the wilderness areas designated by this Act.

(2) NO PRECEDENT ESTABLISHED.—Nothing in this Act related to reserved Federal water rights—

(A) shall establish a precedent with regard to any future designation of water rights; or

(B) shall affect the interpretation of any other Act or any designation made under any other Act.

SEC. 205. ROADS.

(a) SETBACKS.—

(1) MEASUREMENT IN GENERAL.—A setback under this section shall be measured from the center line of the road.

(2) WILDERNESS ON 1 SIDE OF ROADS.—Except as provided in subsection (b), a setback for a road with wilderness on only 1 side shall be set at—

(A) 300 feet from a paved Federal or State highway;

(B) 100 feet from any other paved road or high standard dirt or gravel road; and

(C) 30 feet from any other road.

(3) WILDERNESS ON BOTH SIDES OF ROADS.—Except as provided in subsection (b), a setback for a road with wilderness on both sides (including cherry-stems or roads separating 2 wilderness units) shall be set at—

(A) 200 feet from a paved Federal or State highway;

(B) 40 feet from any other paved road or high standard dirt or gravel road; and

(C) 10 feet from any other roads.

(b) SETBACK EXCEPTIONS.—

(1) WELL-DEFINED TOPOGRAPHICAL BARRIERS.—If, between the road and the boundary of a setback area described in paragraph (2) or (3) of subsection (a), there is a well-defined cliff edge, stream bank, or other topographical barrier, the Secretary shall use the barrier as the wilderness boundary.

(2) FENCES.—If, between the road and the boundary of a setback area specified in paragraph (2) or (3) of subsection (a), there is a fence running parallel to a road, the Secretary shall use the fence as the wilderness boundary if, in the opinion of the Secretary, doing so would result in a more manageable boundary.

(3) DEVIATIONS FROM SETBACK AREAS.—

(A) EXCLUSION OF DISTURBANCES FROM WILDERNESS BOUNDARIES.—In cases where there is an existing livestock development, dispersed camping area, borrow pit, or similar disturbance within 100 feet of a road that forms part of a wilderness boundary, the Secretary may delineate the boundary so as to exclude the disturbance from the wilderness area.

(B) LIMITATION ON EXCLUSION OF DISTURBANCES.—The Secretary shall make a boundary adjustment under subparagraph (A) only if the Secretary determines that doing so is consistent with wilderness management goals.

(C) DEVIATIONS RESTRICTED TO MINIMUM NECESSARY.—Any deviation under this paragraph from the setbacks required under in paragraph (2) or (3) of subsection (a) shall be the minimum necessary to exclude the disturbance.

(c) DELINEATION WITHIN SETBACK AREA.—The Secretary may delineate a wilderness boundary at a location within a setback under paragraph (2) or (3) of subsection (a) if, as determined by the Secretary, the delineation would enhance wilderness management goals.

SEC. 206. LIVESTOCK.

Within the wilderness areas designated under title I, the grazing of livestock authorized on the date of enactment of this Act shall be permitted to continue subject to such reasonable regulations and procedures as the Secretary considers necessary, as long as the regulations and procedures are consistent with—

(1) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(2) section 101(f) of the Arizona Desert Wilderness Act of 1990 (Public Law 101–628; 104 Stat. 4469).

SEC. 207. FISH AND WILDLIFE.

Nothing in this Act affects the jurisdiction of the State with respect to wildlife and fish on the public land located in the State.

SEC. 208. MANAGEMENT OF NEWLY ACQUIRED LAND.

Any land within the boundaries of a wilderness area designated under this Act that is acquired by the Federal Government shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with this Act and other laws applicable to wilderness areas.

SEC. 209. WITHDRAWAL.

Subject to valid rights existing on the date of enactment of this Act, the Federal land referred to in title I is withdrawn from all forms of—

(1) entry, appropriation, or disposal under public law;

(2) location, entry, and patent under mining law; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

Mr. FEINGOLD. Mr. President, I am very pleased to again join with the Senior Senator from Illinois, Mr. DURBIN, as an original cosponsor of legislation, America's Red Rocks Wilderness Act of 2007, to designate areas of pristine Federal lands in Utah as wilderness.

I had an opportunity to travel twice to Utah. I viewed firsthand some of the lands that would be designated for wilderness under Senator DURBIN's bill. I was able to view most of the proposed wilderness areas from the air, and was able to enhance my understanding through hikes outside of the Zion National Park on the Dry Creek Bench wilderness unit contained in this proposal and inside the Grand Staircase-Escalante National Monument to Upper Calf Creek Falls. I also viewed the lands proposed for designation in this bill from a river trip down the Colorado River, and in the San Rafael Swell with members of the Emery County government.

I support this legislation, for a few reasons, but most of all because I have personally seen what is at stake, and I know the marvelous resources that Wisconsinites and all Americans own in the Bureau of Land Management, BLM, lands of southern Utah.

Second, I support this legislation because I believe it sets the broadest and boldest mark for the lands that should be protected in southern Utah. I believe that when the Senate considers wilderness legislation it ought to know, as a benchmark, the full measure of those lands which are deserving of wilderness protection. This bill encompasses all the BLM lands of wilderness quality in Utah. Unfortunately, the Senate has not, as we do today, always had the benefit of considering wilderness designations for all of the deserving lands in southern Utah. During the 104th Congress, I joined with

the former Senator from New Jersey, Mr. Bradley, in opposing that Congress's omnibus parks legislation. It contained provisions, which were eventually removed, that many in my home State of Wisconsin believed not only designated as wilderness too little of the Bureau of Land Management's holding in Utah deserving of such protection, but also substantively changed the protections afforded designated lands under the Wilderness Act of 1964.

The lands of southern Utah are very special to the people of Wisconsin. In writing to me over the last few years, my constituents have described these lands as places of solitude, special family moments, and incredible beauty. In December 1997, Ron Raunikar of the Capital Times, a paper in Madison, WI, wrote:

> Other remaining wilderness in the U.S. is at first daunting, but then endearing and always a treasure for all Americans. The sensually sculpted slickrock of the Colorado Plateau and windswept crag lines of the Great Basin include some of the last of our country's wilderness, which is not fully protected. We must ask our elected officials to redress this circumstance, by enacting legislation which would protect those national lands within the boundaries of Utah. This wilderness is a treasure we can lose only once or a legacy we can be forever proud to bestow to our children.

I believe that the measure being introduced today will accomplish that goal. The measure protects wild lands that really are not done justice by any description in words. In my trip I found widely varied and distinct terrain, remarkable American resources of red rock cliff walls, desert, canyons and gorges which encompass the canyon country of the Colorado Plateau, the Mojave Desert and portions of the Great Basin. The lands also include mountain ranges in western Utah, and stark areas like the Grand Staircase-Escalante National Monument. These regions appeal to all types of American outdoor interests from hikers and sightseers to hunters.

Phil Haslanger of the Capital Times, answered an important question I am often asked when people want to know why a Senator from Wisconsin would cosponsor legislation to protect lands in Utah. He wrote on September 13, 1995 simply that ''These are not scenes that you could see in Wisconsin. That's part of what makes them special.'' He continues, and adds what I think is an even more important reason to act to protect these lands than the landscape's uniqueness, ''the fight over wilderness lands in Utah is a test case of sorts. The anti-environmental factions in Congress are trying hard to remove restrictions on development in some of the nation's most splendid areas.''

Wisconsinites are watching this test case closely. I believe that Wisconsinites view the outcome of this fight to save Utah's lands as a sign of where the Nation is headed with respect to its stewardship of natural resources. What Haslanger's Capital Times comments make clear is that while some in Congress may express concern about creating new wilderness in Utah, wilderness, as Wisconsinites know, is not created by legislation. Legislation to protect existing wilderness ensures that future generations may have an experience on public lands equal to that which is available today. The action of Congress to preserve wild lands by extending the protections of the Wilderness Act of 1964 will publicly codify that expectation and promise.

Finally, this legislation has earned my support, and deserves the support of others in this body, because all of the acres that will be protected under this bill are already public lands held in trust by the Federal Government for the people of the United States. Thus, while they are physically located in Utah, their preservation is important to the citizens of Wisconsin as it is for other Americans.

I am eager to work with my colleague from Illinois, Mr. DURBIN, to protect these lands. I commend him for introducing this measure.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1171. A bill to amend the Colorado River Storage Project Act and Public Law 87–483 to authorize the construction and rehabilitation of water infrastructure in Northwestern New Mexico, to authorize the use of the reclamation fund to fund the Reclamation Water Settlements Fund, to authorize the conveyance of certain Reclamation land and infrastructure, to authorize the Commissioner of Reclamation to provide for the delivery of water, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, on behalf of myself and Senator DOMENICI, I am pleased today to introduce a bill which attempts to promote good stewardship of our limited water supplies in the San Juan River basin in New Mexico. The bill is entitled the ''Northwestern New Mexico Rural Water Projects Act''. Within its scope are a number of provisions relating to and amending Federal statutes that relate to the Bureau of Reclamation and the use of water in the Colorado River basin. There are also new authorizations for the Bureau of Reclamation. Finally, there are provisions that will resolve the Navajo Nation's water rights claims in the San Juan River in New Mexico. This bill is critical for New Mexico's future. I look forward to working with my colleagues in the Senate to see that it gets enacted into law.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1171

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

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the ''Northwestern New Mexico Rural Water Projects Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Definitions.
Sec. 3. Compliance with environmental laws.

TITLE I—AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT AND PUBLIC LAW 87–483

Sec. 101. Amendments to the Colorado River Storage Project Act.
Sec. 102. Amendments to Public Law 87–483.
Sec. 103. Effect on Federal water law.

TITLE II—RECLAMATION WATER SETTLEMENTS FUND

Sec. 201. Reclamation Water Settlements Fund.

TITLE III—NORTHWESTERN NEW MEXICO RURAL WATER SUPPLY PROJECT

Sec. 301. Purposes.
Sec. 302. Authorization of Northwestern New Mexico Rural Water Supply Project.
Sec. 303. Delivery and use of Northwestern New Mexico Rural Water Supply Project water.
Sec. 304. Project contracts.
Sec. 305. Use of Navajo Nation Municipal Pipeline.
Sec. 306. Authorization of conjunctive use wells.
Sec. 307. San Juan River Navajo Irrigation Projects.
Sec. 308. Other irrigation projects.
Sec. 309. Authorization of appropriations.

TITLE IV—NAVAJO NATION WATER RIGHTS

Sec. 401. Agreement.
Sec. 402. Trust Fund.
Sec. 403. Waivers and releases.

SEC. 2. DEFINITIONS.

In this Act:

(1) ACRE-FEET.—The term ''acre-feet'' means acre-feet per year.

(2) AGREEMENT.—The term ''Agreement'' means the agreement among the State of New Mexico, the Nation, and the United States setting forth a stipulated and binding agreement signed by the State of New Mexico and the Nation on April 19, 2005.

(3) ANIMAS-LA PLATA PROJECT.—The term ''Animas-La Plata Project'' has the meaning given the term in section 3 of Public Law 100–585 (102 Stat. 2973), including Ridges Basin Dam, Lake Nighthorse, the Pipeline, and any other features or modifications made pursuant to the Colorado Ute Settlement Act Amendments of 2000 (Public Law 106–554; 114 Stat. 2763A–258).

(4) CITY.—The term ''City'' means the city of Gallup, New Mexico.

(5) COMPACT.—The term ''Compact'' means the Upper Colorado River Basin Compact as consented to by the Act of April 6, 1949 (63 Stat. 31, chapter 48).

(6) CONTRACT.—The term ''Contract'' means the contract between the United States and the Nation setting forth certain commitments, rights, and obligations of the United States and the Nation, as described in paragraph 6.0 of the Agreement.

(7) DEPLETION.—The term ''depletion'' means the depletion of the flow of the San Juan River stream system in State of New Mexico by a particular use of water (including any depletion incident to the use) and represents the diversion from the stream system by the use, less return flows to the stream system from the use.

(8) DRAFT IMPACT STATEMENT.—The term ''Draft Impact Statement'' means the draft

environmental impact statement prepared by the Bureau of Reclamation for the Project dated March 2007.

(9) FUND.—The term ''Fund'' means the Reclamation Waters Settlements Fund established by section 201(a).

(10) HYDROLOGIC DETERMINATION.—The term ''hydrologic determination'' means the draft hydrologic determination entitled ''Water Availability from Navajo Reservoir and the Upper Colorado River Basin for Use in New Mexico,'' prepared by the Bureau of Reclamation pursuant to section 11 of the Act of June 13, 1962 (Public Law 87–483; 76 Stat. 99), and dated May 2006.

(11) NATION.—The term ''Nation'' means the Navajo Nation, a body politic and federally-recognized Indian nation as provided for in section 101(2) of the Federally Recognized Indian Tribe List of 1994 (25 U.S.C. 497a(2)), also known variously as the ''Navajo Tribe,'' the ''Navajo Tribe of Arizona, New Mexico & Utah,'' and the ''Navajo Tribe of Indians'' and other similar names, and includes all bands of Navajo Indians and chapters of the Navajo Nation.

(12) NAVAJO INDIAN IRRIGATION PROJECT.—The term ''Navajo Indian Irrigation Project'' means the Navajo Indian irrigation project authorized by section 2 of Public Law 87–483 (76 Stat. 96).

(13) NAVAJO RESERVOIR.—The term ''Navajo Reservoir'' means the reservoir created by the impoundment of the San Juan River at Navajo Dam, as authorized by the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620 et seq.).

(14) NAVAJO NATION MUNICIPAL PIPELINE.—The term ''Navajo Nation Municipal Pipeline'' means the pipeline used to convey the water of the Animas-La Plata Project of the Navajo Nation from the City of Farmington, New Mexico, to communities of the Navajo Nation located in close proximity to the San Juan River Valley in State of New Mexico (including the City of Shiprock), as authorized by section 15(b) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973; 114 Stat. 2763A–263).

(15) NON-NAVAJO IRRIGATION DISTRICT.—The term ''Non-Navajo Irrigation Districts'' means—

(A) the Hammond Conservancy District;

(B) the Bloomfield Irrigation District; and

(C) any other community ditch organization in the San Juan River basin in State of New Mexico.

(16) PROJECT.—The term ''Project'' means the Northwestern New Mexico Rural Water Supply Project (commonly known as the ''Navajo-Gallup Pipeline Project'') authorized under section 302(a), as substantially described as the preferred alternative in the Draft Impact Statement.

(17) PROJECT PARTICIPANTS.—The term ''Project Participants'' means the City, the Nation, and the Jicarilla Apache Nation.

(18) RESOLUTION.—The term ''Resolution'' means the Resolution of the Upper Colorado River Commission entitled ''Use and Accounting of Upper Basin Water Supplied to the Lower Basin in New Mexico by the Proposed Project'' and dated June 17, 2003.

(19) SAN JUAN RIVER RECOVERY IMPLEMENTATION PROGRAM.—The term ''San Juan River Recovery Implementation Program'' means the intergovernmental program established pursuant to the cooperative agreement dated October 21, 1992 (including any amendments to the program).

(20) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation or any other designee.

(21) STREAM ADJUDICATION.—The term ''stream adjudication'' means the general stream adjudication that is the subject of New Mexico v. United States, et al., No. 75–185 (11th Jud. Dist., San Juan County, New Mexico) (involving claims to waters of the San Juan River and the tributaries of that river).

(22) TRUST FUND.—The term ''Trust Fund'' means the Navajo Nation Water Resources Development Trust Fund established by section 402(a).

SEC. 3. COMPLIANCE WITH ENVIRONMENTAL LAWS.

(a) EFFECT OF EXECUTION OF AGREEMENT.—The execution of the Agreement under section 401(a)(2) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) COMPLIANCE WITH ENVIRONMENTAL LAWS.—In carrying out this Act, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

TITLE I—AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT AND PUBLIC LAW 87–483

SEC. 101. AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT.

(a) PARTICIPATING PROJECTS.—Paragraph (2) of the first section of the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620(2)) is amended by inserting ''the Northwestern New Mexico Rural Water Supply Project,'' after ''Fruitland Mesa,''.

(b) NAVAJO RESERVOIR WATER BANK.—The Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') is amended—

(1) by redesignating section 16 (43 U.S.C. 620o) as section 17; and

(2) by inserting after section 15 (43 U.S.C. 620n) the following:

''SEC. 16. (a) The Secretary of the Interior may create and operate within the available capacity of Navajo Reservoir a top water bank.

''(b) Water made available for the top water bank in accordance with subsections (c) and (d) shall not be subject to section 11 of Public Law 87–483 (76 Stat. 99).

''(c) The top water bank authorized under subsection (a) shall be operated in a manner that—

''(1) is consistent with applicable law; and

''(2) does not impair the ability of the Secretary of the Interior to deliver water under contracts entered into under—

''(A) Public Law 87–483 (76 Stat. 96); and

''(B) New Mexico State Engineer File Nos. 2847, 2848, 2849, and 2917.

''(d)(1) The Secretary of the Interior, in cooperation with the State of New Mexico (acting through the Interstate Stream Commission), shall develop any terms and procedures for the storage, accounting, and release of water in the top water bank that are necessary to comply with subsection (c).

''(2) The terms and procedures developed under paragraph (1) shall include provisions requiring that—

''(A) the storage of banked water shall be subject to approval under State law by the New Mexico State Engineer to ensure that impairment of any existing water right does not occur, including storage of water under New Mexico State Engineer File No. 2849;

''(B) water in the top water bank be subject to evaporation and other losses during storage;

''(C) water in the top water bank be released for delivery to the owner or assigns of the banked water on request of the owner, subject to reasonable scheduling requirements for making the release; and

''(D) water in the top water bank be the first water spilled or released for flood control purposes in anticipation of a spill, on the condition that top water bank water shall not be released or included for purposes of calculating whether a release should occur for purposes of satisfying releases required under the San Juan River Recovery Implementation Program.

''(e) The Secretary of the Interior may charge fees to water users that use the top water bank in amounts sufficient to cover the costs incurred by the United States in administering the water bank.''.

SEC. 102. AMENDMENTS TO PUBLIC LAW 87–483.

(a) NAVAJO INDIAN IRRIGATION PROJECT.—Public Law 87–483 (76 Stat. 96) is amended by striking section 2 and inserting the following:

''SEC. 2. (a) In accordance with the Act of April 11, 1956 (commonly known as the 'Colorado River Storage Project Act') (43 U.S.C. 620 et seq.), the Secretary of the Interior is authorized to construct, operate, and maintain the Navajo Indian Irrigation Project to provide irrigation water to a service area of not more than 110,630 acres of land.

''(b)(1) Subject to paragraph (2), the average diversion by the Navajo Indian Irrigation Project from the Navajo Reservoir over any consecutive 10-year period shall be the lesser of—

''(A) 508,000 acre-feet per year; or

''(B) the quantity of water necessary to supply an average depletion of 270,000 acre-feet per year.

''(2) The quantity of water diverted for any 1 year shall not be more than 15 percent of the average diversion determined under paragraph (1).

''(c) In addition to being used for irrigation, the water diverted by the Navajo Indian Irrigation Project under subsection (b) may be used within the area served by Navajo Indian Irrigation Project facilities for the following purposes:

''(1) Aquaculture purposes, including the rearing of fish in support of the San Juan River Basin Recovery Implementation Program authorized by Public Law 106–392 (114 Stat. 1602).

''(2) Domestic, industrial, or commercial purposes relating to agricultural production and processing.

''(3) The generation of hydroelectric power as an incident to the diversion of water by the Navajo Indian Irrigation Project for authorized purposes.

''(4) The implementation of the alternate water source provisions described in subparagraph 9.2 of the agreement executed under section 401(a)(2) of the Northwestern New Mexico Rural Water Projects Act.

''(d) The Navajo Indian Irrigation Project water diverted under subsection (b) may be transferred to areas located within or outside the area served by Navajo Indian Irrigation Project facilities, and within or outside the boundaries of the Navajo Nation, for any beneficial use in accordance with—

''(1) the agreement executed under section 401(a)(2) of the Northwestern New Mexico Rural Water Projects Act;

''(2) the contract executed under section 304(a)(2)(B) of the Northwestern New Mexico Rural Water Projects Act; and

''(3) any other applicable law.

''(e)(1) The Secretary may use the capacity of the Navajo Indian Irrigation Project works to convey water supplies for—

''(A) the Northwestern New Mexico Rural Water Supply Project under section 302 of the Northwestern New Mexico Rural Water Projects Act; or

''(B) other nonirrigation purposes authorized under subsection (c) or (d).

''(2) The Secretary shall not reallocate, or require repayment of, construction costs of the Navajo Indian Irrigation Project because of the conveyance of water supplies under paragraph (1).''.

(b) RUNOFF ABOVE NAVAJO DAM.—Section 11 of Public Law 87–483 (76 Stat. 100) is amended by adding at the end the following:

''(d)(1) For purposes of implementing in a year of prospective shortage the water allocation procedures established by subsection (a), the Secretary of the Interior shall determine the quantity of any shortages and the appropriate apportionment of water using the normal diversion requirements on the flow of the San Juan River originating above Navajo Dam based on the following criteria:

''(A) The quantity of diversion or water delivery for the current year anticipated to be necessary to irrigate land in accordance with cropping plans prepared by contractors.

''(B) The annual diversion or water delivery demands for the current year anticipated for non-irrigation uses under water delivery contracts, including the demand for delivery for uses in the State of Arizona under the Northwestern New Mexico Rural Water Supply Project authorized by section 302(a) of the Northwestern New Mexico Rural Water Projects Act, but excluding any current demand for surface water for placement into aquifer storage for future recovery and use.

''(C) An annual normal diversion demand of 135,000 acre-feet for the initial stage of the San Juan-Chama Project authorized by section 8.

''(2) The Secretary shall not include in the normal diversion requirements—

''(A) the quantity of water that reliably can be anticipated to be diverted or delivered under a contract from inflows to the San Juan River arising below Navajo Dam under New Mexico State Engineer File No. 3215; or

''(B) the quantity of water anticipated to be supplied through reuse.

''(3) If the State of New Mexico determines that water uses under Navajo Reservoir water supply contracts or diversions by the San Juan-Chama Project need to be reduced in any 1 year for the State to comply with the Upper Colorado River Basin Compact, as consented to by the Act of April 6, 1949 (63 Stat. 31, chapter 48), the Secretary shall reduce the normal diversion requirements for the year to reflect the water use or diversion limitations imposed by the State of New Mexico.

''(e)(1) If the Secretary determines that there is a shortage of water under subsection (a), the Secretary shall allocate the shortage to the demands on the Navajo Reservoir water supply in the following order of priority:

''(A) The demand for delivery for uses in the State of Arizona under the Northwestern New Mexico Rural Water Supply Project authorized by section 303 of the Northwestern New Mexico Rural Water Projects Act, excluding the quantity of water anticipated to be diverted for the uses from inflows to the San Juan River that arise below Navajo Dam in accordance with New Mexico State Engineer File No. 3215.

''(B) The demand for delivery for uses allocated under paragraph 8.2 of the agreement executed under section 401(a)(2) of the Northwestern New Mexico Rural Water Projects Act, excluding the quantity of water anticipated to be diverted for such uses under State Engineer File No. 3215.

''(C) The uses in the State of New Mexico that are determined under subsection (d), in accordance with the procedure for apportioning the water supply under subsection (a).

''(2) For any year for which the Secretary determines and allocates a shortage in the Navajo Reservoir water supply, the Secretary shall not deliver, and contractors of the water supply shall not divert, any of the water supply for placement into aquifer storage for future recovery and use.

''(3) To determine the occurrence and amount of any shortage to contracts entered into under this section, the Secretary shall not include as available storage any water stored in a top water bank in Navajo Reservoir established under section 16(a) of the Act of April 11, 1956 (commonly known as the 'Colorado River Storage Project Act').

''(f) The Secretary of the Interior shall apply the sharing and apportionment of water determined under subsections (a), (d), and (e) on an annual volume basis.

''(g) The Secretary of the Interior may revise a determination of shortages, apportionments, or allocations of water under subsections (a), (d), and (e) on the basis of information relating to water supply conditions that was not available at the time at which the determination was made.

''(h) Nothing in this section prohibits the Secretary from reallocating water for any year, including a year in which a shortage is determined under subsection (a), in accordance with cooperative water agreements between water users providing for a sharing of water supplies.

''(i) Any water available for diversion under New Mexico State Engineer File No. 3215 shall be distributed, to the maximum extent practicable, in proportionate amounts to the diversion demands of all contractors and subcontractors of the Navajo Reservoir water supply that are diverting water below Navajo Dam.''.

SEC. 103. EFFECT ON FEDERAL WATER LAW.

Unless expressly provided in this Act, nothing in this Act modifies, conflicts with, preempts, or otherwise affects—

(1) the Boulder Canyon Project Act (43 U.S.C. 617 et seq.);

(2) the Boulder Canyon Project Adjustment Act (54 Stat. 774, chapter 643);

(3) the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620 et seq.);

(4) the Act of September 30, 1968 (commonly known as the ''Colorado River Basin Project Act'') (82 Stat. 885);

(5) Public Law 87–483 (76 Stat. 96);

(6) the Treaty between the United States of America and Mexico representing utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington February 3, 1944 (59 Stat. 1219);

(7) the Colorado River Compact of 1922, as approved by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000);

(8) the Compact;

(9) the Act of April 6, 1949 (63 Stat. 31, chapter 48);

(10) the Jicarilla Apache Tribe Water Rights Settlement Act (106 Stat. 2237); or

(11) section 205 of the Energy and Water Development Appropriations Act, 2005 (118 Stat. 2949).

TITLE II—RECLAMATION WATER SETTLEMENTS FUND

SEC. 201. RECLAMATION WATER SETTLEMENTS FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ''Reclamation Water Settlements Fund'', consisting of—

(1) such amounts as are deposited to the Fund under subsection (b); and

(2) any interest earned on investment of amounts in the Fund under subsection (d).

(b) DEPOSITS TO FUND.—

(1) IN GENERAL.—For each of fiscal years 2018 through 2028, the Secretary of the Treasury shall deposit in the Fund, if available, $100,000,000 of the revenues that would otherwise be deposited for the fiscal year in the fund established by the first section of the Act of June 17, 1902 (32 Stat. 388, chapter 1093).

(2) AVAILABILITY OF AMOUNTS.—Amounts deposited in the Fund under paragraph (1) shall be made available pursuant to this section—

(A) without further appropriation; and

(B) in addition to amounts appropriated pursuant to any authorization contained in any other provision of law.

(c) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—For each of fiscal years 2018 through 2030, on request by the Secretary pursuant to paragraphs (2) and (3), the Secretary of the Treasury shall transfer from the Fund to the Secretary an amount not to exceed $100,000,000 for the fiscal year requested.

(2) REQUESTS.—The Secretary may request a transfer from the Fund to implement a settlement agreement approved by Congress that resolves, in whole or in part, litigation involving the United States or any other agreement approved by Congress that is entered into by the Secretary, if the settlement or other agreement requires the Bureau of Reclamation to plan, design, and construct—

(A) water supply infrastructure; or

(B) a project—

(i) to rehabilitate a water delivery system to conserve water; or

(ii) to restore fish and wildlife habitat or otherwise improve environmental conditions associated with or affected by a reclamation project that is in existence on the date of enactment of this Act.

(3) USE FOR COMPLETION OF PROJECT.—

(A) PRIORITIES.—

(i) FIRST PRIORITY.—The first priority for expenditure of amounts in the Fund shall be for the purposes described in subparagraph (B).

(ii) OTHER PURPOSES.—Any amounts in the Fund that are not needed for the purposes described in subparagraph (B) may be used for other purposes authorized in paragraph (2).

(B) COMPLETION OF PROJECT.—Effective beginning January 1, 2018, if, in the judgment of the Secretary, the deadline described in section 401(f)(1)(A)(ix) is unlikely to be met because a sufficient amount of funding is not otherwise available through appropriations made available pursuant to section 309(a), the Secretary shall request the Secretary of the Treasury to transfer from the Fund to the Secretary such amounts on an annual basis pursuant to paragraph (1), not to exceed a total of $500,000,000, as are necessary to pay the Federal share of the costs, and substantially complete as expeditiously as practicable, the construction of the water supply infrastructure authorized as part of the Project.

(C) PROHIBITED USE OF FUND.—The Secretary shall not use any amount transferred from the Fund under subparagraph (A) to carry out any other feature or activity described in title IV other than a feature or activity relating to the construction of the water supply infrastructure authorized as part of the Project.

(d) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(2) INTEREST-BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

(3) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(4) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(5) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

(e) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(f) TERMINATION.—On September 30, 2030—

(1) the Fund shall terminate; and

(2) the unexpended and unobligated balance of the Fund shall be transferred to the general fund of the Treasury.

TITLE III—NORTHWESTERN NEW MEXICO RURAL WATER SUPPLY PROJECT

SEC. 301. PURPOSES.

The purposes of this subtitle are—

(1) to authorize the Secretary to construct the Northwestern New Mexico Rural Water Supply Project;

(2) to allocate the water supply for the Project among the Nation, the city of Gallup, New Mexico, and the Jicarilla Apache Nation; and

(3) to authorize the Secretary to enter into Project repayment contracts with the city of Gallup and the Jicarilla Apache Nation.

SEC. 302. AUTHORIZATION OF NORTHWESTERN NEW MEXICO RURAL WATER SUPPLY PROJECT.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Reclamation, is authorized to design, construct, operate, and maintain the Project in substantial accordance with the preferred alternative in the Draft Impact Statement.

(b) PROJECT FACILITIES.—To provide for the delivery of San Juan River water to Project Participants, the Secretary may construct, operate, and maintain the Project facilities described in the preferred alternative in the Draft Impact Statement, including:

(1) A pumping plant on the San Juan River in the vicinity of Kirtland, New Mexico.

(2)(A) A main pipeline from the San Juan River near Kirtland, New Mexico, to Shiprock, New Mexico, and Gallup, New Mexico, which follows United States Highway 491.

(B) Any pumping plants associated with the pipeline authorized under subparagraph (A).

(3)(A) A main pipeline from Cutter Reservoir to Ojo Encino, New Mexico, which follows United States Highway 550.

(B) Any pumping plants associated with the pipeline authorized under subparagraph (A).

(4)(A) Lateral pipelines from the main pipelines to Nation communities in the States of New Mexico and Arizona.

(B) Any pumping plants associated with the pipelines authorized under subparagraph (A).

(5) Any water regulation, storage or treatment facility, service connection to an existing public water supply system, power substation, power distribution works, or other appurtenant works (including a building or access road) that is related to the Project facilities authorized by paragraphs (1) through (4), including power transmission facilities to connect Project facilities to existing high-voltage transmission facilities.

(c) ACQUISITION OF LAND.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may acquire any land or interest in land that is necessary to construct, operate, and maintain the Project facilities authorized under subsection (b).

(2) LIMITATION.—The Secretary may not condemn water rights for purposes of the Project.

(d) CONDITIONS.—

(1) IN GENERAL.—The Secretary shall not commence construction of the facilities authorized under subsection (b) until such time as—

(A) the Secretary executes the Agreement and the Contract;

(B) the contracts authorized under section 304 are executed;

(C) the Secretary—

(i) completes an environmental impact statement for the Project; and

(ii) has issued a record of decision that provides for a preferred alternative; and

(D) the State of New Mexico has made arrangements with the Secretary to contribute $25,000,000 toward the construction costs of the Project.

(2) COST SHARING.—State contributions required under paragraph (1)(D) shall be in addition to amounts that the State of New Mexico contributes for the planning and construction of regional facilities to distribute Project water to the City and surrounding Nation communities before the date on which the City executes a repayment contract under section 304(b).

(3) EFFECT.—The design and construction of the Project shall not be subject to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(e) POWER ISSUES.—

(1) RESERVATION.—The Secretary shall reserve, from existing reservations of Colorado River Storage Project power for Bureau of Reclamation projects, up to 26 megawatts of power for use by the Project.

(2) REALLOCATION OF COSTS.—Notwithstanding the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620 et seq.), the Secretary shall not reallocate or reassign any cost associated with the Project from an entity covered by this title to the power function.

(f) CONVEYANCE OF PROJECT FACILITIES.—

(1) IN GENERAL.—The Secretary is authorized to enter into separate agreements with the City and the Nation to convey each Project facility authorized under subsection (b) to the City and the Nation after—

(A) completion of construction of the Project; and

(B) execution of a Project operations agreement approved by the Secretary and the Project Participants that sets forth—

(i) any terms and conditions that the Secretary determines are necessary—

(I) to ensure the continuation of the intended benefits of the Project; and

(II) to fulfill the purposes of this subtitle;

(ii) requirements acceptable to the Secretary and the Project Participants for—

(I) the distribution of water under the Project; and

(II) the allocation and payment of annual operation, maintenance, and replacement costs of the Project based on the proportionate uses of Project facilities; and

(iii) conditions and requirements acceptable to the Secretary and the Project Participants for operating and maintaining each Project facility on completion of the conveyance, including the requirement that the City and the Nation shall—

(I) comply with—

(aa) the Compact; and

(bb) other applicable law; and

(II) be responsible for—

(aa) the operation, maintenance, and replacement of each Project facility; and

(bb) the accounting and management of water conveyance and Project finances, as necessary to administer and fulfill the conditions of the Contract executed under section 304(a)(2)(B).

(2) CONVEYANCE TO THE CITY OF GALLUP OR NAVAJO NATION.—In conveying a Project facility under this subsection, the Secretary shall convey to—

(A) the City the facilities and any land or interest in land acquired by the United States for the construction, operation, and maintenance of the Project that are located within the corporate boundaries of the City; and

(B) the Nation the facilities and any land or interests in land acquired by the United States for the construction, operation, and maintenance of the Project that are located outside the corporate boundaries of the City.

(3) EFFECT OF CONVEYANCE.—The conveyance of each Project facility shall not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) relating to the use of the water associated with the Project.

(4) NOTICE OF PROPOSED CONVEYANCE.—Not later than 45 days before the date of a proposed conveyance of any Project facility, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate notice of the conveyance of each Project facility.

(g) COLORADO RIVER STORAGE PROJECT POWER.—The conveyance of Project facilities under subsection (f) shall not affect the availability of Colorado River Storage Project power to the Project under subsection (e).

(h) REGIONAL USE OF PROJECT FACILITIES.—

(1) IN GENERAL.—Subject to paragraph (2), Project facilities constructed under subsection (b) may be used to treat and convey non-Project water or water that is not allocated by subsection 303(b) if—

(A) capacity is available without impairing any water delivery to a Project Participant; and

(B) the unallocated or non-Project water beneficiary—

(i) has the right to use the water;

(ii) agrees to pay the operation, maintenance, and replacement costs assignable to the beneficiary for the use of the Project facilities; and

(iii) agrees to pay a fee established by the Secretary to assist in the recovery of any capital cost relating to that use.

(2) EFFECT OF PAYMENTS.—Any payments to the United States or the Nation for the use of unused capacity under this subsection or for water under any subcontract with the Nation or the Jicarilla Apache Nation shall not alter the construction repayment requirements or the operation, maintenance, and replacement payment requirements of the Project Participants.

SEC. 303. DELIVERY AND USE OF NORTHWESTERN NEW MEXICO RURAL WATER SUPPLY PROJECT WATER.

(a) USE OF PROJECT WATER.—

(1) IN GENERAL.—In accordance with this Act and other applicable law, water supply from the Project shall be used for municipal, industrial, commercial, domestic, and stock watering purposes.

(2) USE ON CERTAIN LAND.—

(A) IN GENERAL.—Subject to subparagraph (B), the Nation may use Project water allocations on—

(i) land held by the United States in trust for the Nation and members of the Nation; and

(ii) land held in fee by the Nation.

(B) TRANSFER.—The Nation may transfer the purposes and places of use of the allocated water in accordance with the Agreement and applicable law.

(3) HYDROELECTRIC POWER.—Hydroelectric power may be generated as an incident to the delivery of Project water under paragraph (1).

(4) STORAGE.—

(A) IN GENERAL.—Subject to subparagraph (B), any water contracted for delivery under paragraph (1) that is not needed for current water demands or uses may be delivered by the Project for placement in underground storage in the State of New Mexico for future recovery and use.

(B) STATE APPROVAL.—Delivery of water under subparagraph (A) is subject to—

(i) approval by the State of New Mexico under applicable provisions of State law relating to aquifer storage and recovery; and

(ii) the provisions of the Agreement and this Act.

(b) PROJECT WATER AND CAPACITY ALLOCATIONS.—

(1) DIVERSION.—The Project shall divert from the Navajo Reservoir and the San Juan River a quantity of water that does not exceed the lesser of—

(A) 37,760 acre-feet of water; or

(B) the quantity of water necessary to supply a depletion from the San Juan River of 35,890 acre-feet.

(2) ALLOCATION.—

(A) IN GENERAL.—Water diverted under paragraph (1) shall be allocated to the Project Participants in accordance with subparagraphs (B) through (E), other provisions of this Act, and other applicable law.

(B) ALLOCATION TO THE CITY OF GALLUP.—The Project shall deliver at the point of diversion from the San Juan River not more than 7,500 acre-feet of water for use by the City.

(C) ALLOCATION TO NAVAJO NATION COMMUNITIES IN NEW MEXICO.—For use by the Nation in the State of New Mexico, the Project shall deliver at the points of diversion from the San Juan River or at Navajo Reservoir the lesser of—

(i) 22,650 acre-feet of water; or

(ii) the quantity of water necessary to supply a depletion from the San Juan River of 20,780 acre-feet of water.

(D) ALLOCATION TO NAVAJO NATION COMMUNITIES IN ARIZONA.—In accordance with subsection (d), the Project may deliver at the point of diversion from the San Juan River not more than 6,411 acre-feet of water for use by the Nation in the State of Arizona.

(E) ALLOCATION TO JICARILLA APACHE NATION.—The Project shall deliver at Navajo Reservoir not more than 1,200 acre-feet of water for use by the Jicarilla Apache Nation in the southern portion of the Jicarilla Apache Nation Reservation in the State of New Mexico.

(3) USE IN EXCESS OF ALLOCATION QUANTITY.—Notwithstanding each allocation quantity limit described in subparagraphs (B), (C), and (E) of paragraph (2), the Secretary may authorize a Project Participant to exceed the allocation quantity limit of that Project Participant if—

(A) capacity is available without impairing any water delivery to any other Project Participant; and

(B) the Project Participant benefitting from the increased allocation quantity—

(i) has the right to use the additional water;

(ii) agrees to pay the operation, maintenance, and replacement costs relating to the additional use any Project facility; and

(iii) agrees to pay a fee established by the Secretary to assist in recovering capital costs relating to that additional use.

(c) SOURCES OF WATER.—The sources of water for the Project allocated by subsection (b) shall be water originating in—

(1) drainage of the San Juan River above Navajo Dam, to be supplied under New Mexico State Engineer File No. 2849; and

(2) inflow to the San Juan River arising below Navajo Dam, to be supplied under New Mexico State Engineer File No. 3215.

(d) CONDITIONS FOR USE IN ARIZONA.—

(1) REQUIREMENTS.—Project water shall not be delivered for use by any community of the Nation in the State of Arizona under subsection (b)(2)(D) until the date on which—

(A) the Secretary determines by hydrologic investigation that sufficient water is reasonably likely to be available to supply uses from water of the Colorado River system allocated to the State of Arizona;

(B) the Secretary submits to Congress the determination described in subparagraph (A);

(C) the Secretary determines that the uses in the State of Arizona are within the apportionment of the water of the Colorado River made to the State of Arizona through compact, statute, or court decree;

(D) Congress has approved a Navajo Reservoir supply contract between the Nation and the United States to provide for the delivery of Project water for the uses in Arizona;

(E) the Navajo Nation and the State of Arizona have entered into an agreement providing for delivery of water of the Project for uses in Arizona; and

(F) any other determination is made as may be required by the Compact.

(2) ACCOUNTING OF USES IN ARIZONA.—Any depletion of water from the San Juan River stream system in the State of New Mexico that results from the diversion of water by the Project for uses within the State of Arizona (including depletion incidental to the diversion, impounding, or conveyance of water in the State of New Mexico for uses in the State of Arizona)—

(A) shall be accounted for as a part of the Colorado River System apportionments to the State of Arizona; and

(B) shall not increase the total quantity of water to which the State of Arizona is entitled to use under any compact, statute, or court decree.

(e) FORBEARANCE.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), during any year in which a shortage to the normal diversion requirement for any use relating to the Project within the State of Arizona occurs (as determined under section 11 of Public Law 87–483 (76 Stat. 99)), the Nation may temporarily forbear the delivery of the water supply of the Navajo Reservoir for uses in the State of New Mexico under the apportionments of water to the Navajo Indian Irrigation Project and the normal diversion requirements of the Project to allow an equivalent quantity of water to be delivered from the Navajo Reservoir water supply for municipal and domestic uses of the Nation in the State of Arizona under the Project.

(2) LIMITATION OF FORBEARANCE.—The Nation may forebear the delivery of water under paragraph (1) of a quantity not exceeding the quantity of the shortage to the normal diversion requirement for any use relating to the Project within the State of Arizona.

(3) EFFECT.—The forbearance of the delivery of water under paragraph (1) shall be subject to the requirements relating to accounting and water quantity described in subsection (d)(2).

(f) EFFECT.—Nothing in this Act—

(1) authorizes the marketing, leasing, or transfer of the water supplies made available to the Nation under the Contract to non-Navajo water users in States other than the State of New Mexico; or

(2) authorizes the forbearance of water uses in the State of New Mexico to allow uses of water in other States other than as authorized under subsection (e).

(g) CONSISTENCY WITH UPPER COLORADO RIVER BASIN COMPACT.—In accordance with the Resolution and notwithstanding any other provision of law—

(1) water may be diverted by the Project from the San Juan River in the State of New Mexico for use in the Lower Colorado River Basin in the State of New Mexico; and

(2) water diverted under paragraph (1) shall be a part of the consumptive use apportionment made to the State of New Mexico by Article III(a) of the Compact.

SEC. 304. PROJECT CONTRACTS.

(a) NAVAJO NATION CONTRACT.—

(1) HYDROLOGIC DETERMINATION.—Congress recognizes that the Hydrologic Determination satisfactory to support approval of the Contract has been completed.

(2) CONTRACT APPROVAL.—

(A) APPROVAL.—

(i) IN GENERAL.—Except to the extent that any provision of the Contract conflicts with this Act, Congress approves, ratifies, and incorporates by reference the Contract.

(ii) AMENDMENTS.—To the extent any amendment is executed to make the Contract consistent with this Act, that amendment is authorized, ratified, and confirmed.

(B) EXECUTION OF CONTRACT.—The Secretary, acting on behalf of the United States, shall enter into the Contract to the extent that the Contract does not conflict with this Act (including any amendment that is required to make the Contract consistent with this Act).

(3) NO REPAYMENT OBLIGATION.—The Nation is not obligated to repay—

(A) any share of the construction costs of the Nation relating to the Project authorized by section 302(a); or

(B) any costs relating to the construction of the Navajo Indian Irrigation Project that may otherwise be allocable to the Nation for use of any facility of the Navajo Indian Irrigation Project to convey water to each Navajo community under the Project.

(4) OPERATION, MAINTENANCE, AND REPLACEMENT OBLIGATION.—Subject to subsection (f), the Nation shall pay any costs relating to the operation, maintenance, and replacement of each facility of the Project that are allocable to the Nation.

(5) LIMITATION, CANCELLATION, TERMINATION, AND RESCISSION.—The Contract may be limited by a term of years, canceled, terminated, or rescinded only by an Act of Congress.

(b) CITY OF GALLUP CONTRACT.—

(1) CONTRACT AUTHORIZATION.—To the extent consistent with this Act, the Secretary is authorized to enter into a repayment contract with the City that requires the City—

(A) to repay, within a 50-year period, the share of any construction cost of the City relating to the Project; and

(B) to pay the operation, maintenance, and replacement costs of the Project that are allocable to the City.

(2) SHARE OF CONSTRUCTION COSTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the share of the construction costs of the City relating to the Project, based on the ability of the City to pay the construction costs of each facility of the Project that is allocable to the City.

(B) MINIMUM PERCENTAGE.—The share of the construction costs of the City shall be at least 25 percent of the construction costs of the Project that are allocable to the City.

(3) EXCESS CONSTRUCTION COSTS.—Any construction costs of the Project allocable to

providing capacity to deliver water to the City that are in excess of the share of the City of the construction costs of the Project, as determined under paragraph (2), shall be nonreimbursable.

(4) GRANT FUNDS.—A grant from any other Federal source shall not be credited toward the amount required to be repaid by the City under a repayment contract.

(5) TITLE TRANSFER.—If title is transferred to the City prior to repayment under section 302(f), the City shall be required to provide assurances satisfactory to the Secretary of fulfillment of the remaining repayment obligation of the City.

(6) OPERATION, MAINTENANCE AND REPLACEMENT OBLIGATION.—The City shall pay the operation, maintenance, and replacement costs for each facility of the Project that is allocable to the City.

(7) WATER DELIVERY SUBCONTRACT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall not enter into a contract under paragraph (1) with the City until the City has secured a water supply for the portion of the Project for which the City is responsible by entering into, as approved by the Secretary, a water delivery subcontract for a period of not less than 40 years beginning on the date on which the construction of any facility of the Project serving the City is completed, but for a period not exceeding 99 years, with—

(i) the Nation, as authorized by the Contract; or

(ii) the Jicarilla Apache Nation, as authorized by the settlement contract between the United States and the Jicarilla Apache Tribe, authorized by the Jicarilla Apache Tribe Water Rights Settlement Act (Public Law 102–441; 106 Stat. 2237).

(B) EFFECT.—Nothing in this paragraph—

(i) prevents the City from obtaining an alternate source of water for the portion of the Project for which the City is responsible, subject to approval of the Secretary and the State of New Mexico, acting through the New Mexico Interstate Stream Commission and the New Mexico State Engineer; or

(ii) obligates the Nation or the Jicarilla Apache Nation to enter into a water delivery subcontract with the City.

(c) JICARILLA APACHE NATION CONTRACT.—

(1) CONTRACT AUTHORIZATION.—To the extent consistent with this Act, the Secretary is authorized to enter into a repayment contract with the Jicarilla Apache Nation that requires the Jicarilla Apache Nation—

(A) to repay, within a 50-year period, the share of any construction cost of the Jicarilla Apache Nation relating to the Project; and

(B) to pay the operation, maintenance, and replacement costs of the Project that are allocable to the Jicarilla Apache Nation.

(2) SHARE OF CONSTRUCTION COSTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the share of the Jicarilla Apache Nation of the construction costs of the Project, based on the ability of the Jicarilla Apache Nation to pay the construction costs of the Project facilities that are allocable to the Jicarilla Apache Nation.

(B) MINIMUM PERCENTAGE.—The share of the Jicarilla Apache Nation under subparagraph (A) shall be at least 25 percent of the construction costs of the Project that are allocable to the Jicarilla Apache Nation.

(3) EXCESS CONSTRUCTION COSTS.—Any construction costs of the Project allocable to providing capacity to deliver water to the Jicarilla Apache Nation that are in excess of the share of the Jicarilla Apache Nation of the construction costs of the Project, as determined under paragraph (2), shall be nonreimbursable.

(4) GRANT FUNDS.—A grant from any other Federal source shall not be credited toward the share of the Jicarilla Apache Nation of construction costs.

(5) NAVAJO INDIAN IRRIGATION PROJECT COSTS.—The Jicarilla Apache Nation shall have no obligation to repay any Navajo Indian Irrigation Project construction costs that might otherwise be allocable to the Jicarilla Apache Nation for use of the Navajo Indian Irrigation Project facilities to convey water to the Jicarilla Apache Nation.

(6) OPERATION, MAINTENANCE AND REPLACEMENT OBLIGATION.—The Jicarilla Apache Nation shall pay the operation, maintenance, and replacement costs relating to each facility of the Project that are allocable to the Jicarilla Apache Nation.

(d) CAPITAL COST ALLOCATIONS.—For purposes of determining the capital repayment requirements of the Project Participants under this section, the Secretary shall review and, as appropriate, update the report prepared by the Bureau of Reclamation in the Draft Impact Statement allocating capital construction costs for the Project.

(e) OPERATION, MAINTENANCE, AND REPLACEMENT COST ALLOCATIONS.—For purposes of determining the operation, maintenance, and replacement obligations of the Project Participants under this section, the Secretary shall review and, as appropriate, update the report prepared by the Bureau of Reclamation in the Draft Impact Statement that allocates operation, maintenance, and replacement costs for the Project.

(f) TEMPORARY WAIVERS OF PAYMENTS.—

(1) IN GENERAL.—On the date on which the Project is substantially complete and the Nation receives a delivery of water generated by the Project, the Secretary may waive, for a period of not more than 10 years, the operation, maintenance, and replacement costs of the Project allocable to the Nation that the Secretary determines are in excess of the ability of the Nation to pay.

(2) PAYMENT BY UNITED STATES.—Any operation, maintenance, or replacement costs waived by the Secretary under paragraph (1) shall be paid by the United States.

(3) EFFECT ON CONTRACTS.—Failure of the Secretary to waive costs under paragraph (1) because of a lack of availability of Federal funding to pay the costs under paragraph (2) shall not alter the obligations of the Nation or the United States under a repayment contract.

(4) TERMINATION OF AUTHORITY.—The authority of the Secretary to waive costs under paragraph (1) with respect to a Project facility transferred to the Nation under section 302(f) shall terminate on the date on which the Project facility is transferred.

SEC. 305. USE OF NAVAJO NATION MUNICIPAL PIPELINE.

In addition to use of the Navajo Nation Municipal Pipeline to convey the Animas-La Plata Project water of the Nation, the Nation may use the Navajo Nation Municipal Pipeline to convey water for other purposes (including purposes relating to the Project).

SEC. 306. AUTHORIZATION OF CONJUNCTIVE USE WELLS.

(a) CONJUNCTIVE GROUNDWATER DEVELOPMENT PLAN.—Not later than 1 year after the date of enactment of this Act, the Nation, in consultation with the Secretary, shall complete a conjunctive groundwater development plan for the wells described in subsections (b) and (c).

(b) WELLS IN THE SAN JUAN RIVER BASIN.—In accordance with the conjunctive groundwater development plan, the Secretary may construct or rehabilitate wells and related pipeline facilities to provide capacity for the diversion and distribution of not more than 1,670 acre-feet of groundwater in the San Juan River Basin in the State of New Mexico for municipal and domestic uses.

(c) WELLS IN THE LITTLE COLORADO AND RIO GRANDE BASINS.—

(1) IN GENERAL.—In accordance with the Project and conjunctive groundwater development plan for the Nation, the Secretary may construct or rehabilitate wells and related pipeline facilities to provide capacity for the diversion and distribution of—

(A) not more than 680 acre-feet of groundwater in the Little Colorado River Basin in the State of New Mexico;

(B) not more than 80 acre-feet of groundwater in the Rio Grande Basin in the State of New Mexico; and

(C) not more than 770 acre-feet of groundwater in the Little Colorado River Basin in the State of Arizona.

(2) USE.—Groundwater diverted and distributed under paragraph (1) shall be used for municipal and domestic uses.

(d) ACQUISITION OF LAND.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may acquire any land or interest in land that is necessary for the construction, operation, and maintenance of the wells and related pipeline facilities authorized under subsections (b) and (c).

(2) LIMITATION.—Nothing in this subsection authorizes the Secretary to condemn water rights for the purposes described in paragraph (1).

(e) CONDITION.—The Secretary shall not commence any construction activity relating to the wells described in subsections (b) and (c) until the Secretary executes the Agreement.

(f) CONVEYANCE OF WELLS.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Nation to convey to the Nation—

(A) any well or related pipeline facility constructed or rehabilitated under subsections (a) and (b) after the wells and related facilities have been completed; and

(B) any land or interest in land acquired by the United States for the construction, operation, and maintenance of the well or related pipeline facility.

(2) OPERATION, MAINTENANCE, AND REPLACEMENT.—On completion of a conveyance under paragraph (1), the Nation shall assume responsibility for the operation, maintenance, and replacement of the well or related pipeline facility conveyed.

(3) EFFECT OF CONVEYANCE.—The conveyance to the Nation of the conjunctive use wells under paragraph (1) shall not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(g) USE OF PROJECT FACILITIES.—The capacities of the treatment facilities, main pipelines, and lateral pipelines of the Project authorized by section 302(b) may be used to treat and convey groundwater to Nation communities if the Nation provides for payment of the operation, maintenance, and replacement costs associated with the use of the facilities or pipelines.

(h) LIMITATIONS.—The diversion and use of groundwater by wells constructed or rehabilitated under this section shall be made in a manner consistent with applicable Federal and State law.

SEC. 307. SAN JUAN RIVER NAVAJO IRRIGATION PROJECTS.

(a) REHABILITATION.—Subject to subsection (b), the Secretary shall rehabilitate—

(1) the Fruitland-Cambridge Irrigation Project to serve not more than 3,335 acres of land, which shall be considered to be the total serviceable area of the Project; and

(2) the Hogback-Cudei Irrigation Project to serve not more than 8,830 acres of land, which shall be considered to be the total serviceable area of the Project.

(b) CONDITION.—The Secretary shall not commence any construction activity relating to the rehabilitation of the Fruitland-Cambridge Irrigation Project or the Hogback-Cudei Irrigation Project under subsection (a) until the Secretary executes the Agreement.

(c) OPERATION, MAINTENANCE, AND REPLACEMENT OBLIGATION.—Upon the date of completion of the rehabilitation, the Nation shall assume the obligations for the operation, maintenance, and replacement of each facility rehabilitated under this section.

SEC. 308. OTHER IRRIGATION PROJECTS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the State of New Mexico (acting through the Interstate Stream Commission) and the Non-Navajo Irrigation Districts that elect to participate, shall—

(1) conduct a study of Non-Navajo Irrigation District diversion and ditch facilities; and

(2) based on the study, identify and prioritize a list of projects, with associated cost estimates, that are recommended to be implemented to repair, rehabilitate, or reconstruct irrigation diversion and ditch facilities to improve water use efficiency.

(b) GRANTS.—The Secretary may provide grants to, and enter into cooperative agreements with, the Non-Navajo Irrigation Districts to plan, design, or otherwise implement the projects identified under subsection (a)(2).

(c) COST-SHARING.—

(1) FEDERAL SHARE.—The Federal share of the total cost of carrying out a project under subsection (b) shall be not more than 50 percent.

(2) FORM.—The non-Federal share required under paragraph (1) may be in the form of in-kind contributions, including the contribution of any valuable asset or service that the Secretary determines would substantially contribute to a project carried out under subsection (b).

(3) STATE CONTRIBUTION.—The Secretary may accept from the State of New Mexico a partial or total contribution toward the non-Federal share for a project carried out under subsection (b).

SEC. 309. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR NORTHWESTERN NEW MEXICO RURAL WATER SUPPLY PROJECT.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to construct the Project such sums as are necessary for the period of fiscal years 2008 through 2022.

(2) ADJUSTMENTS.—The amount under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since 2005 in construction costs, as indicated by engineering cost indices applicable to the types of construction involved.

(3) USE.—In addition to the uses authorized under paragraph (1), amounts made available under that paragraph may be used for the conduct of related activities to comply with Federal environmental laws.

(b) APPROPRIATIONS FOR CONJUNCTIVE USE WELLS.—

(1) SAN JUAN WELLS.—There is authorized to be appropriated to the Secretary for the construction or rehabilitation of conjunctive use wells under section 306(b) $30,000,000, as adjusted under paragraph (3), for the period of fiscal years 2008 through 2018.

(2) WELLS IN THE LITTLE COLORADO AND RIO GRANDE BASINS.—There is authorized to be appropriated to the Secretary for the construction or rehabilitation of conjunctive use wells under section 306(c) such sums as are necessary for the period of fiscal years 2008 through 2024.

(3) ADJUSTMENTS.—The amount under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since 2004 in construction costs, as indicated by engineering cost indices applicable to the types of construction or rehabilitation involved.

(4) NONREIMBURSABLE EXPENDITURES.—Amounts made available under paragraphs (1) and (2) shall be nonreimbursable to the United States.

(5) USE.—In addition to the uses authorized under paragraphs (1) and (2), amounts made available under that paragraph may be used for the conduct of related activities to comply with Federal environmental laws.

(c) SAN JUAN RIVER IRRIGATION PROJECTS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary—

(A) to carry out section 307(a)(1), not more than $7,700,000, as adjusted under paragraph (2), for the period of fiscal years 2008 through 2014; and

(B) to carry out section 307(a)(2), not more than $15,400,000, as adjusted under paragraph (2), for the period of fiscal years 2008 through 2017.

(2) ADJUSTMENT.—The amounts made available under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since January 1, 2004, in construction costs, as indicated by engineering cost indices applicable to the types of construction involved in the rehabilitation.

(3) NONREIMBURSABLE EXPENDITURES.—Amounts made available under this subsection shall be nonreimbursable to the United States.

(d) OTHER IRRIGATION PROJECTS.—There are authorized to be appropriated to the Secretary to carry out section 308 $11,000,000 for the period of fiscal years 2008 through 2017.

(e) CULTURAL RESOURCES.—

(1) IN GENERAL.—The Secretary may use not more than 4 percent of amounts made available under subsections (a) and (b) for the survey, recovery, protection, preservation, and display of archaeological resources in the area of a Project facility or conjunctive use well.

(2) NONREIMBURSABLE EXPENDITURES.—Any amounts made available under paragraph (1) shall be nonreimbursable and nonreturnable to the United States.

(f) FISH AND WILDLIFE FACILITIES.—

(1) IN GENERAL.—In association with the development of the Project, the Secretary may use not more than 4 percent of amounts made available under subsections (a) and (b) to purchase land and construct and maintain facilities to mitigate the loss of, and improve conditions for the propagation of, fish and wildlife if any such purchase, construction, or maintenance will not affect the operation of any water project or use of water.

(2) NONREIMBURSABLE EXPENDITURES.—Any amounts expended under paragraph (1) shall be nonreimbursable and nonreturnable to the United States.

TITLE IV—NAVAJO NATION WATER RIGHTS

SEC. 401. AGREEMENT.

(a) AGREEMENT APPROVAL.—

(1) APPROVAL BY CONGRESS.—Except to the extent that any provision of the Agreement conflicts with this Act, Congress approves, ratifies, and incorporates by reference the Agreement (including any amendments to the Agreement that are executed to make the Agreement consistent with this Act).

(2) EXECUTION BY SECRETARY.—The Secretary, acting on behalf of the United States, shall enter into the Agreement to the extent that the Agreement does not conflict with this Act, including—

(A) any exhibits to the Agreement requiring the signature of the Secretary; and

(B) any amendments to the Agreement necessary to make the Agreement consistent with this Act.

(3) AUTHORITY OF SECRETARY.—The Secretary may carry out any action that the Secretary determines is necessary or appropriate to implement the Agreement, the Contract, and this section.

(4) ADMINISTRATION OF NAVAJO RESERVOIR RELEASES.—The State of New Mexico may administer releases of stored water from Navajo Reservoir in accordance with subparagraph 9.1 of the Agreement.

(b) WATER AVAILABLE UNDER CONTRACT.—

(1) QUANTITIES OF WATER AVAILABLE.—

(A) IN GENERAL.—Water shall be made available annually under the Contract for projects in the State of New Mexico supplied from the Navajo Reservoir and the San Juan River (including tributaries of the River) under New Mexico State Engineer File Numbers 2849, 2883, and 3215 in the quantities described in subparagraph (B).

(B) WATER QUANTITIES.—The quantities of water referred to in subparagraph (A) are as follows:

	Diversion (acre-feet/year)	Depletion (acre-feet/year)
Navajo Indian Irrigation Project	508,000	270,000
Northwestern New Mexico Rural Water Supply Project	22,650	20,780
Animas-La Plata Project	4,680	2,340
Total	535,330	293,120

(C) MAXIMUM QUANTITY.—A diversion of water to the Nation under the Contract for a project described in subparagraph (B) shall not exceed the quantity of water necessary to supply the amount of depletion for the project.

(D) TERMS, CONDITIONS, AND LIMITATIONS.—The diversion and use of water under the Contract shall be subject to and consistent with the terms, conditions, and limitations of the Agreement, this Act, and any other applicable law.

(2) AMENDMENTS TO CONTRACT.—The Secretary, with the consent of the Nation, may amend the Contract if the Secretary determines that the amendment is—

(A) consistent with the Agreement; and

(B) in the interest of conserving water or facilitating beneficial use by the Nation or a subcontractor of the Nation.

(3) RIGHTS OF THE NATION.—The Nation may, under the Contract—

(A) use tail water, wastewater, and return flows attributable to a use of the water by the Nation or a subcontractor of the Nation if—

(i) the depletion of water does not exceed the quantities described in paragraph (1); and

(ii) the use of tail water, wastewater, or return flows is consistent with the terms, conditions, and limitations of the Agreement, the Resolution, and any other applicable law; and

(B) change a point of diversion, change a purpose or place of use, and transfer a right for depletion under this Act (except for a point of diversion, purpose or place of use, or right for depletion for use in the State of Arizona under section 303(b)(2)(D)), to another use, purpose, place, or depletion in the State of New Mexico to meet a water resource or economic need of the Nation if—

(i) the change or transfer is subject to and consistent with the terms of the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, the Contract, and any other applicable law; and

(ii) a change or transfer of water use by the Nation does not alter any obligation of the United States, the Nation, or another party to pay or repay project construction, operation, maintenance, or replacement costs under this Act and the Contract.

(c) SUBCONTRACTS.—

(1) IN GENERAL.—

(A) SUBCONTRACTS BETWEEN NATION AND THIRD PARTIES.—The Nation may enter into subcontracts for the delivery of Project water under the Contract to third parties for any beneficial use in the State of New Mexico (on or off land held by the United States in trust for the Nation or a member of the Nation or land held in fee by the Nation).

(B) APPROVAL REQUIRED.—A subcontract entered into under subparagraph (A) shall not be effective until approved by the Secretary in accordance with this subsection and the Contract.

(C) SUBMITTAL.—The Nation shall submit to the Secretary for approval or disapproval any subcontract entered into under this subsection.

(D) DEADLINE.—The Secretary shall approve or disapprove a subcontract submitted to the Secretary under subparagraph (C) not later than the later of—

(i) the date that is 180 days after the date on which the subcontract is submitted to the Secretary; and

(ii) the date that is 60 days after the date on which a subcontractor complies with—

(I) section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); and

(II) any other requirement of Federal law.

(E) ENFORCEMENT.—A party to a subcontract may enforce the deadline described in subparagraph (D) under section 1361 of title 28, United States Code.

(F) COMPLIANCE WITH OTHER LAW.—A subcontract described in subparagraph (A) shall comply with the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, and any other applicable law.

(2) ALIENATION.—

(A) PERMANENT ALIENATION.—The Nation shall not permanently alienate any right granted to the Nation under the Contract.

(B) MAXIMUM TERM.—The term of any water use subcontract (including a renewal) under this subsection shall be not more than 99 years.

(3) NONINTERCOURSE ACT COMPLIANCE.—This subsection—

(A) provides congressional authorization for the subcontracting rights of the Nation; and

(B) is deemed to fulfill any requirement that may be imposed by section 2116 of the Revised Statutes (25 U.S.C. 177).

(4) FORFEITURE.—The nonuse of the water supply secured by a subcontractor of the Nation under this subsection shall not result in forfeiture, abandonment, relinquishment, or other loss of any part of a right decreed to the Nation under the Contract or this section.

(5) NO PER CAPITA PAYMENTS.—No part of the revenue from a water use subcontract under this subsection shall be distributed to any member of the Nation on a per capita basis.

(d) WATER LEASES NOT REQUIRING SUBCONTRACTS.—

(1) AUTHORITY OF NATION.—

(A) IN GENERAL.—The Nation may lease, contract, or otherwise transfer to another party or to another purpose or place of use in the State of New Mexico (on or off land that is held by the United States in trust for the Nation or a member of the Nation or held in fee by the Nation) a water right that—

(i) is decreed to the Nation under the Agreement; and

(ii) is not subject to the Contract.

(B) COMPLIANCE WITH OTHER LAW.—In carrying out an action under this subsection, the Nation shall comply with the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, the Supplemental Partial Final Decree described in paragraph 4.0 of the Agreement, and any other applicable law.

(2) ALIENATION; MAXIMUM TERM.—

(A) ALIENATION.—The Nation shall not permanently alienate any right granted to the Nation under the Agreement.

(B) MAXIMUM TERM.—The term of any water use lease, contract, or other arrangement (including a renewal) under this subsection shall be not more than 99 years.

(3) NONINTERCOURSE ACT COMPLIANCE.—This subsection—

(A) provides congressional authorization for the lease, contracting, and transfer of any water right described in paragraph (1)(A); and

(B) is deemed to fulfill any requirement that may be imposed by the provisions of section 2116 of the Revised Statutes (25 U.S.C. 177).

(4) FORFEITURE.—The nonuse of a water right of the Nation by a lessee or contractor to the Nation under this subsection shall not result in forfeiture, abandonment, relinquishment, or other loss of any part of a right decreed to the Nation under the Contract or this section.

(e) HYDROGRAPHIC SURVEY.—

(1) PREPARATION.—The Secretary, on behalf of the United States, shall prepare a hydrographic survey under the joint supervision of the Secretary and the State of New Mexico (acting through the New Mexico State Engineer) to identify and quantify any historic or existing diversion or use of water (including from surface water and underground water sources) by the Nation or a member of the Nation from the San Juan River Basin in the State of New Mexico, as described in subparagraph 4.2 of the Agreement.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—Subject to subparagraph (B), there is authorized to be appropriated to the Bureau of Indian Affairs to carry out paragraph (1) $5,000,000 for the period of fiscal years 2008 through 2013.

(B) ADJUSTMENT.—The amounts made available under subparagraph (A) shall be adjusted by such amounts as are necessary to account for increases in the costs of preparing a hydrographic survey after January 1, 2004, as determined using cost indices applicable to the types of technical and engineering work involved in preparing the hydrographic survey.

(C) NONREIMBURSABLE EXPENDITURES.—Any amounts made available under this paragraph shall be nonreimbursable to the United States.

(f) NULLIFICATION.—

(1) DEADLINES.—

(A) IN GENERAL.—In carrying out this section, the following deadlines apply with respect to implementation of the Agreement:

(i) AGREEMENT.—Not later than December 31, 2008, the Secretary shall execute the Agreement.

(ii) CONTRACT.—Not later than December 31, 2009, the Secretary and the Nation shall execute the Contract.

(iii) PARTIAL FINAL DECREE.—Not later than December 31, 2012, the court in the stream adjudication shall have entered the Partial Final Decree described in paragraph 3.0 of the Agreement.

(iv) HYDROGRAPHIC SURVEY.—Not later than December 31, 2013, the Secretary shall complete the hydrographic survey described in subsection (e).

(v) FRUITLAND-CAMBRIDGE IRRIGATION PROJECT.—Not later than December 31, 2014, the rehabilitation construction of the Fruitland-Cambridge Irrigation Project authorized under section 307(a)(1) shall be completed.

(vi) SUPPLEMENTAL PARTIAL FINAL DECREE.—Not later than December 31, 2015, the court in the stream adjudication shall enter the Supplemental Partial Final Decree described in subparagraph 4.0 of the Agreement.

(vii) HOGBACK-CUDEI IRRIGATION PROJECT.—Not later than December 31, 2017, the rehabilitation construction of the Hogback-Cudei Irrigation Project authorized under section 307(a)(2) shall be completed.

(viii) TRUST FUND.—Not later than December 31, 2018, the United States shall make all deposits into the Trust Fund under section 402.

(ix) CONJUNCTIVE WELLS.—Not later than December 31, 2018, the funds authorized to be appropriated under section 309(b)(1) for the conjunctive use wells authorized under section 306(b) should be appropriated.

(x) NORTHWESTERN NEW MEXICO RURAL WATER SUPPLY PROJECT.—Not later than December 31, 2022, the construction of all Project facilities shall be completed.

(B) EXTENSION.—A deadline described in subparagraph (A) may be extended if the Nation, the United States (acting through the Secretary), and the State of New Mexico (acting through the New Mexico Interstate Stream Commission) agree that an extension is reasonably necessary.

(2) REVOCABILITY OF AGREEMENT, CONTRACT AND AUTHORIZATIONS.—

(A) PETITION.—If the Nation determines that a deadline described in paragraph (1)(A) is not substantially met, the Nation may submit to the court in the stream adjudication a petition to enter an order terminating the Agreement and Contract.

(B) TERMINATION.—On issuance of an order to terminate the Agreement and Contract under subparagraph (A)—

(i) the Trust Fund shall be terminated;

(ii) the balance of the Trust Fund shall be deposited in the general fund of the Treasury;

(iii) the authorizations for construction and rehabilitation of water projects under this Act shall be revoked and any Federal activity related to that construction and rehabilitation shall be suspended; and

(iv) this title and titles I and III shall be null and void.

(3) CONDITIONS NOT CAUSING NULLIFICATION OF SETTLEMENT.—

(A) IN GENERAL.—If a condition described in subparagraph (B) occurs, the Agreement and Contract shall not be nullified or terminated.

(B) CONDITIONS.—The conditions referred to in subparagraph (A) are as follows:

(i) A lack of right to divert at the capacities of conjunctive use wells constructed or rehabilitated under section 306.

(ii) A failure—

(I) to determine or resolve an accounting of the use of water under this Act in the State of Arizona;

(II) to obtain a necessary water right for the consumptive use of water in Arizona;

(III) to contract for the delivery of water for use in Arizona; or

(IV) to construct and operate a lateral facility to deliver water to a community of the Nation in Arizona, under the Project.

(4) RIGHTS OF THE NATION.—A tribal right under the Contract, a water right adjudicated consistent with the Contract in the stream adjudication by the Partial Final Decree described in paragraph 3.0 of the Agreement, and any other tribal water right stipulated, adjudicated, or decreed as described in the Agreement and this Act shall be held in

trust by the United States in perpetuity for the benefit of the Nation.

(g) EFFECT ON RIGHTS OF INDIAN TRIBES.—

(1) IN GENERAL.—Except as provided in paragraph (2), nothing in the Agreement, the Contract, or this section quantifies or adversely affects the land and water rights, or claims or entitlements to water, of any Indian tribe or community other than the rights, claims, or entitlements of the Nation in, to, and from the San Juan River Basin in the State of New Mexico.

(2) EXCEPTION.—The right of the Nation to use water under water rights the Nation has in other river basins in the State of New Mexico shall be forborne to the extent that the Nation supplies the uses for which the water rights exist by diversions of water from the San Juan River Basin under the Project consistent with subparagraph 9.13 of the Agreement.

SEC. 402. TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury a fund to be known as the ''Navajo Nation Water Resources Development Trust Fund'', consisting of—

(1) such amounts as are appropriated to the Trust Fund under subsection (f); and

(2) any interest earned on investment of amounts in the Trust Fund under subsection (d).

(b) USE OF FUNDS.—The Nation may use amounts in the Trust Fund—

(1) to investigate, construct, operate, maintain, or replace water project facilities, including facilities conveyed to the Nation under this Act; and

(2) to investigate, implement, or improve a water conservation measure (including a metering or monitoring activity) necessary for the Nation to make use of a water right of the Nation under the Agreement.

(c) MANAGEMENT.—The Secretary shall manage the Trust Fund, invest amounts in the Trust Fund, and make amounts available from the Trust Fund for distribution to the Nation in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) INVESTMENT OF THE TRUST FUND.—The Secretary shall invest amounts in the Trust Fund in accordance with—

(1) the Act of April 1, 1880 (25 U.S.C. 161);

(2) the first section of the Act of June 24, 1938 (25 U.S.C. 162a); and

(3) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(e) CONDITIONS FOR EXPENDITURES AND WITHDRAWALS.—

(1) TRIBAL MANAGEMENT PLAN.—

(A) IN GENERAL.—Subject to paragraph (7), on approval by the Secretary of a tribal management plan in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the Nation may withdraw all or a portion of the amounts in the Trust Fund.

(B) REQUIREMENTS.—In addition to any requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that the Nation only use amounts in the Trust Fund for the purposes described in subsection (b), including the identification of water conservation measures to be implemented in association with the agricultural water use of the Nation.

(2) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Trust Fund are used in accordance with this Act.

(3) NO LIABILITY.—Neither the Secretary nor the Secretary of the Treasury shall be liable for the expenditure or investment of any amounts withdrawn from the Trust Fund by the Nation.

(4) EXPENDITURE PLAN.—

(A) IN GENERAL.—The Nation shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Trust Fund made available under this section that the Nation does not withdraw under this subsection.

(B) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, funds of the Nation remaining in the Trust Fund will be used.

(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this Act.

(5) ANNUAL REPORT.—The Nation shall submit to the Secretary an annual report that describes any expenditures from the Trust Fund during the year covered by the report.

(6) LIMITATION.—No portion of the amounts in the Trust Fund shall be distributed to any Nation member on a per capita basis.

(7) CONDITIONS.—Any amount authorized to be appropriated to the Trust Fund under subsection (f) shall not be available for expenditure or withdrawal—

(A) before December 31, 2018; and

(B) until the date on which the court in the stream adjudication has entered—

(i) the Partial Final Decree described in paragraph 3.0 of the Agreement; and

(ii) the Supplemental Partial Final Decree described in paragraph 4.0 of the Agreement.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for deposit in the Trust Fund—

(1) $6,000,000 for each of fiscal years 2008 through 2012; and

(2) $4,000,000 for each of fiscal years 2013 through 2017.

SEC. 403. WAIVERS AND RELEASES.

(a) EXECUTION.—The Nation, on behalf of itself and members of the Nation (other than members in their capacity as allottees), and the United States, acting through the Secretary and in its capacity as trustee for the Nation, shall execute waivers and releases in accordance with paragraph 7.0 of the Agreement.

(b) RESERVATION.—Notwithstanding subsection (a), the Nation and its members (including members in their capacity as allottees) and the United States, as trustee for the Nation and allottees, shall retain the rights and claims specified in paragraph 7.0 of the Agreement.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The waivers and releases described in subsection (a) shall be effective on the date on which the Secretary publishes in the Federal Register a statement of findings documenting that each of the deadlines described in section 401(f)(1) have been met.

(2) DEADLINE.—If the deadlines in section 401(f)(1)(A) have not been met by the later of March 1, 2023, or the date of any extension under section 401(f)(1)(B)—

(A) the waivers and releases described in subsection (a) shall be of no effect; and

(B) section 401(f)(2)(B) shall apply.

By Mr. DURBIN (for himself, Mr. LUGAR, Mrs. LINCOLN, Mr. SMITH, Mr. OBAMA, Mr. REED, Mr. WYDEN, Mr. NELSON of Florida, Mr. FEINGOLD, Mr. DOMENICI, Mr. KENNEDY, Mr. ROCKEFELLER, and, Mr. AKAKA):

S. 1172. A bill to reduce hunger in the United States; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. Mr. President, President Eisenhower once stated, ''Every gun that is made, every warship that is launched, every rocket fired, signifies in the final sense a theft from those who hunger and are not fed, those who are cold and are not clothed. This world in armaments is not spending its money alone: it is spending the sweat of its laborers, the genius of its scientists, the hopes of its children.''

In as trying a time as we live in today, his statement cannot ring more true. We are in the middle of a war with no seeming end in sight. We have daily debates about the numbers in our budget. But President Eisenhower was right. We are not spending our money alone.

In a Nation as rich as ours, we should be able to arrange our priorities to meet the needs of our country, but the unfortunate reality is that in the United States today, children go hungry. Children count on school, not only for education but also for their meals. Seniors are forced to make a choice between life-saving medicines and groceries for their meals. Families are forced to make the difficult choice between paying for food and paying for utilities or their rent or mortgage or even their medicine or medical care. This is the reality of our America.

As Senators, we often hear from families that tell us the difficulty in making ends meet. More and more working families are turning to food banks, pantries and soup kitchens for emergency food assistance. When examining the actual costs of housing, food, utilities and other necessities, researchers have found that in most areas of the country, families need about 200 percent of the poverty level to achieve ''minimal economic self-sufficiency.'' Individuals and families are faced with a cost of living that continues to rise and an increasing gap between what low-wage workers earn and what is required to meet basic needs.

In my State of Illinois, over 158,000 Illinois households experienced hunger in 2005. If we include households that have had to struggle to put food on the table or have had to skip meals to make sure the food would last through the week—that's 440,000 households in Illinois living with food insecurity—9 percent of Illinois households. These are working families who need more to lead healthy, happy lives.

Fortunately, we have some programs in existence to offer hope. Since President Johnson started the war on poverty, we have documented that the Federal nutrition programs work to reduce hunger. When people are able to use Food Stamps, there are enough groceries to last through the week. When new moms are helped by WIC, they and their babies have enough milk and eggs and fruit. When senior citizens are near a Commodity Supplemental Food Program site, they can take home a box of food to fill the pantry AND buy their prescription drugs. Our school children can fill their stomachs and then focus on learning—because of the Federal school food program. In cases of emergency, like the

tragic occurrences of hurricanes, our Federal nutrition assistance programs have been there to assist families in need. These Federal food programs work, but more can be done.

Last Congress, I introduced the Hunger Free Communities Act with Senators LINCOLN, SMITH and LUGAR. The bill creates new grant programs that help communities make the most of the Federal nutrition programs and build on their successes.

First, the bill makes grant money available to local groups that are working to eliminate hunger in their communities. Each day, soup kitchens serve meals, and food pantries give groceries, and volunteers collect food, make sandwiches, and deliver food. Our bill creates an anti-hunger grant program—the first of its kind—that asks communities to assess hunger and hunger relief at the local level. Grant money is available to help with that assessment or grant money can be used to help fill in the gaps that a local plan identifies.

Second, we create a funding stream that food banks and soup kitchens can use to keep up their buildings and trucks and kitchen equipment. The response of the food bank network to the crisis after hurricanes Katrina and Rita was remarkable. Tons of food was donated, transported and delivered by thousands of volunteers from all over the country. But within days, America's Second Harvest recognized the food banks needed freezers, forklifts, delivery trucks and repairs to warehouses and equipment. My bill creates the only Federal funding stream specifically for the capital needs of local hunger relief efforts. Helping these organizations is especially important for those organizations in underserved areas and areas where rates of food insecurity, hunger, poverty, or unemployment are higher than the national average.

Late last Congress, the Hunger Free Communities Act was passed by the Senate. I had hoped that there might be time for the House to act on it before the Session ended, but we ran out of time. This was, however, a small victory. It was a small step toward progress—a step that both Democrats and Republicans want to take for the health and well-being of our communities.

There are still too many parents in this country who skip meals because there is not enough money in the family food budget for them and their children to eat every night. There are still too many babies and toddlers in America who are not getting the nutrition their minds and bodies need to develop to their fullest potential. There are too many seniors, and children, who go to bed hungry. In the richest Nation in the history of the world, that is unacceptable.

Progress against hunger is possible, even with a war abroad and budget deficits at home. I am heartened by the 43 United States Senators who agreed with me and cosponsored the Hunger Free Communities Act last year. I am heartened by the support of the Illinois Coalition on Hunger, Bread for the World and America's Second Harvest. Congress will be reauthorizing many nutrition programs this year with the farm bill, and the Hunger Free Communities Act should be a part of that. I believe this bill can take a modest but meaningful step toward eliminating hunger in this country. We tried to make that first step when the bill passed the Senate late last year. We can do it again and should.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1172

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Hunger-Free Communities Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—NATIONAL COMMITMENT TO END HUNGER

Sec. 101. Hunger reports.

TITLE II—STRENGTHENING COMMUNITY EFFORTS

Sec. 121. Hunger-free communities collaborative grants.
Sec. 122. Hunger-free communities infrastructure grants.
Sec. 123. Hunger-free communities training and technical assistance grants.
Sec. 124. Report.
Sec. 125. Authorization of appropriations.

SEC. 2. FINDINGS.

Congress finds that—

(1)(A) at the 1996 World Food Summit, the United States, along with 185 other countries, pledged to reduce the number of undernourished people by half by 2015; and

(B) as a result of that pledge, the Department of Health and Human Services adopted the Healthy People 2010 goal to cut food insecurity in half by 2010, and in doing so reduce hunger;

(2) national nutrition programs are among the fastest, most direct ways to efficiently and effectively prevent hunger, reduce food insecurity, and improve nutrition among the populations targeted by a program;

(3) in 2001, food banks, food pantries, soup kitchens, and emergency shelters helped to feed more than 23,000,000 low-income people; and

(4) community-based organizations and charities can help—

(A) play an important role in preventing and reducing hunger;

(B) measure community food security;

(C) develop and implement plans for improving food security;

(D) educate community leaders about the problems of and solutions to hunger;

(E) ensure that local nutrition programs are implemented effectively; and

(F) improve the connection of food insecure people to anti-hunger programs.

SEC. 3. DEFINITIONS.

In this Act:

(1) DOMESTIC HUNGER GOAL.—The term ''domestic hunger goal'' means—

(A) the goal of reducing hunger in the United States to at or below 2 percent by 2010; or

(B) the goal of reducing food insecurity in the United States to at or below 6 percent by 2010.

(2) EMERGENCY FEEDING ORGANIZATION.—The term ''emergency feeding organization'' has the meaning given the term in section 201A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501).

(3) FOOD SECURITY.—The term ''food security'' means the state in which an individual has access to enough food for an active, healthy life.

(4) HUNGER-FREE COMMUNITIES GOAL.—The term ''hunger-free communities goal'' means any of the 14 goals described in the H. Con. Res. 302 (102nd Congress).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

TITLE I—NATIONAL COMMITMENT TO END HUNGER

SEC. 101. HUNGER REPORTS.

(a) STUDY.—

(1) TIMELINE.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct a study of major matters relating to the problem of hunger in the United States, as determined by the Secretary.

(B) UPDATE.—Not later than 5 years after the date on which the study under subparagraph (A) is conducted, the Secretary shall update the study.

(2) MATTERS TO BE ASSESSED.—The matters to be assessed by the Secretary in the study and update under this section shall include—

(A) data on hunger and food insecurity in the United States;

(B) measures carried out during the previous year by Federal, State, and local governments to achieve domestic hunger goals and hunger-free communities goals;

(C) measures that could be carried out by Federal, State, and local governments to achieve domestic hunger goals and hunger-free communities goals; and

(D) the impact of hunger and household food insecurity on obesity, in the context of poverty and food assistance programs.

(b) RECOMMENDATIONS.—The Secretary shall develop recommendations on—

(1) removing obstacles to achieving domestic hunger goals and hunger-free communities goals; and

(2) otherwise reducing domestic hunger.

(c) REPORT.—The Secretary shall submit to the President and Congress—

(1) not later than 1 year after the date of enactment of this Act, a report that contains—

(A) a detailed statement of the results of the study, or the most recent update to the study, conducted under subsection (a)(1); and

(B) the most recent recommendations of the Secretary under subsection (b); and

(2) not later than 5 years after the date of submission of the report under paragraph (1), an update of the report.

TITLE II—STRENGTHENING COMMUNITY EFFORTS

SEC. 121. HUNGER-FREE COMMUNITIES COLLABORATIVE GRANTS.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means a public food program service provider or a nonprofit organization, including but not limited to an emergency feeding organization, that demonstrates the organization has collaborated, or will collaborate, with 1 or more local partner organizations to achieve at least 1 hunger-free communities goal.

(b) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary shall use not more than 50 percent of any funds made

available under section 125 to make grants to eligible entities to pay the Federal share of the costs of an activity described in subsection (d).

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this section shall not exceed 80 percent.

(3) NON-FEDERAL SHARE.—

(A) CALCULATION.—The non-Federal share of the cost of an activity under this section may be provided in cash or in kind, fairly evaluated, including facilities, equipment, or services.

(B) SOURCES.—Any entity may provide the non-Federal share of the cost of an activity under this section through a State government, a local government, or a private source.

(c) APPLICATION.—

(1) IN GENERAL.—To receive a grant under this section, an eligible entity shall submit an application to the Secretary at the time and in the manner and accompanied by any information the Secretary may require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) identify any activity described in subsection (d) that the grant will be used to fund;

(B) describe the means by which an activity identified under subparagraph (A) will reduce hunger in the community of the eligible entity;

(C) list any partner organizations of the eligible entity that will participate in an activity funded by the grant;

(D) describe any agreement between a partner organization and the eligible entity necessary to carry out an activity funded by the grant; and

(E) if an assessment described in subsection (d)(1) has been performed, include—

(i) a summary of that assessment; and

(ii) information regarding the means by which the grant will help reduce hunger in the community of the eligible entity.

(3) PRIORITY.—In making grants under this section, the Secretary shall give priority to eligible entities that—

(A) demonstrate in the application of the eligible entity that the eligible entity makes collaborative efforts to reduce hunger in the community of the eligible entity; and

(B)(i) serve a predominantly rural and geographically underserved area;

(ii) serve communities in which the rates of food insecurity, hunger, poverty, or unemployment are demonstrably higher than national average rates;

(iii) provide evidence of long-term efforts to reduce hunger in the community;

(iv) provide evidence of public support for the efforts of the eligible entity; or

(v) demonstrate in the application of the eligible entity a commitment to achieving more than 1 hunger-free communities goal.

(d) USE OF FUNDS.—

(1) ASSESSMENT OF HUNGER IN THE COMMUNITY.—

(A) IN GENERAL.—An eligible entity in a community that has not performed an assessment described in subparagraph (B) may use a grant received under this section to perform the assessment for the community.

(B) ASSESSMENT.—The assessment referred to in subparagraph (A) shall include—

(i) an analysis of the problem of hunger in the community served by the eligible entity;

(ii) an evaluation of any facility and any equipment used to achieve a hunger-free communities goal in the community;

(iii) an analysis of the effectiveness and extent of service of existing nutrition programs and emergency feeding organizations; and

(iv) a plan to achieve any other hunger-free communities goal in the community.

(2) ACTIVITIES.—An eligible entity in a community that has submitted an assessment to the Secretary shall use a grant received under this section for any fiscal year for activities of the eligible entity, including—

(A) meeting the immediate needs of people in the community served by the eligible entity who experience hunger by—

(i) distributing food;

(ii) providing community outreach; or

(iii) improving access to food as part of a comprehensive service;

(B) developing new resources and strategies to help reduce hunger in the community;

(C) establishing a program to achieve a hunger-free communities goal in the community, including—

(i) a program to prevent, monitor, and treat children in the community experiencing hunger or poor nutrition; or

(ii) a program to provide information to people in the community on hunger, domestic hunger goals, and hunger-free communities goals; and

(D) establishing a program to provide food and nutrition services as part of a coordinated community-based comprehensive service.

SEC. 122. HUNGER-FREE COMMUNITIES INFRASTRUCTURE GRANTS.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means an emergency feeding organization (as defined in section 201A(4) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501(4))).

(b) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary shall use not more than 40 percent of any funds made available under section 125 to make grants to eligible entities to pay the Federal share of the costs of an activity described in subsection (d).

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this section shall not exceed 80 percent.

(c) APPLICATION.—

(1) IN GENERAL.—To receive a grant under this section, an eligible entity shall submit an application to the Secretary at the time and in the manner and accompanied by any information the Secretary may require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) identify any activity described in subsection (d) that the grant will be used to fund; and

(B) describe the means by which an activity identified under subparagraph (A) will reduce hunger in the community of the eligible entity.

(3) PRIORITY.—In making grants under this section, the Secretary shall give priority to eligible entities the applications of which demonstrate 2 or more of the following:

(A) The eligible entity serves a predominantly rural and geographically underserved area.

(B) The eligible entity serves a community in which the rates of food insecurity, hunger, poverty, or unemployment are demonstrably higher than national average rates.

(C) The eligible entity serves a community that has carried out long-term efforts to reduce hunger in the community.

(D) The eligible entity serves a community that provides public support for the efforts of the eligible entity.

(E) The eligible entity is committed to achieving more than 1 hunger-free communities goal.

(d) USE OF FUNDS.—An eligible entity shall use a grant received under this section for any fiscal year to carry out activities of the eligible entity, including—

(1) constructing, expanding, or repairing a facility or equipment to support hunger relief agencies in the community;

(2) assisting an emergency feeding organization in the community in obtaining locally-produced produce and protein products; and

(3) assisting an emergency feeding organization in the community to process and serve wild game.

SEC. 123. HUNGER-FREE COMMUNITIES TRAINING AND TECHNICAL ASSISTANCE GRANTS.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means a national or regional nonprofit organization that carries out an activity described in subsection (d).

(b) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary shall use not more than 10 percent of any funds made available under section 125 to make grants to eligible entities to pay the Federal share of the costs of an activity described in subsection (d).

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this section shall not exceed 80 percent.

(c) APPLICATION.—

(1) IN GENERAL.—To receive a grant under this section, an eligible entity shall submit an application to the Secretary at the time and in the manner and accompanied by any information the Secretary may require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) demonstrate that the eligible entity does not operate for profit;

(B) describe any national or regional training program carried out by the eligible entity, including a description of each region served by the eligible entity;

(C) describe any national or regional technical assistance provided by the eligible entity, including a description of each region served by the eligible entity; and

(D) describe the means by which each organization served by the eligible entity—

(i) works to achieve a domestic hunger goal;

(ii) works to achieve a hunger-free communities goal; or

(iii) used a grant received by the organization under section 121 or 122.

(3) PRIORITY.—In making grants under this section, the Secretary shall give priority to eligible entities the applications of which demonstrate 2 or more of the following:

(A) The eligible entity serves a predominantly rural and geographically underserved area.

(B) The eligible entity serves a region in which the rates of food insecurity, hunger, poverty, or unemployment are demonstrably higher than national average rates.

(C) The eligible entity serves a region that has carried out long-term efforts to reduce hunger in the region.

(D) The eligible entity serves a region that provides public support for the efforts of the eligible entity.

(E) The eligible entity is committed to achieving more than 1 hunger-free communities goal.

(d) USE OF FUNDS.—An eligible entity shall use a grant received under this section for any fiscal year to carry out national or regional training and technical assistance for organizations that—

(1) work to achieve a domestic hunger goal;

(2) work to achieve a hunger-free communities goal; or

(3) receive a grant under section 121 or 122.

SEC. 124. REPORT.

Not later than September 30, 2013, the Secretary shall submit to Congress a report describing—

(1) each grant made under this title, including—

(A) a description of any activity funded by such a grant; and

(B) the degree of success of each activity funded by such a grant in achieving hunger-free communities goals; and

(2) the degree of success of all activities funded by grants under this title in achieving domestic hunger goals.

SEC. 125. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $50,000,000 for each of fiscal years 2008 through 2013.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 1174. A bill to amend the Natural Gas Act to modify a provision relating to the siting, construction, expansion, and operation of liquefied natural gas terminals; to the Committee on Energy and Natural Resources.

Mr. CARDIN. Mr. President, today I am introducing legislation to restore the authority of State and local governments to protect the environment and ensure public safety with respect to the siting of Liquefied Natural Gas (LNG) terminals within their States. This measure would strike a provision in the Energy Policy Act of 2005 which gave the Federal Regulatory Energy Commission (FERC) power to preempt State and local concerns in the siting, construction and operation of LNG facilities.

In recent years, the LNG industry has proposed building dozens of new LNG terminals throughout the United States, as LNG's share of the natural gas market continues to grow rapidly. Many of these terminals are being planned near populated areas or in environmentally sensitive coastal areas. As a highly hazardous and combustible fuel source, LNG poses serious safety concerns to local communities from potential accidents, as well as terrorism risks. Richard Clarke, a former Bush Administration Counter Terrorism official, noted that LNG terminals and tankers present ''especially attractive targets'' to terrorists. Experts have identified anumber of potentially catastrophic events that could arise from an LNG release, including pool fires—an extremely intense fire that cannot be extinguished and can spread over considerable distance, flammable vapor clouds that may drift some distance from the spill site, and flameless explosions. According to the Congressional Research Service, there have been approximately 13 serious accidents at LNG plants around the world over the past six decades, including three accidents which caused fatalities—two in Algeria in 1977 and 2004 respectively, and another at Cove Point, MD; in 1979, which killed one worker and caused some $3 million in damages.

In the State of Maryland, which is already home to one of six operating LNG terminals in the United States, AES Sparrows Point LNG, LLC and Mid-Atlantic Express, LLC has proposed building a new terminal near a densely-populated area of Baltimore. Our area Congressional Delegation, Governor O'Malley, Baltimore County Executive Jim Smith and other local officials and community leaders believe this project poses unacceptable public safety, economic and environmental risks and does not serve the public interest. Yet, under current law, the Federal Energy Regulatory Commission now has exclusive authority to approve onshore LNG terminal siting applications. While the law requires FERC to consult with State and local governments regarding safety concerns, they have no role in the final decision. Moreover, while the law permits states to conduct safety inspections of LNG terminals, they do not have the authority to require any safety precautions or to take enforcement actions if they discover problems at a facility during a safety inspection.

It is vital, in my opinion, that State and local authorities and the public have a meaningful opportunity to participate in the decision-making process about the siting of these plants. These terminals have the potential for tremendous impacts on the communities in which they would be constructed and would operate. The measure I am introducing today seeks to restore that authority and give Governors the same veto powers for onshore LNG terminal proposals as they currently exercise for offshore terminal proposals under the Deepwater Port Act. I urge my colleagues to join me in supporting this measure.

By Mr. DURBIN (for himself and Mr. BROWNBACK):

S. 1175. A bill to end the use of child soldiers in hostilities around the world, and for other purposes; to the Committee on Foreign Relations.

Mr. DURBIN. Mr. President, I rise today to discuss an issue of children's rights and human rights: the recruitment and use of child soldiers.

Hundreds of thousands of children in the world today serve as child soldiers, boys and girls alike.

They serve as combatants, porters, human mine detectors and sex slaves.

Their health and lives are endangered and their childhoods are sacrificed.

The bulk of these children are captured, recruited, or sold into service with rebel groups such as the infamous Lord's Resistance Army in Uganda.

But some serve with uniformed armed forces or government-supported paramilitaries or militias.

Even more troubling, children have served as child soldiers for governments that receive U.S. military assistance.

Today, Senator SAM BROWNBACK and I are introducing legislation addressing this issue.

Our bill, the Child Soldiers Prevention Act, will ensure that U.S. taxpayer dollars are not used to support foreign militaries known to recruit or use child soldiers in government armed forces or government-supported militaries.

U.S. military assistance can continue under this bill, but it will be used to remedy the problem by helping countries successfully demobilize their child soldiers and professionalize their forces.

Under the terms of this bill, Foreign Military Assistance and other defense-related aid would be limited if countries are clearly identified in the State Department's Human Rights report as recruiting or using child soldiers.

Military assistance to these countries would be limited to supporting the professionalization of their forces until they eliminate the use of child soldiers.

If years of abuse continue, then U.S. assistance would eventually be eliminated.

In all circumstances, the President would be able to waive these rules if he deems that it is in the national interest.

What do we mean by professionalization?

We mean creating regular militaries which conform to long-standing international norms, such as not using children, respecting human rights, and functioning as professional armies.

This bill can only affect governmental or government sanctioned military and paramilitary organizations.

But that is where we have leverage through our foreign military assistance programs and we will use whatever leverage we have to address this heinous phenomenon.

In the last year, many of us have read the haunting memoir of Ishmael Beah, A LONG WAY GONE: Memoirs of a Boy Soldier.

Beah is all of 26: that might seem too young to write a memoir, but sadly, his youth was stolen from him many years ago.

Beah grew up in war-torn Sierra Leone. He was born in 1980.

Eleven years later, civil war broke out, killing tens of thousands of people and driving millions from their homes.

At the age of twelve, he fled attacking rebels.

Beah's parents and his two brothers were among those killed.

By thirteen, he'd been picked up by the government army, but that was no refuge.

Fleeing the rebels who had killed so many of his friends and family, Beah wound up in a village run by government troops.

He wrote of this moment in his life, ''In the beginning it seemed we had found safety the smiles on people's faces assured us that there was nothing to worry about anymore. All that darkened the mood of the village was the sight of orphaned children. There were over thirty boys between the ages of six and sixteen. I was one of them. Apart from this, there were no indications that our childhood was threatened, much less that we would be robbed of it.''

That was exactly what was happening, though.

In Beah's first battle he watched his eleven-year old tent-mate bleed out before his very eyes.

He writes of this awful day, ''My face, my hands, my shirt and gun were covered with blood. I raised the gun and pulled the trigger, and I killed a man. Suddenly, as if someone was

shooting them inside my brain, all the massacres I had seen since the day I was touched by war began flashing in my head. Every time I stopped shooting to change magazines and saw my two young lifeless friends, I angrily pointed my gun into the swamp and killed more people.''

That was at 13. Thirteen—- an age for junior high soccer games, not for going to war.

Ultimately during his time in the government army, Beah says he killed ''too many people to count.''

In 1998 he fled and in 1999 he was able to come to New York.

Returning to civilization, according to Beah, was actually harder than the act of becoming a child soldier because ''dehumanizing children is a relatively easy task.''

Thank God, Sierra Leone's civil war is over.

But too many children in the world continue to be forced to serve as child soldiers.

Ensuring that countries professionalize their militaries and help their child soldiers make the transition back into civil society is a humanitarian issue but also in the best interest for our own armed forces.

We do not want American soldiers in a position where they have to return fire on children.

Delay in such a moment could cost an American soldier his life, but think also of the psychic costs of having to kill a child in battle.

We want our troops to avoid such a situation and we want to ensure that American taxpayer dollars are used as they should be: for professionalizing the militaries of countries whom we are assisting.

It is not enough for child soldiers simply to be demobilized: U.S.-funded programs assist in the rehabilitation of child soldiers and the reintegration of these young people back into civilian life.

Some of these child veterans of war have witnessed or been forced to do terrible things.

Many of the girls have been victims of rape and may be coming back into civilian life with their own children.

I strongly support programs to provide psychological services, educational and vocational training, and other assistance to these traumatized young people.

I also support efforts to bring to justice those rebel leaders and others who kidnap children for use as child soldiers.

The use of child soldiers represents a basic issue of human rights.

For that reason, next week Senator COBURN, who is the ranking member on the Judiciary Subcommittee on Human Rights and the Law, and I will be holding a Subcommittee hearing on Child Soldiers and the Law.

In this hearing, we will explore the persistent use of child soldiers despite the fact that this practice is widely acknowledged as a war crime.

Is this persistent crime in part a failure of enforcement?

Are reforms needed in U.S. law to criminalize this terrible practice?

How is this issue addressed under our immigration laws?

Expert witnesses from non-governmental and faith-based organizations will speak to these issues in our hearing next Tuesday.

So too will Ishmael Beah, whose words vividly capture the horror of children at war.

I am introducing this bill and our subcommittee is holding this hearing as progressive steps to remedy a terrible and persistent problem.

Here in Washington, on the floor of the Senate, it is hard to imagine the atrocities that children endure every day, as combatants, as sex slaves, and as forced labor for militaries and paramilitaries.

But those atrocities do continue.

At the least we should ensure that U.S. assistance goes to remedy the problem and that it is never used to prolong it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1175

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Child Soldier Prevention Act of 2007''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the September 7, 2005, report to the General Assembly of the United Nations by the Special Representative of the Secretary-General for Children and Armed Conflict, ''In the last decade, two million children have been killed in situations of armed conflict, while six million children have been permanently disabled or injured. Over 250,000 children continue to be exploited as child soldiers and tens of thousands of girls are being subjected to rape and other forms of sexual violence.''.

(2) According to the Center for Emerging Threats and Opportunities (CETO), Marine Corps Warfighting Laboratory, ''The Child Soldier Phenomenon has become a post-Cold War epidemic that has proliferated to every continent with the exception of Antarctica and Australia.''.

(3) Many of the children currently serving in armed forces or paramilitaries were forcibly conscripted through kidnapping or coercion, a form of human trafficking, while others joined military units due to economic necessity, to avenge the loss of a family member, or for their own personal safety.

(4) Some military and militia commanders force child soldiers to commit gruesome acts of ritual killings or torture, including acts of violence against other children.

(5) Many female child soldiers face the additional psychological and physical horrors of rape and sexual abuse, enslavement for sexual purposes by militia commanders, and severe social stigma should they return home.

(6) Some military and militia commanders target children for recruitment because of their psychological immaturity and vulnerability to manipulation and indoctrination. Children are often separated from their families in order to foster dependence on military units and leaders. Consequently, many of these children suffer from deep trauma and are in need of psychological counseling and rehabilitation.

(7) Child soldiers are exposed to hazardous conditions and are at risk of physical injury and disability, psychological trauma, sexually transmitted diseases, respiratory and skin infections, and often death.

(8) On May 25, 2000, the United Nations adopted and opened for signature, ratification, and accession the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (in this Act referred to as the ''Optional Protocol''), which establishes 18 as the minimum age for conscription or forced recruitment and requires states party to ensure that members of their armed forces under the age of 18 do not take a direct part in hostilities.

(9) On June 18, 2002, the Senate unanimously approved the resolution advising and consenting to the ratification of the Optional Protocol.

(10) On December 23, 2002, the United States presented the ratified optional protocol to the United Nations.

(11) More than 110 governments worldwide have ratified the optional protocol, establishing a clear international norm concerning the use of children in combat.

(12) On December 2, 1999, the United States ratified International Labour Convention 182, the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which includes the use of child soldiers among the worst forms of child labor.

(13) On October 7, 2005, the Senate gave its advice and consent to the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime.

(14) It is in the national security interest of the United States to reduce the chances that members of the United States Armed Forces will be forced to encounter children in combat situations.

(15) Section 502B(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)(3)) provides that ''the President is directed to formulate and conduct international security assistance programs of the United States in a manner which will promote and advance human rights and avoid identification of the United States, through such programs, with governments which deny to their people internationally recognized human rights and fundamental freedoms, in violation of international law or in contravention of the policy of the United States as expressed in this section or otherwise''.

SEC. 3. CHILD SOLDIER DEFINED.

In this Act, consistent with the provisions of the Optional Protocol, the term ''child soldier''—

(1) means—

(A) any person under age 18 who takes a direct part in hostilities as a member of governmental armed forces;

(B) any person under age 18 who has been compulsorily recruited into governmental armed forces;

(C) any person under age 16 voluntarily recruited into governmental armed forces; and

(D) any person under age 18 recruited or used in hostilities by armed forces distinct from the armed forces of a state; and

(2) includes any person described in subparagraphs (B), (C), and (D) of paragraph (1) who is serving in any capacity, including in

a support role such as a cook, porter, messenger, medic, guard, or sex slave.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress—

(1) to condemn the conscription, forced recruitment or use of children by governments, paramilitaries, or other organizations in hostilities;

(2) that the United States Government should support and, where practicable, lead efforts to establish and uphold international standards designed to end this abuse of human rights;

(3) that the United States Government should expand ongoing services to rehabilitate recovered child soldiers and to reintegrate them back into their communities by—

(A) offering ongoing psychological services to help victims recover from their trauma and relearn how to deal with others in nonviolent ways such that they are no longer a danger to their community;

(B) facilitating reconciliation with their communities through negotiations with traditional leaders and elders to enable recovered abductees to resume normal lives in their communities; and

(C) providing educational and vocational assistance;

(4) that the United States should work with the international community, including, where appropriate, third country governments, nongovernmental organizations, faith-based organizations, United Nations agencies, local governments, labor unions, and private enterprise—

(A) on efforts to bring to justice rebel organizations that kidnap children for use as child soldiers, including the Lord's Resistance Army (LRA) in Uganda, Fuerzas Armadas Revolucionarias de Colombia (FARC), and Liberation Tigers of Tamil Eelam (LTTE), including, where feasible, by arresting the leaders of such groups; and

(B) on efforts to recover those children who have been abducted and to assist them in their rehabilitation and reintegration into communities;

(5) that the Secretary of State, the Secretary of Labor, and the Secretary of Defense should coordinate programs to achieve the goals specified in paragraph (3), and in countries where the use of child soldiers is an issue, whether or not it is supported or sanctioned by the governments of such countries, United States diplomatic missions should include in their mission program plans a strategy to achieve the goals specified in such paragraph;

(6) that United States diplomatic missions in countries in which governments use or tolerate child soldiers should develop, as part of annual program planning, strategies to promote efforts to end this abuse of human rights; and

(7) that, in allocating or recommending the allocation of funds or recommending candidates for programs and grants funded by the United States Government, United States diplomatic missions should give particular consideration to those programs and candidates deemed to promote the end to this abuse of human rights.

SEC. 5. PROHIBITION.

(a) IN GENERAL.—Subject to subsections (b), (c), and (d), none of the funds appropriated or otherwise made available for international military education and training, foreign military financing, foreign military sales, direct commercial sales, or excess Defense articles by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) or any other Act making appropriations for foreign operations, export financing, and related programs may be obligated or otherwise made available to the government of a country that is clearly identified by the Department of State in the Department of State's most recent Country Reports on Human Rights Practices as having governmental armed forces or government supported armed groups, including paramilitaries, militias, or civil defense forces, that recruit or use child soldiers.

(b) NOTIFICATION TO COUNTRIES IN VIOLATION OF THE STANDARDS OF THIS ACT.—The Secretary of State shall formally notify any government identified pursuant to subsection (a).

(c) NATIONAL INTEREST WAIVER.—

(1) WAIVER.—The President may waive the application to a country of the prohibition in subsection (a) if the President determines that such waiver is in the interest of the United States.

(2) PUBLICATION AND NOTIFICATION.—The President shall publish each waiver granted under paragraph (1) in the Federal Register and shall notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives of each such waiver, including the justification for the waiver, in accordance with the regular notification procedures of such Committees.

(d) REINSTATEMENT OF ASSISTANCE.—The President may provide to a country assistance otherwise prohibited under subsection (a) upon certifying to Congress that the government of such country—

(1) has implemented effective measures to come into compliance with the standards of this Act; and

(2) has implemented effective policies and mechanisms to prohibit and prevent future use of child soldiers and to ensure that no children are recruited, conscripted, or otherwise compelled to serve as child soldiers.

(e) EXCEPTION FOR PROGRAMS DIRECTLY RELATED TO ADDRESSING THE PROBLEM OF CHILD SOLDIERS OR PROFESSIONALIZATION OF THE MILITARY.—

(1) IN GENERAL.—The President may provide to a country assistance for international military education and training otherwise prohibited under subsection (a) upon certifying to Congress that—

(A) the government of such country is implementing effective measures to demobilize child soldiers in its forces or in government supported paramilitaries and to provide demobilization, rehabilitation, and reintegration assistance to those former child soldiers; and

(B) the assistance provided by the United States Government to the government of such country will go to programs that will directly support professionalization of the military.

(2) LIMITATION.—The exception under paragraph (1) may not remain in effect for more than 2 years following the date of notification specified in section 5(b).

SEC. 6. REPORTS.

(a) PREPARATION OF REPORTS REGARDING CHILD SOLDIERS.—United States missions abroad shall thoroughly investigate reports of the use of child soldiers.

(b) INFORMATION FOR ANNUAL HUMAN RIGHTS REPORTS.—In preparing those portions of the Human Rights Reports that relate to child soldiers, the Secretary of State shall ensure that such reports shall include a description of the use of child soldiers in each foreign country, including—

(1) trends toward improvement in such country of the status of child soldiers or the continued or increased tolerance of such practices; and

(2) the role of the government of such country in engaging in or tolerating the use of child soldiers.

(c) INCLUSION OF INFORMATION ON VIOLATIONS.—When the Secretary of State determines that a government has violated the standards of this Act, the Secretary shall clearly indicate that fact in the relevant Annual Human Rights Report.

(d) LETTER TO CONGRESS.—Not later than June 15 of each year for 10 years following the enactment of this Act, the President shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives—

(1) a list of the countries receiving notification that they are in violation of the standards of this Act;

(2) a list of any waivers or exceptions exercised under this Act;

(3) justification for those waivers and exceptions; and

(4) a description of any assistance provided pursuant to this Act.

SEC. 7. REPORT ON IMPLEMENTATION OF ACT.

Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report setting forth a strategy for achieving the policy objectives of this Act, including a description of an effective mechanism for coordination of United States Government efforts to implement this strategy.

SEC. 8. TRAINING FOR FOREIGN SERVICE OFFICERS.

Section 708 of the Foreign Service Act of 1980 (22 U.S.C. 4028) is amended by adding at the end the following new subsection:

''(c) The Secretary of State, with the assistance of other relevant officials, shall establish as part of the standard training provided after January 1, 2008, for officers of the Service, including chiefs of mission, instruction on matters related to child soldiers and the substance of the Child Soldier Prevention Act of 2007.''.

SEC. 9. EFFECTIVE DATE; APPLICABILITY.

This Act shall take effect 180 days after the date of the enactment of this Act and shall apply to funds obligated after such effective date.

AMENDMENTS SUBMITTED AND PROPOSED

SA 898. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 897 proposed by Mr. ENSIGN (for himself and Mr. CRAIG) to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table.

SA 899. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 378, supra; which was ordered to lie on the table.

SA 900. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 378, supra; which was ordered to lie on the table.

SA 901. Mr. DORGAN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 378, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 898. Mr. ENSIGN submitted an amendment intended to be proposed to

amendment SA 897 proposed by Mr. ENSIGN (for himself and Mr. CRAIG) to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted insert the following:

TITLE VI: NINTH CIRCUIT SPLIT

SEC. 601. SHORT TITLE.

This title may be cited as the ''The Circuit Court of Appeals Restructuring and Modernization Act of 2007''.

SEC. 602. DEFINITIONS.

In this title:

(1) FORMER NINTH CIRCUIT.—The term ''former ninth circuit'' means the ninth judicial circuit of the United States as in existence on the day before the effective date of this title.

(2) NEW NINTH CIRCUIT.—The term ''new ninth circuit'' means the ninth judicial circuit of the United States established by the amendment made by section 603(2)(A).

(3) TWELFTH CIRCUIT.—The term ''twelfth circuit'' means the twelfth judicial circuit of the United States established by the amendment made by section 603(2)(B).

SEC. 603. NUMBER AND COMPOSITION OF CIRCUITS.

Section 41 of title 28, United States Code, is amended—

(1) in the matter preceding the table, by striking ''thirteen'' and inserting ''fourteen''; and

(2) in the table—

(A) by striking the item relating to the ninth circuit and inserting the following:

''Ninth ..... California, Guam, Hawaii, Northern Mariana Islands.''

and

(B) by inserting after the item relating to the eleventh circuit the following:

''Twelfth ..... Alaska, Arizona, Idaho, Montana, Nevada, Oregon, Washington.''.

SEC. 604. JUDGESHIPS.

(a) NEW JUDGESHIPS.—The President shall appoint, by and with the advice and consent of the Senate, 5 additional circuit judges for the new ninth circuit court of appeals, whose official duty station shall be in California.

(b) TEMPORARY JUDGESHIPS.—

(1) APPOINTMENT OF JUDGES.—The President shall appoint, by and with the advice and consent of the Senate, 2 additional circuit judges for the former ninth circuit court of appeals, whose official duty stations shall be in California.

(2) EFFECT OF VACANCIES.—The first 2 vacancies occurring on the new ninth circuit court of appeals 10 years or more after judges are first confirmed to fill both temporary circuit judgeships created by this subsection shall not be filled.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 605. NUMBER OF CIRCUIT JUDGES.

The table contained in section 44(a) of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following:

''Ninth ..... 20''

and

(2) by inserting after the item relating to the eleventh circuit the following:

''Twelfth ..... 14''.

SEC. 606. PLACES OF CIRCUIT COURT.

The table contained in section 48(a) of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following:

''Ninth ..... Honolulu, Pasadena, San Francisco.''

and

(2) by inserting after the item relating to the eleventh circuit the following:

''Twelfth ..... Las Vegas, Phoenix, Portland, Seattle.''.

SEC. 607. LOCATION OF TWELFTH CIRCUIT HEADQUARTERS.

The offices of the Circuit Executive of the Twelfth Circuit and the Clerk of the Court of the Twelfth Circuit shall be located in Phoenix, Arizona.

SEC. 608. ASSIGNMENT OF CIRCUIT JUDGES.

Each circuit judge of the former ninth circuit who is in regular active service and whose official duty station on the day before the effective date of this title—

(1) is in California, Guam, Hawaii, or the Northern Mariana Islands shall be a circuit judge of the new ninth circuit as of such effective date; and

(2) is in Alaska, Arizona, Idaho, Montana, Nevada, Oregon, or Washington shall be a circuit judge of the twelfth circuit as of such effective date.

SEC. 609. ELECTION OF ASSIGNMENT BY SENIOR JUDGES.

Each judge who is a senior circuit judge of the former ninth circuit on the day before the effective date of this title may elect to be assigned to the new ninth circuit or the twelfth circuit as of such effective date and shall notify the Director of the Administrative Office of the United States Courts of such election.

SEC. 610. SENIORITY OF JUDGES.

The seniority of each judge—

(1) who is assigned under section 608, or

(2) who elects to be assigned under section 609,

shall run from the date of commission of such judge as a judge of the former ninth circuit.

SEC. 611. APPLICATION TO CASES.

The following apply to any case in which, on the day before the effective date of this title, an appeal or other proceeding has been filed with the former ninth circuit:

(1) Except as provided in paragraph (3), if the matter has been submitted for decision, further proceedings with respect to the matter shall be had in the same manner and with the same effect as if this title had not been enacted.

(2) If the matter has not been submitted for decision, the appeal or proceeding, together with the original papers, printed records, and record entries duly certified, shall, by appropriate orders, be transferred to the court to which the matter would have been submitted had this title been in full force and effect at the time such appeal was taken or other proceeding commenced, and further proceedings with respect to the case shall be had in the same manner and with the same effect as if the appeal or other proceeding had been filed in such court.

(3) If a petition for rehearing en banc is pending on or after the effective date of this title, the petition shall be considered by the court of appeals to which it would have been submitted had this title been in full force and effect at the time that the appeal or other proceeding was filed with the court of appeals.

SEC. 612. TEMPORARY ASSIGNMENT OF CIRCUIT JUDGES AMONG CIRCUITS.

Section 291 of title 28, United States Code, is amended by adding at the end the following:

''(c) The chief judge of the Ninth Circuit may, in the public interest and upon request by the chief judge of the Twelfth Circuit, designate and assign temporarily any circuit judge of the Ninth Circuit to act as circuit judge in the Twelfth Circuit.

''(d) The chief judge of the Twelfth Circuit may, in the public interest and upon request by the chief judge of the Ninth Circuit, designate and assign temporarily any circuit judge of the Twelfth Circuit to act as circuit judge in the Ninth Circuit.''.

SEC. 613. TEMPORARY ASSIGNMENT OF DISTRICT JUDGES AMONG CIRCUITS.

Section 292 of title 28, United States Code, is amended by adding at the end the following:

''(f) The chief judge of the United States Court of Appeals for the Ninth Circuit may in the public interest—

''(1) upon request by the chief judge of the Twelfth Circuit, designate and assign 1 or more district judges within the Ninth Circuit to sit upon the Court of Appeals of the Twelfth Circuit, or a division thereof, whenever the business of that court so requires; and

''(2) designate and assign temporarily any district judge within the Ninth Circuit to hold a district court in any district within the Twelfth Circuit.

''(g) The chief judge of the United States Court of Appeals for the Twelfth Circuit may in the public interest—

''(1) upon request by the chief judge of the Ninth Circuit, designate and assign 1 or more district judges within the Twelfth Circuit to sit upon the Court of Appeals of the Ninth Circuit, or a division thereof, whenever the business of that court so requires; and

''(2) designate and assign temporarily any district judge within the Twelfth Circuit to hold a district court in any district within the Ninth Circuit.

''(h) Any designations or assignments under subsection (f) or (g) shall be in conformity with the rules or orders of the court of appeals of, or the district within, as applicable, the circuit to which the judge is designated or assigned.''.

SEC. 614. ADMINISTRATION.

The court of appeals for the ninth circuit as constituted on the day before the effective date of this title may take such administrative action as may be required to carry out this title and the amendments made by this title. Such court shall cease to exist for administrative purposes 2 years after the date of enactment of this Act.

SEC. 615. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title, including funds for additional court facilities.

SEC. 616. EFFECTIVE DATE.

Except as provided in section 604(c), this title and the amendments made by this title shall take effect 12 months and 1 day after the date of enactment of this Act.

SA 899. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

TITLE VI. ADDITIONAL JUDGESHIPS FOR THE SOUTHWEST BORDER

At the end of the bill, add the following:

SEC. 601. SHORT TITLE.

This title may be cited as the ''Federal Criminal Immigration Courts Act of 2007''.

SEC. 602. FINDINGS AND PURPOSE.

(a) FINDINGS.—Based on the recommendations made by the 2007 Judicial Conference and the statistical data provided by the 2006 Federal Court Management Statistics (issued by the Administrative Office of the

United States Courts), the Congress finds the following:

(1) Federal courts along the southwest border of the United States have a greater percentage of their criminal caseload affected by immigration cases than other Federal courts.

(2) The percentage of criminal immigration cases in most southwest border district courts totals more than 49 percent of the total criminal caseloads of those districts.

(3) The current number of judges authorized for those courts is inadequate to handle the current caseload.

(4) Such an increase in the caseload of criminal immigration filings requires a corresponding increase in the number of Federal judgeships.

(5) The 2007 Judicial Conference recommended the addition of judgeships to meet this growing burden.

(6) The Congress should authorize the additional district court judges necessary to carry out the 2007 recommendations of the Judicial Conference for district courts in which the criminal immigration filings represented more than 49 percent of all criminal filings for the 12-month period ending September 30, 2006.

(b) PURPOSE.—The purpose of this title is to increase the number of Federal judgeships, in accordance with the recommendations of the 2007 Judicial Conference, in district courts that have an extraordinarily high criminal immigration caseload.

SEC. 603. ADDITIONAL DISTRICT COURT JUDGESHIPS.

(a) PERMANENT JUDGESHIPS.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 4 additional district judges for the district of Arizona;

(B) 1 additional district judge for the district of New Mexico;

(C) 2 additional district judges for the southern district of Texas; and

(D) 1 additional district judge for the western district of Texas.

(2) CONFORMING AMENDMENTS.—In order that the table contained in section 133(a) of title 28, United States Code, reflect the number of additional judges authorized under paragraph (1), such table is amended—

(A) by striking the item relating to Arizona and inserting the following:

''Arizona ..... 6'';

(B) by striking the item relating New Mexico and inserting the following:

''New Mexico ..... 7''; and

(C) by striking the item relating to Texas and inserting the following:

''Texas:
Northern 12
Southern 21
Eastern 17
Western ..... 14''.

(b) TEMPORARY JUDGESHIPS.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 1 additional district judge for the district of Arizona; and

(B) 1 additional district judge for the district of New Mexico.

(2) VACANCY.—For each of the judicial districts named in this subsection, the first vacancy arising on the district court 10 years or more after a judge is first confirmed to fill the temporary district judgeship created in that district by this subsection shall not be filled.

SA 900. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MEDIA COVERAGE OF FEDERAL COURT PROCEEDINGS.

(a) DEFINITIONS.—In this section:

(1) PRESIDING JUDGE.—The term ''presiding judge'' means the judge presiding over the court proceeding concerned. In proceedings in which more than 1 judge participates, the presiding judge shall be the senior active judge so participating or, in the case of a circuit court of appeals, the senior active circuit judge so participating, except that—

(A) in en banc sittings of any United States circuit court of appeals, the presiding judge shall be the chief judge of the circuit whenever the chief judge participates; and

(B) in en banc sittings of the Supreme Court of the United States, the presiding judge shall be the Chief Justice whenever the Chief Justice participates.

(2) APPELLATE COURT OF THE UNITED STATES.—The term ''appellate court of the United States'' means any United States circuit court of appeals and the Supreme Court of the United States.

(b) AUTHORITY OF PRESIDING JUDGE TO ALLOW MEDIA COVERAGE OF COURT PROCEEDINGS.—

(1) AUTHORITY OF APPELLATE COURTS.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the presiding judge of an appellate court of the United States may, at the discretion of that judge, permit the photographing, electronic recording, broadcasting, or televising to the public of any court proceeding over which that judge presides.

(B) EXCEPTION.—The presiding judge shall not permit any action under subparagraph (A), if—

(i) in the case of a proceeding involving only the presiding judge, that judge determines the action would constitute a violation of the due process rights of any party; or

(ii) in the case of a proceeding involving the participation of more than 1 judge, a majority of the judges participating determine that the action would constitute a violation of the due process rights of any party.

(2) AUTHORITY OF DISTRICT COURTS.—

(A) IN GENERAL.—

(i) AUTHORITY.—Notwithstanding any other provision of law, except as provided under clause (iii), the presiding judge of a district court of the United States may, at the discretion of that judge, permit the photographing, electronic recording, broadcasting, or televising to the public of any court proceeding over which that judge presides.

(ii) OBSCURING OF WITNESSES.—Except as provided under clause (iii)—

(I) upon the request of any witness (other than a party) in a trial proceeding, the court shall order the face and voice of the witness to be disguised or otherwise obscured in such manner as to render the witness unrecognizable to the broadcast audience of the trial proceeding; and

(II) the presiding judge in a trial proceeding shall inform each witness who is not a party that the witness has the right to request the image and voice of that witness to be obscured during the witness' testimony.

(iii) EXCEPTION.—The presiding judge shall not permit any action under this subparagraph, if that judge determines the action would constitute a violation of the due process rights of any party.

(B) NO TELEVISING OF JURORS.—The presiding judge shall not permit the televising of any juror in a trial proceeding.

(3) ADVISORY GUIDELINES.—The Judicial Conference of the United States may promulgate advisory guidelines to which a presiding judge, at the discretion of that judge, may refer in making decisions with respect to the management and administration of photographing, recording, broadcasting, or televising described under paragraphs (1) and (2).

(4) SUNSET OF DISTRICT COURT AUTHORITY.—The authority under paragraph (2) shall terminate 3 years after the date of the enactment of this Act.

SA 901. Mr. DORGAN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE ____—RESTITUTION FOR VICTIMS OF CRIME ACT OF 2007

SEC. __01. SHORT TITLE.

This title may be cited as the ''Restitution for Victims of Crime Act of 2007''.

Subtitle A—Collection of Restitution

SEC. 1101. SHORT TITLE.

This subtitle may be cited as the ''Collection of Restitution Improvement Act of 2007''.

SEC. 1102. PROCEDURE FOR ISSUANCE AND ENFORCEMENT OF RESTITUTION.

Section 3664(f) of title 18, United States Code, is amended by striking paragraphs (2) through (4) and inserting the following:

''(C)(i) Each restitution order shall—

''(I) contain information sufficient to identify each victim to whom restitution is owed;

''(II) require that a copy of the court order be sent to each such victim; and

''(III) inform each such victim of the obligation to notify the appropriate entities of any change in address.

''(ii) It shall be the responsibility of each victim to whom restitution is owed to notify the Attorney General, or the appropriate entity of the court, by means of a form to be provided by the Attorney General or the court, of any change in the victim's mailing address while restitution is still owed to the victim.

''(iii) The confidentiality of any information relating to a victim under this subparagraph shall be maintained.

''(2) The court shall order that the restitution imposed is due in full immediately upon imposition.

''(3) The court shall direct the defendant—

''(A) to make a good-faith effort to satisfy the restitution order in the shortest time in which full restitution can be reasonably made, and to refrain from taking any action that conceals or dissipates the defendant's assets or income;

''(B) to notify the court of any change in residence; and

''(C) to notify the United States Attorney for the district in which the defendant was sentenced of any change in residence, and of any material change in economic circumstances that might affect the defendant's ability to pay restitution.

''(4) Compliance with all payment directions imposed under paragraphs (6) and (7) shall be prima facie evidence of a good faith effort under paragraph (3)(A), unless it is shown that the defendant has concealed or dissipated assets.

''(5) Notwithstanding any other provision of law, for the purpose of enforcing a restitution order, a United States Attorney may receive, without the need for a court order, any financial information concerning the defendant obtained by the grand jury that indicted the defendant for the crime for which restitution has been awarded, the United States Probation Office, or the Bureau of Prisons. A victim may also provide financial information concerning the defendant to the United States Attorney.

''(6)(A) At sentencing, or at any time prior to the termination of a restitution obligation under section 3613 of this title, the court may—

''(i) impose special payment directions upon the defendant or modify such directions; or

''(ii) direct the defendant to make a single, lump sum payment, partial payments at specified intervals, in-kind payments, or a combination of payments at specified intervals and in-kind payments.

''(B) The period of time over which scheduled payments are established for purposes of this paragraph shall be the shortest time in which full payment reasonably can be made.

''(C) In-kind payments may be in the form of the return of property, replacement of property, or, if the victim agrees, services rendered to the victim or a person or organization other than the victim.

''(D) In ordering restitution, the court may direct the defendant to—

''(i) repatriate any property that constitutes proceeds of the offense of conviction, or property traceable to such proceeds; and

''(ii) surrender to the United States, or to the victim named in the restitution order, any interest of the defendant in any nonexempt asset.

''(E) The court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property for restitution.

''(7)(A) In determining whether to impose or modify specific payment directions, the court may consider—

''(i) the need to provide restitution to the victims of the offense;

''(ii) the financial ability of the defendant;

''(iii) the economic circumstances of the defendant, including the financial resources and other assets of the defendant and whether any of those assets are jointly controlled;

''(iv) the projected earnings and other income of the defendant;

''(v) any financial obligations of the defendant, including obligations to dependents;

''(vi) whether the defendant has concealed or dissipated assets or income; and

''(vii) any other appropriate circumstances.

''(B) Any substantial resources from any source, including inheritance, settlement, or other judgment, shall be applied to any outstanding restitution obligation.

''(8)(A) If the court finds that the economic circumstances of the defendant do not allow the payment of any substantial amount as restitution, the court may direct the defendant to make nominal payments of not less than $100 per year toward the restitution obligation.

''(B) Any money received from the defendant under subparagraph (A) shall be disbursed so that any outstanding assessment imposed under section 3013 is paid first in full.

''(9) Court-imposed special payment directions shall not limit the ability of the Attorney General to maintain an Inmate Financial Responsibility Program that encourages sentenced inmates to meet their legitimate financial obligations.

''(10)(A) The ability of the Attorney General to enforce restitution obligations ordered under paragraph (2) shall not be limited by appeal, or the possibility of a correction, modification, amendment, adjustment, or reimposition of a sentence, unless the court expressly so orders for good cause shown and stated on the record.

''(B) Absent exceptional circumstances, as determined by the court, an order limiting the enforcement of restitution obligations shall—

''(i) require the defendant to deposit, in the registry of the district court, any amount of the restitution that is due;

''(ii) require the defendant to post a bond or other security to ensure payment of the restitution that is due; or

''(iii) impose additional restraints upon the defendant to prevent the defendant from transferring or dissipating assets.

''(C) No order described in subparagraph (B) shall restrain the ability of the United States to continue its investigation of the defendant's financial circumstances, conduct discovery, record a lien, or seek any injunction or other relief from the court.''.

SEC. 1103. IMPOSITION OF CRIMINAL FINES AND PAYMENT DIRECTIONS.

Subsection 3572(d) of title 18, United States Code, is amended to read as follows:

''(d) PAYMENT.—

''(1) IN GENERAL.—The court shall order that any fine or assessment imposed be due in full immediately upon imposition.

''(2) EFFORTS TO MAKE PAYMENT.—The court shall—

''(A) direct the defendant to make a good-faith effort to satisfy the fine and assessment in the shortest time in which full payment can be reasonably made, and to refrain from taking any action that conceals or dissipates the defendant's assets or income;

''(B) direct the defendant to notify the court of any change in residence; and

''(C) order the defendant to notify the United States Attorney for the district in which the defendant was sentenced of any change in residence, and of any material change in economic circumstances that might affect the defendant's ability to pay restitution.

''(3) GOOD FAITH.—Compliance with all payment directions imposed by paragraphs (5) and (6) shall be prima facie evidence of a good faith effort under paragraph (2)(A), unless it is shown that the defendant has concealed or dissipated assets;

''(4) ACCESS TO INFORMATION.—Notwithstanding any other provision of law, for the purpose of enforcing a fine or assessment, a United States Attorney may receive, without the need for a court order, any financial information concerning the defendant obtained by a grand jury, the United States Probation Office, or the Bureau of Prisons.

''(5) PAYMENT SCHEDULE.—

''(A) IN GENERAL.—At sentencing, or at any time prior to the termination of a restitution obligation under section 3613 of this title, the court may—

''(i) impose special payment directions upon the defendant or modify such directions; or

''(ii) direct the defendant to make a single, lump sum payment, or partial payments at specified intervals.

''(B) PERIOD OF TIME.—The period of time over which scheduled payments are established for purposes of this paragraph shall be the shortest time in which full payment can reasonably be made.

''(C) REPATRIATION.—The court may direct the defendant to repatriate any property that constitutes proceeds of the offense of conviction, or property traceable to such proceeds.

''(D) SURRENDER.—In ordering restitution, the court may direct the defendant to surrender to the United States any interest of the defendant in any non-exempt asset.

''(E) THIRD PARTIES.—If the court directs the defendant to repatriate or surrender any property in which it appears that any person other than the defendant may have a legal interest—

''(i) the court shall take such action as is necessary to protect such third party interest; and

''(ii) may direct the United States to initiate any ancillary proceeding to determine such third party interests in accordance with the procedures specified in section 413(n) of the Controlled Substances Act (21 U.S.C. 853(n)).

''(F) EXCLUSIVITY OF REMEDY.—Except as provided in this section, no person may commence an action against the United States concerning the validity of the party's alleged interest in the property subject to reparation or surrender.

''(G) PRESERVATION OF PROPERTY.—The court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property for payment of the fine or assessment.

''(6) CONSIDERATIONS.—In determining whether to impose or modify special payment directions, the court may consider—

''(A) the need to satisfy the fine or assessment;

''(B) the financial ability of the defendant;

''(C) the economic circumstances of the defendant, including the financial resources and other assets of the defendant, and whether any of those assets are jointly controlled;

''(D) the projected earnings and other income of the defendant;

''(E) any financial obligations of the defendant, including obligations to dependents;

''(F) whether the defendant has concealed or dissipated assets or income; and

''(G) any other appropriate circumstances.

''(7) USE OF RESOURCES.—Any substantial resources from any source, including inheritance, settlement, or other judgment shall be applied to any fine or assessment still owed.

''(8) NOMINAL PAYMENTS.—If the court finds that the economic circumstances of the defendant do not allow the immediate payment of any substantial amount of the fine or assessment imposed, the court may direct the defendant to make nominal payments of not less than $100 per year toward the fine or assessment imposed.

''(9) INMATE FINANCIAL RESPONSIBILITY PROGRAM.—Court-imposed special payment directions shall not limit the ability of the Attorney General to maintain an Inmate Financial Responsibility Program that encourages sentenced inmates to meet their legitimate financial obligations.

''(10) ENFORCEMENT.—

''(A) IN GENERAL.—The ability of the Attorney General to enforce the fines and assessment ordered under paragraph (1) shall not be limited by an appeal, or the possibility of a correction, modification, amendment, adjustment, or reimposition of a sentence, unless the court expressly so orders, for good cause shown and stated on the record.

''(B) EXCEPTIONS.—Absent exceptional circumstances, as determined by the court, an order limiting enforcement of a fine or assessment shall—

''(i) require the defendant to deposit, in the registry of the district court, any amount of the fine or assessment that is due;

''(ii) require the defendant to post a bond or other security to ensure payment of the fine or assessment that is due; or

''(iii) impose additional restraints upon the defendant to prevent the defendant from transferring or dissipating assets.

''(C) OTHER ACTIVITIES.—No order described in subparagraph (B) shall restrain the ability of the United States to continue its investigation of the defendant's financial circumstances, conduct discovery, record a lien, or seek any injunction or other relief from the court.

''(11) SPECIAL ASSESSMENTS.—The requirements of this subsection shall apply to the imposition and enforcement of any assessment imposed under section 3013 of this title.''.

SEC. 1104. COLLECTION OF UNPAID FINES OR RESTITUTION.

Section 3612(b) of title 18, United States Code, is amended to read as follows:

''(b) INFORMATION TO BE INCLUDED IN JUDGMENT; JUDGMENT TO BE TRANSMITTED TO THE ATTORNEY GENERAL.—

''(1) IN GENERAL.—A judgment or order imposing, modifying, or remitting a fine or restitution order of more than $100 shall include—

''(A) the name, social security account number, mailing address, and residence address of the defendant;

''(B) the docket number of the case;

''(C) the original amount of the fine or restitution order and the amount that is due and unpaid;

''(D) payment orders and directions imposed under section 3572(d) and section 3664(f) of this title; and

''(E) a description of any modification or remission.

''(2) TRANSMITTAL OF COPIES.—Not later than 10 days after entry of the judgment or order described in paragraph (1), the court shall transmit a certified copy of the judgment or order to the Attorney General.''.

SEC. 1105. ATTORNEY'S FEES FOR VICTIMS.

(a) ORDER OF RESTITUTION.—Section 3663(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A) the following:

''(B) reimburse the victim for attorneys' fees reasonably incurred in an attempt to retrieve damaged, lost, or destroyed property (which shall not include payment of salaries of Government attorneys); or''; and

(D) in subparagraph (C), as so redesignated by this subsection, by inserting ''or (B)'' after ''subparagraph (A)'';

(2) in paragraph (4)—

(A) by inserting ''(including attorneys' fees necessarily and reasonably incurred for representation of the victim, which shall not include payment of salaries of Government attorneys)'' after ''other expenses related to participation in the investigation or prosecution of the offense''; and

(B) by striking ''and'' at the end;

(3) in paragraph (5), by striking the period and inserting ''; and''; and

(4) by adding at the end the following:

''(6) in any case, reimburse the victim for reasonably incurred attorneys' fees that are necessary and foreseeable results of the defendant's crime (which shall not include payment of salaries of Government attorneys).''.

(b) MANDATORY RESTITUTION TO VICTIMS OF CERTAIN CRIMES.—Section 3663A(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A) the following:

''(B) reimburse the victim for attorneys' fees reasonably incurred in an attempt to retrieve damaged, lost, or destroyed property (which shall not include payment of salaries of Government attorneys); or''; and

(D) in subparagraph (C), as so redesignated by this subsection, by inserting ''or (B)'' after ''subparagraph (A)'';

(2) in paragraph (3), by striking ''and'' at the end;

(3) in paragraph (4)—

(A) by inserting ''(including attorneys' fees necessarily and reasonably incurred for representation of the victim, which shall not include payment of salaries of Government attorneys)'' after ''other expenses related to participation in the investigation or prosecution of the offense''; and

(B) by striking the period and inserting ''; and''; and

(4) by adding at the end the following:

''(5) in any case, reimburse the victim for reasonably incurred attorneys' fees that are necessary and foreseeable results of the defendant's crime (which shall not include payment of salaries of Government attorneys).''.

Subtitle B—Preservation of Assets for Restitution

SEC. 1201. SHORT TITLE.

This subtitle may be cited as the ''Preservation of Assets for Restitution Act of 2007''.

SEC. 1202. AMENDMENTS TO THE MANDATORY VICTIMS RESTITUTION ACT.

(a) IN GENERAL.—Chapter 232 of title 18, United States Code, is amended by inserting after section 3664 the following:

''§ 3664A. Preservation of assets for restitution

''(a) PROTECTIVE ORDERS TO PRESERVE ASSETS.—

''(1) IN GENERAL.—Upon the Government's ex parte application and a finding of probable cause to believe that a defendant, if convicted, will be ordered to satisfy an order of restitution for an offense punishable by imprisonment for more than 1 year, the court—

''(A) shall—

''(i) enter a restraining order or injunction;

''(ii) require the execution of a satisfactory performance bond; or

''(iii) take any other action necessary to preserve the availability of any property traceable to the commission of the offense charged; and

''(B) if it determines that it is in the interests of justice to do so, shall issue any order necessary to preserve any nonexempt asset (as defined in section 3613) of the defendant that may be used to satisfy such restitution order.

''(2) PROCEDURES.—Applications and orders issued under paragraph (1) shall be governed by the procedures under section 413(e) of the Controlled Substances Act (21 U.S.C. 853(e)) and in this section.

''(3) MONETARY INSTRUMENTS.—If the property in question is a monetary instrument (as defined in section 1956(c)(5)) or funds in electronic form, the protective order issued under paragraph (1) may take the form of a warrant authorizing the Government to seize the property and to deposit it into an interest-bearing account in the Registry of the Court in the district in which the warrant was issued, or into another such account maintained by a substitute property custodian, as the court may direct.

''(4) POST-INDICTMENT.—A post-indictment protective order entered under paragraph (1) shall remain in effect through the conclusion of the criminal case, including sentencing and any post-sentencing proceedings, until seizure or other disposition of the subject property, unless modified by the court upon a motion by the Government or under subsection (b) or (c).

''(b) DEFENDANT'S RIGHT TO A HEARING.—

''(1) IN GENERAL.—In the case of a preindictment protective order entered under subsection (a)(1), the defendant's right to a post-restraint hearing shall be governed by paragraphs (1)(B) and (2) of section 413(e) of the Controlled Substances Act (21 U.S.C. 853(e)).

''(2) POST-INDICTMENT.—In the case of a post-indictment protective order entered under subsection (a)(1), the defendant shall have a right to a post-restraint hearing regarding the continuation or modification of the order if the defendant—

''(A) establishes by a preponderance of the evidence that there are no assets, other than the restrained property, available to the defendant to retain counsel in the criminal case or to provide for a reasonable living allowance for the necessary expenses of the defendant and the defendant's lawful dependents; and

''(B) makes a prima facie showing that there is bona fide reason to believe that the court's ex parte finding of probable cause under subsection (a)(1) was in error.

''(3) HEARING.—

''(A) IN GENERAL.—If the court determines that the defendant has satisfied the requirements of paragraph (2), it may hold a hearing to determine whether there is probable cause to believe that the defendant, if convicted, will be ordered to satisfy an order of restitution for an offense punishable by imprisonment for more than 1 year, and that the seized or restrained property may be needed to satisfy such restitution order.

''(B) PROBABLE CAUSE.—If the court finds probable cause under subparagraph (A), the protective order shall remain in effect.

''(C) NO PROBABLE CAUSE.—If the court finds under subparagraph (A) that no probable cause exists as to some or all of the property, or determines that more property has been seized and restrained than may be needed to satisfy a restitution order, it shall modify the protective order to the extent necessary to release the property that should not have been restrained.

''(4) REBUTTAL.—If the court conducts an evidentiary hearing under paragraph (3), the court shall afford the Government an opportunity to present rebuttal evidence and to cross-examine any witness that the defendant may present.

''(5) PRETRIAL HEARING.—In any pretrial hearing on a protective order issued under subsection (a)(1), the court may not entertain challenges to the grand jury's finding of probable cause regarding the criminal offense giving rise to a potential restitution order. The court shall ensure that such hearings are not used to obtain disclosure of evidence or the identities of witnesses earlier than required by the Federal Rules of Criminal Procedure or other applicable law.

''(c) THIRD PARTY'S RIGHT TO POST-RESTRAINT HEARING.—

''(1) IN GENERAL.—A person other than the defendant who has a legal interest in property affected by a protective order issued under subsection (a)(1) may move to modify the order on the grounds that—

''(A) the order causes an immediate and irreparable hardship to the moving party; and

''(B) less intrusive means exist to preserve the property for the purpose of restitution.

''(2) MODIFICATION.—If, after considering any rebuttal evidence offered by the Government, the court determines that the moving party has made the showings required under paragraph (1), the court shall modify the order to mitigate the hardship, to the extent that it is possible to do so while preserving the asset for restitution.

''(3) INTERVENTION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) or paragraph (1), a person

other than a defendant has no right to intervene in the criminal case to object to the entry of any order issued under this section or otherwise to object to an order directing a defendant to pay restitution.

''(B) EXCEPTION.—If, at the conclusion of the criminal case, the court orders the defendant to use particular assets to satisfy an order of restitution (including assets that have been seized or restrained pursuant to this section) the court shall give persons other than the defendant the opportunity to object to the order on the ground that the property belonged in whole or in part to the third party and not to the defendant, as provided in section 413(n) of the Controlled Substances Act (21 U.S.C. 853(n)).

''(d) GEOGRAPHIC SCOPE OF ORDER.—

''(1) IN GENERAL.—A district court of the United States shall have jurisdiction to enter an order under this section without regard to the location of the property subject to the order.

''(2) OUTSIDE THE UNITED STATES.—If the property subject to an order issued under this section is located outside of the United States, the order may be transmitted to the central authority of any foreign state for service in accordance with any treaty or other international agreement.

''(e) NO EFFECT ON OTHER GOVERNMENT ACTION.—Nothing in this section shall be construed to preclude the Government from seeking the seizure, restraint, or forfeiture of assets under the asset forfeiture laws of the United States.

''(f) LIMITATION ON RIGHTS CONFERRED.—Nothing in this section shall be construed to create any enforceable right to have the Government seek the seizure or restraint of property for restitution.

''(g) RECEIVERS.—

''(1) IN GENERAL.—A court issuing an order under this section may appoint a receiver under section 1956(b)(4) to collect, marshal, and take custody, control, and possession of all assets of the defendant, wherever located, that have been restrained in accordance with this section.

''(2) DISTRIBUTION OF PROPERTY.—The receiver shall have the power to distribute property in its control to each victim identified in an order of restitution at such time, and in such manner, as the court may authorize.''.

(b) CONFORMING AMENDMENT.—The section analysis for chapter 232 of title 18, United States Code, is amended by inserting after the item relating to section 3664 the following:

''Sec. 3664A. Preservation of assets for restitution.''.

SEC. 1203. AMENDMENTS TO THE ANTI-FRAUD INJUNCTION STATUTE.

Section 1345(a) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking ''or'' at the end; and

(B) by inserting after subparagraph (C) the following:

''(D) committing or about to commit a Federal offense that may result in an order of restitution;''; and

(2) in paragraph (2)—

(A) by striking ''a banking violation'' and all that follows through ''healthcare offense'' and inserting ''a violation or offense identified in paragraph (1)''; and

(B) by inserting ''or offense'' after ''traceable to such violation''.

SEC. 1204. AMENDMENTS TO THE FEDERAL DEBT COLLECTION PROCEDURES ACT.

(a) PROCESS.—Section 3004(b)(2) of title 28, United States Code, is amended by inserting after ''in which the debtor resides.'' the following: ''In a criminal case, the district court for the district in which the defendant was sentenced may deny the request.''.

(b) PREJUDGMENT REMEDIES.—Section 3101 of title 28, United States Code, is amended—

(1) in subsection (a)(1) by inserting after ''the filing of a civil action on a claim for a debt'' the following: ''or in any criminal action where the court may enter an order of restitution''; and

(2) in subsection (d)—

(A) by inserting after ''The Government wants to make sure [name of debtor] will pay if the court determines that this money is owed.'' the following:

''''In a criminal action, use the following opening paragraph: You are hereby notified that this [property] is being taken by the United States Government [the Government], which says that [name of debtor], if convicted, may owe as restitution $ [amount]. The Government says it must take this property at this time because [recite the pertinent ground or grounds from section 3101(b)]. The Government wants to make sure [name of debtor] will pay if the court determines that restitution is owed.'''';

(B) by inserting after ''a statement that different property may be so exempted with respect to the State in which the debtor resides.]'' the following:

''''[In a criminal action, the statement summarizing the types of property that may be exempt shall list only those types of property that may be exempt under section 3613 of title 18.]'''; and

(C) by inserting after ''You must also send a copy of your request to the Government at [address], so the Government will know you want the proceeding to be transferred.''' the following:

''''If this Notice is issued in conjunction with a criminal case, the district court where the criminal action is pending may deny your request for a transfer of this proceeding.''''.

(c) ENFORCEMENT.—Section 3202(b) of title 28, United States Code, is amended—

(1) by inserting after ''a statement that different property may be so exempted with respect to the State in which the debtor resides.]'' the following:

''''[In a criminal action, the statement summarizing the types of property that may be exempt shall list only those types of property that may be exempt under section 3613 of title 18.]'''; and

(2) by inserting after ''you want the proceeding to be transferred.''' the following:

''''If this notice is issued in conjunction with a criminal case, the district court where the criminal action is pending may deny your request for a transfer of this proceeding.''''.

Subtitle C—Environmental Crimes Restitution

SEC. 1301. SHORT TITLE.

This subtitle may be cited as the ''Environmental Crimes Restitution Act of 2007''.

SEC. 1302. IMMEDIATE AVAILABILITY OF RESTITUTION TO VICTIMS OF ENVIRONMENTAL CRIMES.

Section 3663(a)(1)(A) of title 18, United States Code, is amended by striking ''or section 5124, 46312, 46502, or 46504 of title 49,'' and inserting ''paragraph (2) or (3) of section 309(c) of the Federal Water Pollution Control Act (33 U.S.C. 1319(c)), section 105(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1415(b)), section 9(a) of the Act to Prevent Pollution from Ships (33 U.S.C. 1908(a)), section 1423 or subsection (a) or (b) of section 1432 of the Safe Drinking Water Act (42 U.S.C. 300h–2 and 300i–1), subsection (d) or (e) of section 3008 of the Solid Waste Disposal Act (42 U.S.C. 6928), paragraph (1) or (5) of section 113(c) of the Clear Air Act (42 U.S.C. 7413(c)), or section 46312, 46502, or 46504 of title 49,''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. KLOBUCHAR. Mr President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 19, 2007, a 9:30 a.m., in open session to receive testimony on the Department of Defense's management of costs under the Logistics Civil Augmentation Program (LOCGAP) contract in Iraq.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, April 19, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The purpose of this hearing is to discuss the importance of basic research to U.S. competitiveness in science.

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

COMMITTEE ON FINANCE.

Ms. KLOBUCHUR. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, April 19, 2007, at 10 a.m., in 2125 Dirksen Senate Office Building, to hear testimony on ''Grains, Cane, and Automobiles: Tax Incentives for Alternative Fuels and Vehicles''.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Ms. KLOBUCHAR, Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, April 19, 2007, at 9 a.m. for a hearing titled ''Dangerous Exposure: The Impact of Global Warming on Private and Federal Insurance.''

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

COMMITTEE ON THE JUDICIARY

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct hearing on ''Department of Justice Oversight'' on Thursday, April 19, 2007 at 9:30 a.m., in Hart Senate Office Building room 216.

Witness

The Honorable Alberto Gonzales, Attorney General, United States Department of Justice, Washington, DC.

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

SELECT COMMITTEE ON INTELLIGENCE

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 19, 2007 at 2:30 p.m. to hold a hearing.

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

SPECIAL COMMITTEE ON AGING

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Thursday, April 19, 2007 from 10 a.m. to noon in Dirksen 562 for the purpose of conducting a hearing.

Agenda

Biodentical Hormones.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, Federal Services and International Security be authorized to meet on Thursday, April 19, 2007 at 2 p.m. for a hearing entitled, ''The Road Ahead: Implementing Postal Reform.''

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

SUBCOMMITTEE ON STRATEGIC FORCES

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces be authorized to meet in open and closed sessions during the session of the Senate on Thursday, April 19, 2007, at 2:30 p.m., to receive testimony on military space programs in review of the defense authorization request for fiscal year 2008 and the future years defense program.

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

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

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

PROGRAM

Mr. DURBIN. Madam President, we will return tomorrow in session to discuss the competitiveness bill now pending and to have debate only and then consider amendments, and we hope to vote on it early next week.

As far as our meeting this week in the Senate, we are able to point to the passage of the court security bill, which is an important piece of legislation. Unfortunately, it is a bill that took 2 days, and it should have taken 20 minutes. During the course of 2 days, we had a general debate about budget deficits and a debate which started and ended without a vote on splitting up the Ninth Circuit. It was time for some Members to bring up issues of importance to them, but I would suggest we have a limited amount to show for our activity this week because of activities on the other side of the aisle.

Twice we were stopped in efforts to call up important legislation. We wanted to have the reauthorization of the intelligence agencies in America so that they are prepared to deal in the most effective way in fighting terrorism. Unfortunately, there was resistance from the Republican side of the aisle, and we weren't able to do so. The bill had to be pulled from debate on the floor and put back on the calendar for another day. Then we wanted to move to the Medicare prescription Part D Program. Those of us on the Democratic side think it is important to have a debate as to whether Medicare can offer less expensive, more affordable drugs to seniors and disabled people. The pharmaceutical companies don't like this idea. The current system is very profitable for them. They have mounted a very expensive campaign to stop any suggestion of changing Medicare prescription Part D. It would have been a lively debate, an important debate, followed closely by many seniors and their families but, unfortunately, once again, the Republican minority, within their rights, stopped us from moving to that important debate.

So for two very substantive issues, we were stopped this week from the kind of progress which I think people expect us to make. Even if we disagree between the parties, there should be a spirit of cooperation here, at least when it comes to honest debate in a reasonable period of time and then an up-or-down vote and then move on, but we couldn't reach that point this week. Sadly, the only bill that passed was the Court Security Act, as important as it is. It should have passed very quickly without controversy. It took us 2 days.

Now we have a very important bill before us, which I think is long overdue. I wish to thank Senator ALEXANDER from Tennessee and Senator BINGAMAN for being the lead sponsors on this bill. I hope the debate tomorrow will lead to some amendments the beginning of next week and then to passage. America needs to maintain the competitive edge in so many parts of our economy, particularly when it comes to manufacturing, and this bill could be very positive.

UNANIMOUS-CONSENT AGREEMENT—S. 761

Mr. DURBIN. Madam President, I ask unanimous consent that on Friday, April 20, at 10:30 a.m, the Senate proceed to the consideration of Calendar No. 70, S. 761, the America COMPETES Act, and that during Friday's session there be debate only with no amendments in order to the bill; further, that on Tuesday, April 24, during consideration of S. 761, Senator COBURN be recognized to speak for 1 hour.

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

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President of the Senate, and after consultation with the Republican leader, pursuant to Public Law 106–286, appoints the following Members to serve on the Congressional-Executive Commission on the People's Republic of China: the Senator from Nebraska (Mr. HAGEL), the Senator from Kansas (Mr. BROWNBACK), the Senator from Oregon (Mr. SMITH), and the Senator from Florida (Mr. MARTINEZ).

AMENDING THE ETHICS IN GOVERNMENT ACT OF 1978

Mr. DURBIN. Madam President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of H.R. 1130, and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1130) to amend the Ethics in Government Act of 1978 to extend the authority to withhold from public availability a financial disclosure report filed by an individual who is a judicial officer or judicial employee, to the extent necessary to protect the safety of that individual or a family member of that individual, and for other purposes.

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

Mr. DURBIN. Madam President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, without intervening action or debate.

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

The bill (H.R. 1130) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR FRIDAY, APRIL 20, 2007

Mr. DURBIN. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. Friday, April 20; that on Friday following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each; that at 10:30 the Senate begin consideration of S. 761, the America COMPETES Act, as provided for under a previous order.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DURBIN. Madam President, if there is no further business today, I ask unanimous consent that the Senate adjourn under the previous order.

There being no objection, the Senate, at 4:45 p.m., adjourned until Friday, April 20, at 10 a.m.

EXTENSIONS OF REMARKS

TRIBUTE TO FLORINE MARK

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. LEVIN. Madam Speaker, it is with great pride and admiration that I rise to congratulate Florine Mark on being a recipient of the Jewish Community Center of Metropolitan Detroit's Jewish Community Boneh Kehillah Award. It is my privilege to applaud Ms. Mark as a deserving community member and friend for her many years of entrepreneurship, community service, and civil activism on a day when she is being acknowledged for her vast achievements.

As President and Chairman of the Board of The WW Group, Inc., Ms. Mark displays a keen business sense and devotion to promoting the physical and mental well-being of her fellow citizens, a commitment that she has worked diligenty to nurture and expand for over 30 years.

In addition to her successful business career, Ms. Mark displays a devotion to the community at large and a gracious heart through her insight and support of local and national organizations on women's issues, healthy lifestyles, and the preservation of our rich cultural heritage. The American Heart Association, Detroit Institute for Children, Detroit Renaissance and Seeds of Peace are just a few of the many organizations that have benefited from her involvement.

Beyond her role as a business leader and pillar of the community, Ms. Mark is also the proud mother of 5 children and 19 grandchildren who share a bond of giving and receiving to each other, their neighbors and community.

I am honored to express my gratitude and admiration to Ms. Mark for the profound impact she has on the lives of men and women around the country and her impact on the Metro-Detroit Community. She truly exemplifies "Boneh Kehilla".

Madam Speaker, I ask my colleagues to join me in recognizing Ms. Mark on this momentous occasion. May she know of our admiration and warmest wishes for continued success.

HOLOCAUST REMEMBRANCE DAY—YOM HASHOAH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. TOWNS. Madam Speaker, I rise today to commemorate Yom HaShoah, Holocaust Remembrance Day. I join the Jewish communities of my district in Brooklyn, the entire American Jewish community, and the State of Israel in recognizing this barbaric chapter of world history.

Over 60 years ago, the Nazi regime in Germany began the wholesale slaughter of the European Jewry. This occurred with little public outrage in the United States and the international community. The world, as well the American government under President Franklin Delano Roosevelt, refused to act to save European Jewry and that silence undoubtedly contributed to the death of six million Jews, a million of whom were children.

When we hear the number six million, we shudder. The enormity of that number is paralyzing. Merely trying to count to six million would take months. Imagining the Nazi death machine executing so many human beings is daunting. Particularly for those of us who have not survived the Holocaust, absorbing the reality of that destruction from survivors is so essential to passing on the history of the Holocaust.

The moving museums and heart wrenching memorials dedicated to the Holocaust across the United States are vital in educating today's youth about the horrors of the Holocaust, and I want to commend all organizations and groups that are committed to this important work. It is additionally critical that European countries preserve the glaring remnants of the Holocaust that still exist today. Whether they are death camps, mass gravesites, cemeteries, synagogues or other holy sites from pre-Holocaust Europe, European governments have an obligation to preserve those sites for future generations. Sadly, numerous European countries including Lithuania, Ukraine and Romania have on occasion shirked their responsibilities in this regard.

While we remember the absolute devastation the Holocaust wrought on the Jewish community, we also mark the strength of those who heroically resisted the Nazis including those who fought in the Warsaw Ghetto Uprising and at the Sobibor extermination camp.

I am privileged to represent a large but dwindling population of Holocaust survivors in my district. Many of these survivors rebuilt their lives with nothing more than the shirt on their back. Today, based on the strong foundations of those Holocaust survivors, the beautiful Jewish communities of Williamsburg, Midwood and Canarsie have flourished. These communities represent the best of Jewish life and have been instrumental in resurrecting religious life in the aftermath of the Holocaust by creating synagogues, yeshivas, and other religious institutions.

Madam Speaker, I would like to take this opportunity to recognize the efforts of organizations that have taken extraordinary steps in servicing and caring for the Holocaust survivor population in my district: The Metropolitan Council on Jewish Poverty; The United Jewish Organizations of Williamsburg; The Council of Jewish Organizations of Flatbush; The Jewish Community Council of Canarsie; The Conference of Jewish Material Claims Against Germany; Peasch Tikvah and all the Bikkur Cholim organizations. Their selfless work for Holocaust survivors continues to serve as an inspiration to me and I am honored to recognize their hard work.

Madam Speaker, I join my colleagues here today in remembering the Holocaust. Though there are still Holocaust deniers today, it is imperative that we never forget.

TRIBUTE TO THE TUCKER HIGH SCHOOL BOYS BASKETBALL TEAM

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. JOHNSON of Georgia. Madam Speaker, in the Fourth Congressional District of Georgia, only a few schools excel in competition on a State level that ignites a community.

Under the leadership and guidance of Coach James Hartry, the Tucker High School Boys Basketball team has won a State Championship for the school, the city of Tucker and our beloved Fourth Congressional District.

These Tenacious Tigers of Tucker have demonstrated the will to win, the courage to win, the mechanics of teamwork and the astounding spirit of triumph from a mental and physical battle.

The 9th day of March, 2007 will go down in history as the day that our Tucker High School Boys Basketball team became the AAAA Champions of Georgia.

The team exhibited great moral character on and off the basketball court through the halls of Tucker High.

I was pleased to set aside March 31, 2007, to honor and recognize the Tucker High School Basketball Team for its victory for our District.

TRIBUTE TO MARK D. LERNER, VICE PRESIDENT OF THE ANNETTE M. AND THEODORE N. LERNER FAMILY FOUNDATION

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. VAN HOLLEN. Madam Speaker, I rise today to pay tribute to Mark D. Lerner, Vice President of The Annette M. and Theodore N. Lerner Family Foundation, who will receive the "Chadesh Yameinu" (which means 'renewing our days' in Hebrew) Award from the Charles E. Smith Jewish Day School of Rockville, Maryland, where Mr. Lerner has served as a board member and is a proud alumni parent. Mr. Lerner's vision of community service and his unswerving dedication to seeding tomorrow's leaders by supporting their education today made him an ideal recipient for this prestigious award.

Mark D. Lerner is a principal of Lerner Enterprises, the estate development, management, and investment company founded by his

father, Theodore N. Lerner, more than 50 years ago. In 2006, along with his father and brothers-in-law, Mark became a principal owner of Major League Baseball's Washington Nationals, in large part because of a ''family model'' of ownership lauded by Major League Baseball as the ideal way to ensure continuity and growth, both for the team and for the greater Washington community. Mark believes in a vision of athletics as a catalyst for civic renewal and that vision extends to his many other professional business interests.

Mark's dedication to community service is illustrated by his impressive record of volunteerism and philanthropy, whether serving as a valued board member or participating in the daily life of institutions fighting for the causes he champions. As Vice President of The Annette M. and Theodore N. Lerner Family Foundation, he provides generous support to Jewish organizations in the fields of higher education, community-building, religious life, and tolerance. Pairing his investment in strengthening Jewish communal life with his passion for athletics, he has co-chaired the JCC Maccabi Games of Greater Washington and continues to seek out opportunities to foster community through sport.

Mark Lerner has displayed an unwavering commitment to the Charles E. Smith Jewish Day School throughout his years of involvement as a parent, alumni parent, and steadfast supporter. He chaired the Building Committee of Operation Excellence, the CESJDS campaign for the construction of the state-of-the-art Lower and Upper School campuses. Until recently, he also was a member of the Board of Directors and chaired the Building and Grounds Committee. His expertise in the area of real estate management has guided the school's expansion and ensured that its students are equipped to thrive in a space that nourishes their love of learning.

CESJDS honors a distinguished member of our community every year with the ''Chadesh Yameinu'' Award. With a name drawn from a Hebrew prayer that refers to ''renewing our days,'' the Chadesh Yameinu Award expresses the school's appreciation for the recipient's contribution to the institution's continued vitality and, by extension, to the promise of a bright Jewish tomorrow.

Madam Speaker, I ask my colleagues to join me in paying tribute to Mark D. Lerner, whose commitment to Jewish education and his leadership in community service and philanthropy serve as a shining example to future generations.

HONORING BENTON COWLES

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to pay tribute to Benton Cowles, a remarkable public servant and friend from my home State of Kentucky. Mr. Cowles recently announced his intention to retire as the Edmonson County Property Valuation Administrator after 21 years of service.

Benton Cowles has served the Edmonson County community for the past three decades; first as Deputy PVA and then as PVA, a position he has held for the past 21 years. Mr. Cowles' father had also held this important role in the local government.

Benton Cowles and his wife Teresa raised their family in Brownsville and have remained deeply invested in the Edmonson County Community. Outside his role in the local government, Mr. Cowles has spent time as a member of the Chamber of Commerce, the Brownsville Education Site based decision making council, and has volunteered with the Boy Scouts of America. He has also served as a damage coordinator for the Edmonson County Department of Emergency Management.

On behalf of the countless men and women who have benefited from his skill and generosity, I would like to express my profound appreciation to Mr. Cowles for his years of service and wish him a happy and healthy retirement.

It is my privilege to recognize Mr. Benton Cowles today, before the entire U.S. House of Representatives, for his exemplary citizenship and community leadership. His unique contributions to the Edmonson County community make him an outstanding American, worthy of our collective honor and respect.

SHAREHOLDER VOTE ON EXECUTIVE COMPENSATION ACT

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Ms. SCHAKOWSKY. Mr. Chairman, I rise today in strong support of H.R. 1257, the Shareholder Vote on Executive Compensation Act, which ensures that shareholders have a say in corporate executive compensation plans and golden parachute packages for executives who are negotiating the purchase or sale of the company.

For too long, executive compensation has been determined behind closed boardroom doors. The results have been that executives' pay has skyrocketed to the point of absurdity.

In 1991, the average large-company CEO received roughly 140 times the pay of an average worker. In 2003, the ratio was up to 500 to 1. It takes CEOs of the Nation's top companies the first two hours of the first workday of the new year to make $10,712. It takes a minimum wage worker 40 hours a week, 52 weeks a year to make the same. According to a report by Americans United for Change, those CEOs make $5,279 an hour, $10,982,000 a year, or 1,025 times more than their minimum wage employees.

These numbers are even more stunning when one considers that those salaries are not based on performance. As hearings held by Chairman FRANK have shown, even executives of companies that lose money, restate earnings, and face extensive regulatory scrutiny have received substantial compensation packages.

The Shareholder Vote on Executive Compensation Act would help hold board members accountable when setting executive pay by allowing shareholders to vote on whether they approve of the compensation packages or not. It would also give shareholders the right to vote on golden parachute packages that executives may negotiate for themselves when arranging the purchase or sale of the company.

Although these votes are non-binding, shareholders' voices will be heard. Executives and boards of directors will have to give weight to the shareholders opinions when deciding on what the gold-plated packages of executives will look like. And, it will let executives know they are being watched when negotiating the selling price of a company while simultaneously negotiating an additional personal exit package.

A similar shareholder vote has been in practice in the United Kingdom since 2003 and is now used in Australia as well. The policy is credited with improving management/shareholder dialogue on executive compensation matters and increasing the use of long-term performance targets in incentive compensation. It was recently adopted voluntarily by Aflac, and according to Institutional Shareholder Services, is currently pending before 52 companies. I urge my colleagues to support H.R. 1257 and make it the norm for all U.S. companies.

CONGRATULATING THE EMPLOYEES OF HOLCIM IN THEODORE, AL ON RECEIVING THE 2006 COUNCIL OF STATE GOVERNMENTS ASSOCIATES AWARD FOR CORPORATE CITIZENSHIP

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. BONNER. Madam Speaker, today I rise to honor the Holcim cement plant in Theodore, Alabama, for winning the Council of State Governments (CSG) Associates award for outstanding corporate citizenship.

The CSG Associates award recognizes those who have shown great dedication in service to their communities. The nominations for the award are submitted by state officials from across the country, and the CSG leadership then chooses a winner. The 156 employees of the Holcim Theodore plant were honored with this prestigious award for their service to the Theodore community—and surrounding areas—in the aftermath of Hurricane Katrina.

There are two specific efforts of the employees of the Theodore plant that were highlighted by the award. First, Holcim played a key role in rebuilding the Bayou La Batre Rural Health Clinic. This clinic, serving mostly the less fortunate, was destroyed by Hurricane Katrina and then, only days before its reopening, was ravaged by a fire. With the help of other local industries, Holcim led fundraising efforts to rebuild the clinic, contributing $50,000 of the $120,000 raised.

Holcim also sponsored two students from Morehouse School of Medicine in Atlanta as temporary summer staff at the clinic.

Second, the CSG Associates recognized Holcim for its efforts towards rebuilding new homes in Theodore for those who were displaced by Hurricane Katrina. Joining with Habitat for Humanity, Holcim donated concrete for 11 new homes, while Holcim employees volunteered their time and effort to build the new homes.

Holcim's honors, however, do not stop with the CSG Associates award. They have received honors not only at the local level but

also the national level. Recently, the Theodore plant won the Environmental Performance award from the Portland Cement Association. Additionally, Dow Jones Sustainability Index named Holcim as ''Leader of Industry,'' and for four years, Holcim has been noted in the Dow Jones Sustainability World Index and the Dow Jones STOXX Sustainability Index in Europe.

Holcim (US) Inc. is one of the Nation's leading manufacturers and suppliers of cement and mineral components. With 14 manufacturing plants and over 70 distribution facilities in the United States, the Holcim Theodore plant is a shining star in Holcim's corporate constellation.

Madam Speaker, I ask my colleagues to join with me in congratulating the Holcim cement plant in Theodore, Alabama, for all of their great accomplishments. I know the plant manager, Joe McFalls, the employees, their friends, families, and members of the community join with me in praising Holcim for their many accomplishments, and I extend thanks for their continued service to Mobile County and the First Congressional District.

TRIBUTE TO THE UNIVERSITY OF WISCONSIN WHITEWATER WHEELCHAIR BASKETBALL TEAM

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Ms. BALDWIN. Madam Speaker, I rise today in recognition of the University of Wisconsin-Whitewater Wheelchair Basketball team, who—in a stunning display of athleticism and courage, captured the 2007 National Intercollegiate Wheelchair Basketball Championship.

Led by Coach Tracy Chynoweth, the Warhawks capped an extraordinary season by defeating the Fighting Scots of Edinboro University to win their fourth national championship in 5 years. UW–Whitewater coiled a 28–2 season record, with a conference record of 18–0.

The Warhawks were led by freshman standout Joe Chambers, who averaged 15 points and 10 rebounds this season and registered 23 points and 12 rebounds in the championship game. His play was complemented by National Play-of-the-Year Matt Scott, who averaged 14.5 points per game, including 14 points and 9 rebounds against Edinboro. ''It's an honor to be a part of this team,'' said Chambers. ''We clicked on all cylinders and played like a band of brothers.'' The Warhawks are favored to return to the National Title game next year as they lose only one player from this year's championship team.

Winning the title in front of 1,750 fans, the Warhawks brought tremendous victory home to the great state of Wisconsin and established their dominance as the premiere wheelchair basketball program in the country. I sincerely congratulate the University of Wisconsin-Whitewater Wheelchair Basketball team for their remarkable achievements and wish them the best of luck in their quest to repeat as National Champions.

TAXPAYER PROTECTION ACT OF 2007

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. REYES. Madam Speaker, I rise today in strong support of H.R. 1677, the Taxpayer Protection Act of 2007.

This bill accomplishes several important objectives. It cracks down on websites that attempt to strip unwitting consumers of sensitive information by imitating the IRS website. Electronic filing is on the rise, which is good for both consumers and the IRS, and we must make sure Americans feel comfortable and secure when paying their taxes online.

This legislation would also require the IRS to notify a taxpayer when it becomes evident in the course of a tax fraud investigation that he or she may have been the victim of identify theft. In the past, when presented with evidence of such fraud, the IRS, incredulously, would not apprise an individual of the serious situation he or she was facing. This must change.

In addition, the bill would also simplify tax filing requirements for businesses owned jointly by a husband and wife and make it easier for a married couple to file as a single proprietor of a business rather than as a partnership. It increases consumer protections from predatory providers of refund anticipation loans, gives taxpayers more time to recover property seized improperly by the IRS, and updates federal law to stop certain forms of tax fraud.

Perhaps most importantly, this bill would strengthen our outreach to people entitled to cash back on their tax returns under the Earned Income Tax Credit (EITC). The EITC is effective because it rewards work. The families of Americans who work hard but don't earn a lot should not be forced to live in poverty. However, recent evaluations have shown that approximately 25 percent of hardworking households eligible for the EITC have not claimed it, and billions of dollars in targeted tax credits did not end up in the hands of the workers who needed them most.

When hundreds of millions of Americans step up to invest in their country by paying their taxes, they must know that Congress is looking out for their best interests. By passing this bill, we are doing just that.

I thank my colleagues and urge passing of the bill.

RECOGNIZING YOM HASHOAH, HOLOCAUST MARTYRS' AND HEROES' REMEMBRANCE DAY

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. MEEK of Florida. Madam Speaker, I rise today to join my colleagues and my constituents in solemn recognition of Yom Hashoah, or Holocaust Martyrs' and Heroes' Remembrance Day; a special day where we mourn the millions of Jews who perished at the hands of the Nazis.

This day has special significance for Jews, the main target of Nazi atrocities. I represent many constituents who are Holocaust survivors and many more that lost friends, relatives and loved ones. We mourn their loss; honor their memory; and unite in opposition to acts of bigotry and intolerance.

We also pause to remember the innocent people of Darfur. The mass killings, acts of rape, and displacement of innocent civilians occurring daily in Darfur is unconscionable and must end. This is a moment in human history when the poignant expression ''Never Again'' must be repeated over and over again, coupled with real action to end this tragic period of human suffering.

This year, as we commemorate Holocaust Martyrs' and Heroes' Remembrance Day on Capitol Hill, we pause to remember one Holocaust survivor, Professor Liviu Librescu, who was tragically killed on the campus of Virginia Tech protecting his students from a gunman who murdered 32 innocent people.

His death occurred on Monday, April 16, the day Israelis commemorated Yom Hashoah.

A native of Romania, Liviu Librescu survived the Holocaust, endured years of communist oppression in Eastern Europe, immigrated to Israel in 1978 and then relocated to the United States where he taught engineering science and mathematics.

Before the tragedy at Virginia Tech, Professor Librescu was known as a passionate, world class educator who dedicated his life to teaching students. Now, he will also be remembered as the hero who saved lives by blocking a doorway from an oncoming killer, allowing students to escape to safety. Professor Librescu sacrificed his life, so that others may live. His selfless action in the face of such terrifying danger epitomizes the heroism and courage that defined Liviu Librescu's life.

May the memory of Liviu Librescu, the six million Jews who perished in the Holocaust, and the victims of genocide in Darfur be blessed for all eternity.

RECOGNITION OF SUPERINTENDENT PAUL VRANISH

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. RODRIGUEZ. Madam Speaker, I rise here today to pay tribute to a great educator: Mr. Paul Vranish, Superintendent for Tomillo Independent School District. The Texas Education Agency named Mr. Vranish the Communities in Schools Superintendent of the Year.

Mr. Vranish became the Superintendent of Tomillo ISD in June 2002. He was recognized for his part in his ''Parent Chats'' program which encourages better communication between the community and the school district.

Along with increasing dialogue between the district officials and the public, Mr. Vranish has also worked to bring his students and community the information and technology they need to excel in the world by providing increased computer access and free high-speed internet access to Tomillo, a small Texas town near the Mexico border.

Mr. Varnish is a dedicated educator who has done much to provide a quality education

for his students and community. I wish to congratulate Mr. Vranish for receiving the Communities in Schools Superintendent of the Year from the Texas Education Agency.

TRIBUTE TO WILLIAM CLAY FORD, JR.

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. LEVIN. Madam Speaker, I rise to congratulate William Clay Ford, Jr., on being a recipient of the Jewish Community Center of Metropolitan Detroit's ''City of Detroit'' Boneh Kehillah Award. Mr. Ford displays an unwavering devotion, as a business and community leader, to the people and the company that help define Detroit as the Motor City. It is my privilege to acknowledge Mr. Ford for his exemplary commitment to the growth of 21st century innovation and ushering in a renewed sense of community and pride to the citizens of Metro Detroit.

Among the many titles Mr. Ford has held throughout his career with Ford Motor Company, he is most notably recognized for serving as the President and CEO of Ford Motor Company and for his continuing role as executive chairman of the board of directors. Mr. Ford is a proven leader in the automotive industry and a conscientious environmentalist, a combination that allows him to promote technology that improves our lives while investing in Michigan's economic future and preserving our planet.

Mr. Ford displays a commitment to the spread of ideas and humanitarianism that reach far beyond the walls of the boardroom. He humbly utilizes his resources to give back to the community and takes an active role in organizations that promote regional economic revitalization such as Detroit Renaissance and the Detroit Economic Club. Mr. Ford inherited a name that is easily identified with Detroit, but it is his actions and personal convictions that ultimately define him as a spirited leader in our community.

I am honored to express my gratitude and admiration to Mr. Ford. He truly exemplifies ''Boneh Kehillah'' through his on-going efforts to foster a bold plan for the future of Metro Detroit and its workers.

Madam Speaker, I ask my colleagues to join me in recognizing Mr. Ford on this momentous occasion. May he know of our admiration and warmest wishes for continued success.

OFFERING HEARTFELT CONDOLENCES TO THE VICTIMS AND THEIR FAMILIES REGARDING THE HORRIFIC VIOLENCE AT VIRGINIA TECH AND TO STUDENTS, FACULTY, ADMINISTRATION AND STAFF AND THEIR FAMILIES WHO HAVE BEEN AFFECTED

SPEECH OF

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. TOWNS. Madam Speaker, I rise today to express my sorrow and disbelief over the massacre at Virginia Tech. I join a country and Congress, especially my colleague from Virginia, that are still experiencing profound mourning and shock. I extend my deepest sympathies to the families and friends of all the Virginia Tech victims. We all continue to have the injured victims in our prayers.

I particularly want to recognize the heroism of Virginia Tech Professor, Liviu Librescu, who was gunned down while blocking his classroom door while he and his students were under attack, ultimately sacrificing his own life for those of his students.

Mr. Librescu, age seventy-six, was born in Romania and survived the Holocaust and his interment in a labor camp and Focsani ghetto. He and his family later survived the oppression of the Romanian dictator, Nicolae Ceaucescu, and ultimately left Romania for Israel after then Israeli Prime Minister, Menachem Begin, personally intervened for the family's release. He came to Virginia Tech to teach in 1986.

Liviu Librescu was a celebrated scientist who was an expert in composite structures and aeroelasticity, which worked earned him NASA grants and other prestigious awards for his impressive work.

Madam Speaker. Liviu Librescu is to be buried imminently in his native Israel.

Yesterday, the Jewish community, in my native Brooklyn, volunteered to hold a service for Mr. Librescu in Borough Park and hundreds of Brooklyn residents gathered to pay their respects to Mr. Librescu and his widow Marlena Librescu, before they returned to Israel. The care and concern shown by the Brooklyn community for the Librescus, was truly remarkable.

I think New York State Assemblyman, Dov Hikind, said it best when he remarked about Mr. Librescu that, ''not only was he a hero of the Jewish people, but a hero of all people''.

May his remembrance be a blessing.

TRIBUTE TO BOB KEEGAN

HON. HENRY C. ''HANK'' JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. JOHNSON of Georgia. Madam Speaker, after nearly 33 years of service with the Centers for Disease Control (CDC), Bob Keegan, deputy director of the Global Immunization Division, retired on March 30, 2007. Bob spent the first 11 years of his career in STD control, first as a public health advisor in Newark, NJ, and New York City; as STD regional training instructor in Atlanta; as deputy to Marty Goldberg in Houston, TX; and finally as the STD education specialist in Atlanta.

From 1985 to 1990, Bob coordinated CDC's Refugee Health Activities in Southeast Asia, helping to assure that refugees from Vietnam, Cambodia, and Laos were immunized and treated for communicable diseases.

In 1991, Bob joined the newly formed Polio Eradication Activity, which had a staff of six and an annual budget of $3 million. Since that time, the Activity has grown to become the Global Immunization Division, GID, with a staff of 100, and an annual budget of more than $140 million. GID has expanded to include measles mortality reduction and regional elimination, and routine immunization strengthening. As the deputy director of GID, Bob has helped CDC become a major force in the global polio eradication initiative. Bob is a recipient of the William C. Watson Jr. Medal of Excellence, Public Health Advisor of the Year Award from the Watsonian Society, the Philip Home Award from NIP, and the CDC Foundation Heroes Award.

Bob worked closely with the CDC Foundation, CDC colleagues, Rotary International, and partners to help establish the Polio Eradication Heroes Fund. This fund honors those injured or killed while working on vaccination campaigns with recognition and a cash award for their families. Bob also helped the CDC Foundation establish the Endowment for Global Health Priorities, providing a flexible funding source for essential services and equipment for CDC's global health activities. This endowment has been especially useful to support activities in the field.

Although not part of his official duties, Bob is the developer and administrator of CDC Chatter.net, an unofficial blog for CDC employees.

Bob is known as an innovative leader, a superb manager and creative trainer, and, at times, a rabble-rouser. He has served as an informal mentor to many and has gained deep respect and friendship from colleagues around the world. Not quite ready to put his feet up, Bob plans to ride his recumbent tricycle across the United States this summer before joining Gloria, his wife, in London where she will continue her career in school counseling.

I congratulate him on his achievements.

INTRODUCTION OF THE TEACH FOR AMERICA ACT

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. VAN HOLLEN. Madam Speaker, I rise today to introduce the Teach for America Act and to ensure that this important program gets the Federal support it needs to expand and put more outstanding recent college graduates in our Nation's underserved schools. I thank my bipartisan cosponsors, Congressman CASTLE, Congresswoman DELAURO, Congressman REGULA, and Congressman SARBANES, for their work on this issue.

Teach for America is a national corps of college graduates of all academic majors who commit two years to teach in public schools. Since its creation in 1990, more than 12,000 exceptional individuals have joined Teach for America and directly impacted the lives of over 2 million students in under-resourced schools across the country.

What's more, when these teachers leave the program, they often continue to work in education and public service. Sixty-three percent of Teach for America alumni remain in education as teachers, principals, school founders, and policy advisors. Others pursue work in fields such as law, medicine, and social work where they continue to increase opportunities for children living in low-income communities.

Madam Speaker, 17 years of experience have proven that Teach for America is a program that works. We in Congress have supported this program in the past. Our bill would cement our partnership with this important initiative by making Teach for America a federally-authorized program. It would help Teach

for American expand its recruitment, selection, training, and support of new teachers. It would put more enthusiastic, outstanding teachers in high-need schools. And it would help the program build new leaders in education and public service.

I urge my colleagues to join me to pass the Teach for America Act. Let's help this exceptional and proven program expand its reach and reduce teacher shortages in the areas where their services are so desperately needed.

HONORING CAMPBELLSVILLE UNIVERSITY

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to congratulate Campbellsville University on the occasion of its Centennial Celebration.

Founded in 1906 as the Russell Creek Academy, Campbellsville University's origins were concentrated on primary, secondary, teacher and pastor training. The following year, the academy added classes in music, art and a diploma program that included Greek, modern languages, algebra, and ancient history. Over the last 100 years, Campbellsville University has grown to over 2,200 students with 40 undergraduate programs and 9 graduate programs.

Throughout its first century, Campbellsville University has firmly established itself as a leading institution of Higher Christian Education in Kentucky, across the country, and in far corners of the world. The long tenure and continued success of the university is due in large part to an impressive fidelity to its mission: academic excellence solidly grounded in the liberal arts, personal growth, integrity, and fellowship.

I am honored to represent Campbellsville University in the United States Congress. The university exemplifies Christian Service through its consistent leadership in community affairs throughout the region. When new challenges arise in surrounding communities, Campbellsville University is always first to face the task and work toward solutions.

It is my great privilege to recognize Campbellsville University today before the entire U.S. House of Representatives for 100 years of excellence, producing generations of talented, service-minded citizens who continue to make significant contributions to our world.

HONORING HOLOCAUST REMEMBRANCE DAY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Ms. SCHAKOWSKY. Madam Speaker, before I begin my remarks, I would like to take a moment to send my prayers and condolences to the entire Virginia Tech community. The Nation and world are mourning with you. The United States Congress stands at your side.

As today is Holocaust Remembrance Day, I would like to extend special recognition to one of the 32 victims of this unbelievable catastrophe. Liviu Librescu, 76 at the time of his death, had known tragedy since childhood. When Romania joined forces with Nazi Germany in World War II, the young Librescu was interned in a labor camp, and then sent along with his family and thousands of other Jews to a central ghetto in the city of Focsani. Hundreds of thousands of Romanian Jews were killed by the collaborationist regime during the war, yet Liviu Librescu survived.

Liviu Librescu was an internationally respected aeronautics engineer and a lecturer at Virginia Tech for 20 years. He saved the lives of several students by blocking the gunman before he was gunned down in the shooting.

I know that Professor Librescu would join me in expressing solidarity with Jews across this Nation and around the world in honoring Holocaust Remembrance Day, or as it is known in Hebrew, Yom HaShoah.

My district, the 9th Congressional District of Illinois, is home to the largest concentration of survivors in the State of Illinois and perhaps in the country, and this day holds deep meaning for those individuals and the entire community.

Recent events in the Middle East and around the world underscore the importance of this day. Anti-Semitic and anti-Israel rhetoric and demonstrations continue in numerous countries. The Iranian President, Mahmoud Ahmadinejad, has threatened to use nuclear weapons to wipe Israel off the face of the map.

With anti-Semitism on the rise, we must be reminded that "Never Again" is not a guarantee, but a pledge that we must uphold through education, dialogue, and determination. It also reminds us that we must continue to strengthen the U.S. commitment to the security of Israel. Moreover, we must redouble our efforts to bring lasting peace to the Middle East.

"Never Again" means that we must combat hate wherever it exists. While the Holocaust was a unique incident, a genocide is taking place right in front of our eyes in the Darfur region of Sudan. In February 2006 I traveled to Darfur where President Bush and the U.S. Congress have officially acknowledged' 'genocide" is taking place. The conflict has spilled across international borders and hundreds of thousands have fled into Chad. The window to provide security and hope is narrowing. According to the Commander of the African Union forces who briefed the participants of my Congressional Delegation in Darfur, "There is no sense of urgency outside."

As a Jew, I cannot sit idle while these atrocities continue to unfold in Darfur. The lessons from the Holocaust have taught us that we must never turn a blind eye to terror or discrimination. We must demand that our government hold those who carry out acts of needless brutality accountable. I believe that everyone should take a moment today to consider the role of the U.S. in the prevention and prosecution of genocide.

The Holocaust was the most horrific human atrocity the world saw during the last century and perhaps in the history of the planet. Millions of Jews and others were brutalized, raped, beaten, dehumanized, enslaved, robbed, and murdered. While it is hard to grasp how terrible those events must have been, what all of our children, and we must do is to listen to the stories of those few remaining survivors of the Holocaust and ensure that their stories and their suffering are a permanent part of history.

Today we honor and mourn those who perished. We vow to live our lives in a way that pays tribute to their memory and ensures others will not suffer their fate.

IN HONOR AND IN MEMORY OF ARMY SPECIALIST ROBERT MATTHEW McDOWELL

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. BONNER. Madam Speaker, I rise today to honor the life of a brave, young man who recently made the ultimate sacrifice in defense of his country while helping to spread freedom abroad.

Army SPC Robert Matthew McDowell, a young man whose family lives in Mobile, was on his second tour of duty in Iraq. He served as a military policeman and was based at Fort Drum, New York, with the Army's 10th Mountain Division.

Matt recently returned to Iraq after being on leave for the birth of his son, Nathan Matthew McDowell. One of the last photos made of Matt was of him holding his newborn baby boy in his proud, loving arms. It is a photo that, no doubt, young Nathan Matthew will look back on with great pride in the years to come.

Unfortunately, Matt was serving as the gunner on a heavy-duty Army vehicle on patrol in Baghdad—a very dangerous assignment—when insurgents detonated an improvised explosive device.

Madam Speaker, at this difficult time, it is only appropriate for us to pause and give thanks to God that there are still young men like Matt McDowell.

His life and actions personify the very best America has to offer. I know his many friends and family, as well as his comrades in the United States Army, while mourning the loss of this fine young man, are also taking this opportunity to remember his many accomplishments and to recall the fine gift they each received simply from knowing him and having him as an integral part of their lives.

Madam Speaker, I urge my colleagues to take a moment and pay tribute to SPC Matt McDowell and his selfless devotion to not only our country and the freedom we enjoy but to a people who are in the demanding but important stages of a new life—a new freedom—in their own land.

We should also remember his wife, Daniella McDowell; his daughter, Madison McDowell, his son, Nathan McDowell; his father and stepmother, Kim and LaDonna McDowell; his mother, Kathy Jo Kallahan; his brother, Michael McDowell; his four stepbrothers, Neal Dickman, Andy Dickman, Tyler Dickman, and Grant Dickman; and his other relatives and many friends. Our prayer is that God will give them the strength and courage that only He can provide to sustain them during the difficult days ahead.

Madam Speaker, Matt's daughter, Madison, recently wrote a poem about her Dad. With your permission, I would like to add it into the CONGRESSIONAL RECORD:

My Daddy's not your average Dad
He's different from the rest
He wears a special uniform
He has medals upon his chest

My Daddy's not your average Dad
He's a HERO in the Army
Although I don't see him much
His love always surrounds me

My Daddy's not your average Dad
He's in a special place
He watches me from heaven
With a smile upon his face

My Daddy's not your average Dad
He is always here with me
He holds my hand when I go outside
Although no one else can see

My Daddy's not your average Dad
He fought for me and you
I'm so very proud of you Dad
And I love and miss you too!

I love you Daddy,
Madison McDowell (Roswell, NM)

Madam Speaker, it was Joseph Campbell who said, "A hero is someone who has given his or her life to something bigger than oneself."

Make no mistake, Army SPC Robert Matthew McDowell was not only a dedicated soldier who made the ultimate sacrifice serving in the uniform of his country, but he was also a true American hero. May he rest in peace.

RECOGNIZING THE INDEPENDENT INSURANCE AGENTS & BROKERS OF NEW YORK ON ITS 125TH ANNIVERSARY

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. REYNOLDS. Madam Speaker, it is with great pleasure that I rise to recognize the Independent Insurance Agents & Brokers of New York on the occasion of its 125th Anniversary.

This year, the Independent Insurance Agents & Brokers of New York, or IIABNY, will celebrate its 125th year of existence. IIABNY is very proud of the constant commitment its members have made to their communities. The theme of this 125th anniversary is "IIABNY members committed to their communities for 125 years."

IIABNY was founded in Buffalo in the year 1882 as a voice for New York's independent insurance agents. After a few name and location changes, IIABNY settled in Dewitt, a suburb of Syracuse, NY. As the oldest and largest state association for independent insurance agents and brokers, IIABNY represents nearly 1,900 agencies and their nearly 20,000 employees throughout New York State.

Many leaders at the national association, the Independent Insurance Agents and Brokers of America (IIABA), have originated in New York. In 1898, Mr. C.H. Woodworth, from Buffalo, New York, was the second IIABA president. He is considered by many to be the "father of the association." Through the years, six New York members have served as the national president. Four New Yorkers have been honored with the Woodworth Memorial Award, which is bestowed upon an individual who has performed special, meritorious, and outstanding service on behalf of the independent agency system and IIABA members everywhere.

The mission of IIABNY, working in the public's best interest, is to advance the performance and success of independent insurance agencies and brokerages in New York. Starting with the landmark 1904 "Yonkers Case," clearly establishing agents" ownership of expirations, advocacy efforts have been undertaken and continue today on behalf of independent insurance agents and brokers as well as small business owners.

IIABNY has evolved as member needs have changed. IIABNY draws on vast experience from the past, strength and respect in the present, and foresight for the future of the independent agency system. Agents and brokers have come to rely on the association to be their advocate on many fronts. IIABNY clearly has an impressive history and they continue today as the voice of independent agents and brokers.

Madam Speaker, I ask that this honorable body join me in celebrating the 125th Anniversary of the Independent Insurance Agents & Brokers of New York.

INTRODUCTION OF THE FEDERAL EMPLOYEE COMBAT ZONE TAX PARITY ACT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. WOLF. Madam Speaker, today I am reintroducing the Federal Employee Combat Zone Tax Parity Act, which would provide parity by extending the tax credit currently received by military personnel to the civilian federal employees working alongside them.

It is only fair that both military and civilian employees who are serving side by side receive the same tax treatment. In fact, even contract employees can get a tax break through the foreign earned investment tax credit, but federal employees are specifically exempted from that tax credit.

As a former federal employee, I am keenly aware of the invaluable contributions federal employees make to our country. I believe we must ensure that our federal workforce is treated with fairness and respect.

The Pentagon stated in the proposed regulations for the new National Security Personnel System that "NSPS is essential to the department's efforts to create an environment in which the total force, uniformed personnel and civilians, think and operates as one cohesive unit." What kind of message does it send to civilian employees if they receive disparate tax status from their military colleagues?

Just as military personnel, federal employees serving in combat zones must leave their families behind and this can increase the financial burdens on families. Families with two working parents suddenly have only one parent able to care for the needs of the family. Military personnel in combat zones were given a tax credit back in 1913 to help alleviate their tax burden, but federal employees were left out.

Since 9/11 it has become ever more vital to have a thriving civil service participating in our efforts to fight the war on terrorism. Now more than ever in our nation's history we must take action that reflects the contributions both our civilian and military employees are making—in the war on terrorism and as well as the daily operations of the federal government in providing the services upon which every American relies.

Federal employees are on the front lines of the war against terror.

The first American to die in Afghanistan was a CIA agent from my district.

Federal employees are in Iraq helping the Iraqi people to build a free nation.

Throughout the world, America's civil servants are serving our government and our people, often in dangerous locations.

How can we tell them we will not give them a fair and equitable tax credit that recognizes their hard work, dedication, and sacrifice?

We are asking federal employees to take on more and more responsibility every day. They are on the ground in the war on terrorism taking over new roles to relieve military personnel of tasks civilian employees can perform. They are all playing a vital role in keeping us safe and deserve to be treated with respect and fairness.

We have a long tradition in the Congress of recognizing the valuable contributions of our federal employees in both the military service and in the civil service by providing fair and equitable treatment. This is not the time to shirk our duty to the civil service.

I urge my colleagues to join me in support of the Federal Employee Combat Zone Tax Parity Act.

TRIBUTE TO PURPLE HEART RECIPIENT EDGAR WILTON CARR

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor the late Edgar Wilton Carr, a native of Essex, Ohio who served in the U.S. Air Force during World War II. Assigned as an Aerial Gunner with the 453rd Bombardment Group 8th, Mr. Carr bravely encountered dangerous and life-threatening events during his time in the Air Force.

As a pilot during the attack on Germany in 1944, Mr. Carr participated in the first night's bombing of Berlin. In one mission over Germany, his plane was shot down and he was forced to parachute from the damaged plane. The jump was so dangerous that part of his face and both his hands suffered severe freezing from the air temperature and altitude. Another time Mr. Carr was taken as a prisoner of war and spent fifteen months in a German prison camp.

While the mental and physical injuries he suffered in the fight against the Axis powers were great and stayed with him throughout his life, Mr. Carr always maintained a positive outlook and shared his great sense of humor with everyone he met. This light-hearted attitude made such an impression on his family that even after his passing they tell stories about him with pride and with the comment, "That's my father."

As General George Patton once said, "Wars may be fought with weapons, but they are won by men." The soldiers of World War II will always be remembered as the greatest generation, a generation that gave so much for our country. Mr. Carr was no exception and

will continue to be remembered as a defender of freedom.

Madam Speaker, veterans like Edgar Wilton Carr should be recognized for their service to our nation and for their commitment and sacrifices in battle. I am honored to present Mr. Carr's family with his long overdue Purple Heart. All Floridians should know that we truly consider him one of America's heroes.

IN HONOR OF THE 2007 CENTENNIAL CELEBRATION OF UPS

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mrs. TAUSCHER. Madam Speaker, I rise with the support of my colleagues, Hon. ANNA G. ESHOO, Hon. BARBARA LEE, Hon. MIKE HONDA, Hon. LYNN WOOLSEY, Hon. GEORGE MILLER, Hon. TOM LANTOS, Hon. ZOE LOFGREN, Hon. MIKE THOMPSON, and Hon. PETE STARK, of California, in the House of Representatives—to recognize UPS for their 100 years of service to our communities.

In 1907 in a small basement in Seattle, Washington, two young entrepreneurs set out in search of the American dream. They built that dream on the principles of providing the best service at the lowest possible cost while always being committed to reliability, courtesy, neatness and high ethical standards. One hundred years later, the commitment to those values has not wavered and that small basement company has become the largest package delivery company in the world. It is our privilege to commend UPS for 100 years of unparalleled service.

The four major themes of the UPS centennial celebration, transformation, culture, service, and responsibility underscore the commitment of UPS to its customers, employees and stockholders.

The transformation from a small basement messenger company to the world's largest package delivery company is a testament to UPS's successful business strategies. This longevity is evidence of UPS's constant focus on the future amidst the ever changing workplace.

UPS's culture of integrity, innovation, and responsibility has fostered a respected reputation worldwide. The commitment to these principles has been instrumental in earning the trust of its valued customers.

At the core of UPS's success lies its unparalleled service to our communities. Through its commitment to its customers and its valued workforce, UPS has demonstrated its dedication to our local communities.

While a strong profitable company is the goal of any business, UPS has proven its commitment to responsible business leadership. From its partnerships with local community groups to its environmental awareness, UPS has successfully demonstrated what it takes to be a responsible, strong, and profitable business.

Through each of these themes, UPS has reaffirmed its commitment to its customers, employees and stockholders. We all wish UPS continued success in the future and hope that their second hundred years of service will be as dynamic as the first.

HONORING THE BRAVERY AND SACRIFICE OF RYAN A. BISHOP

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. MARCHANT. Madam Speaker, it has been said that a hero is someone who understands the degree of responsibility that comes with their freedom. Specialist Ryan A. Bishop, 32 years old, certainly understood that degree of responsibility.

Ryan enlisted in the United States Army out of a sense of service and duty to his country. As his wife of two years Melanie Bishop explained, "He believed deeply in what he was doing, and he just wanted to do his part." The freedom we enjoy as Americans is due in large part to the patriotism of such humble citizens throughout our history.

On April 14, 2007, Ryan was dismounted on combat patrol in Baghdad when his unit came under the attack of an improvised explosive device. Ryan pushed forward with his fellow soldiers as they searched for insurgents, terrorists, and others who seek to deny Iraq democracy. On that day, our nation lost a genuine hero.

Ryan graduated in 1996 from Tyler Junior College and also attended Marshall High School where he was a member of the 1990 state championship football team.

He will be missed by a loving family and a nation forever grateful for his service and humbled by his sacrifice.

TRIBUTE TO MRS. JEAN MARIE SLOUGH McINTOSH, MOTHER OF FORMER U.S. HOUSE REPRESENTATIVE DAVID M. McINTOSH

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. PENCE. Madam Speaker, I rise today to honor one of the great mothers of Indiana, Mrs. Jean Marie Slough McIntosh, the late mother of former Representative David McIntosh of Indiana, my predecessor. Mrs. McIntosh dedicated her life to the service of others as a nurse and judge, but more importantly as a mother and faithful wife.

Jean McIntosh was born on December 20, 1925 in Bourbon, a small town just off the beaten path of US Highway 30 in northern Indiana. She graduated from Bourbon High School as the Class of 1943 valedictorian. Mrs. McIntosh then moved to Chicago where she studied nursing at the Methodist Hospital School of Nursing. After completing her training in nursing, she moved to San Francisco, California where she met and married Norman Benjamin and started their family of four children. After the death of her husband in 1964, Mrs. McIntosh returned to Indiana where she remarried and raised her family in Kendallville, Indiana.

While in Kendallville, Mrs. McIntosh compassionately served her community as a nurse, and then as a two-term Kendallville City Judge beginning in 1971. After moving to Charlestown, SC in 1981, she completed her nursing career at the Psychiatric Institute of University Medical Hospital. She also taught English as a Second Language courses at Our Lady of Mercy Church.

Mrs. McIntosh is survived by two brothers, Robert Slough and James Slough; two daughters, Beth Vanderbeck and Liliane Heller; and two sons, former Congressman David McIntosh and Malcolm McIntosh.

Mrs. McIntosh left a legacy of service and compassion, and through her son, David McIntosh, served the residents of the Sixth District of Indiana. Thank you, Mrs. McIntosh, for the strong foundation of service that you laid as a faithful wife, mother, nurse, and judge. Our thoughts and prayers are with the family and friends of the late Jean Marie Slough McIntosh.

SUPPORTING THE GOALS AND IDEALS OF FINANCIAL LITERACY MONTH

SPEECH OF

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Mr. GARRETT of New Jersey. Mr. Speaker, I rise to support the goals and ideals of Financial Literacy Month.

Due to the growing complexity of financial products being offered throughout this country and the rapidly increasing number of young adults and seniors using these various products, it is essential that everyone educate themselves so they fully understand how their activities may affect their financial standing and future.

As a member of the Financial Literacy Caucus, I believe the private financial sector and local, state, and Federal government officials should continue to further expand and promote financial literacy and education. Whether it is buying a home, opening a bank account, or acquiring a credit card, consumers are faced with a myriad of complex decisions requiring a broad knowledge of our nation's financial system.

According to a July 2005 survey of 1,000 parents of high school students by Visa, parents rank developing good personal financial skills and being able to handle their money (74 percent) ahead of both following the wrong crowd (58 percent) and drugs/alcohol use (56 percent) in terms of their concerns they have for their children's futures. Only personal safety ranked higher (89 percent). This illustrates how valuable the American public considers financial literacy.

Mr. Speaker, I stand in support of the goals and ideals of financial literacy month and I encourage my colleagues to do the same.

OFFERING HEARTFELT CONDOLENCES TO THE VICTIMS AND THEIR FAMILIES REGARDING THE HORRIFIC VIOLENCE AT VIRGINIA TECH AND TO STUDENTS, FACULTY, ADMINISTRATION AND STAFF AND THEIR FAMILIES WHO HAVE BEEN AFFECTED

SPEECH OF

HON. THELMA D. DRAKE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mrs. DRAKE. Mr. Speaker, this has been a very somber week for the Commonwealth of Virginia as we have watched tragedy unfold on one of our proud universities.

As Virginia's largest University, the Virginia Tech family extends into every corner of our Commonwealth and we have all been affected by Monday's events.

Unfortunately, we are not able to explain such unthinkable tragedies. Furthermore, mere words seem small under the weight of such a heartbreaking event. However, I express my deepest sympathy for the victims and their families and I offer a prayer of support and condolence for the Virginia Tech community.

As Virginia, and indeed the entire Nation, grieves so many young lives being lost, it is important to remember the grace, love and goodness exhibited by those who survived this horrible tragedy.

I was inspired by the ability of students, alumni, faculty, family and neighbors to come together driven by a sense of community and compassion to support others in their time of need.

As I took part in yesterday's convocation at Cassell Coliseum, I was encouraged by the leadership demonstrated by Gov. Tim Kaine, President George W. Bush and the numerous dedicated educators at Virginia Tech.

The coming days, weeks, and months will continue to be difficult ones as the Virginia Tech community comes to terms with what took place on a dark day in April. But it will also be a time of healing and I am confident that Hokie nation will be able to come back stronger because of the compassion and character that has been displayed since this tragedy.

Just as the heinous actions of one troubled individual so obviously filled with hate has left us grasping for answers, the reaction of the Virginia Tech family gave reason to make all Virginians proud and demonstrate the tremendous promise of our future generation.

COMMEMORATING HOLOCAUST REMEMBRANCE DAY AND REFLECTING UPON THE GENOCIDE IN DARFUR

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Ms. WASSERMAN SCHULTZ. Madam Speaker, last Sunday marked Holocaust Remembrance Day, which honors the memory of the six million Jews murdered in the Holocaust during World War II. We are now in the midst of the Days of Remembrance established by the United States Congress as our Nation's commemoration of these victims. We remember the Holocaust so that the lessons and responsibilities left from this tragedy are not lost.

Always, but especially now, it is imperative that we remember and take action against the genocide that is currently taking place in Darfur. As we look to the past to remember those that perished at the hand of Nazi Germany, we must not forget the 2,500,000 Darfurian civilians targeted and displaced because of their ethnic or racial identity or the more than 300,000 people killed thus far. Tragically, over 1,600 villages have been destroyed by Sudanese government soldiers and government-backed militias. The growing number of destroyed homes and lives is a testament to the fact that simply remembering is not enough.

Madam Speaker, as you know, children are among the most helpless victims of any genocide. One million of the six million Jews that were killed in the Holocaust were children. Jewish children were targeted by the Nazi regime, and now the children of Darfur suffer the brutal effects that burning villages, shootings, rapes, and the search for refuge have on the youngest victims of this tragedy.

My heart is warmed by the work of grassroots organizations in South Florida and across the country that bring attention to the crisis in Darfur. We must heed the lessons of Holocaust Remembrance Day and make sure that another Holocaust never happens again. Racially inspired hatred has surfaced many times in the decades since the Holocaust, and it is our duty to stop the disaster in Darfur and make it the last genocide of the 21st century.

INTRODUCTION OF THE TAX EXEMPT QUALIFICATION FOR FEDERALLY GUARANTEED WATER, WASTEWATER, AND OTHER ESSENTIAL COMMUNITY FACILITY LOANS

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise to inform my colleagues of legislation I have introduced today to assist some of our Nation's most underserved communities in funding essential infrastructure.

The legislation that I have proposed will permit interest on federally guaranteed water, wastewater, and other essential community facility loans to also qualify to be tax exempt. I introduced similar legislation in the 109th Congresses.

Rural communities throughout America continue to face challenges in accessing basic needs. We can improve this situation by supporting the development of necessary infrastructure such as dependable water and wastewater systems, and essential community facilities like schools, hospitals, and police and fire stations.

Unfortunately, many of these same communities struggle to acquire sufficient funding to support local development projects. Increased access to federally guaranteed tax exempt loans would provide significant assistance in these efforts.

I believe the incentives offered in this bill will allow small and rural communities better opportunities to receive increased credit to finance community facility projects.

I urge my colleagues to consider supporting this bill.

IN HONOR AND IN MEMORY OF STAFF SERGEANT HARRISON BROWN OF PRICHARD, ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. BONNER. Madam Speaker, I rise today to honor the life of a young man from the First Congressional District of Alabama who recently made the ultimate sacrifice in defense of his country while helping to spread freedom abroad.

Army Staff Sgt. Harrison Brown, formerly of Prichard, was assigned to the 2nd Battalion, 69th Armor Regiment, 3rd Brigade Combat Team, 3rd Infantry Division, based at Fort Benning, Georgia. He was killed in combat earlier this month while bravely serving and protecting this great nation in Operation Iraqi Freedom.

''Duck,'' as he was known to his friends, joined the Army 13 years ago to provide for his wife and children. During his career in the Army, including multiple tours of duty in Iraq, Sgt. Brown set a standard of excellence and displayed the qualities of discipline, devotion, and dedication to country that are the hallmarks of men and women throughout the long and distinguished history of the American military.

A 1994 graduate of Blount High School, ''Duck'' played baseball and basketball and was a standout wide receiver on the varsity football team. Blount won the state 5A high school football championship while ''Duck'' was on the team. He went on to play one year of college football at Tuskegee University on scholarship before he joined the Army.

Madam Speaker, at this difficult time, it is only appropriate for us to pause and give thanks to God that there are still young men like Harrison Brown. His life and actions personify the very best America has to offer. I feel certain his many friends and family, as well as his comrades in the United States Army, while mourning the loss of this fine young man, are also taking this opportunity to remember his many accomplishments and to recall the fine gift they each received simply from knowing him and having him as an integral part of their lives.

Madam Speaker, I urge my colleagues to take a moment and pay tribute to Sgt. Harrison Brown and his selfless devotion to not only our country and the freedom we enjoy, but to a people who are in the demanding but important stages of a new life—a new freedom—in their own land.

We should also remember his wife, Delisha Brown; their three children; his mother, Chris Ann Brown; his sister, Mary Dozier; and his other relatives and many friends. Our prayer is that God will give them all the strength and courage that only He can provide to sustain them during the difficult days ahead.

It was Joseph Campbell who said, ''A hero is someone who has given his or her life to something bigger than oneself.''

Make no mistake, Harrison Brown was not only a dedicated soldier who made the ultimate sacrifice serving in the uniform of his country, but he was also a true American hero. May he rest in peace.

HONORING M.J. ROSENBERG AND THE SENTIMENT OF HIS ARTICLE ''BLESSED ARE THE PEACEMAKERS''

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mrs. CAPPS. Madam Speaker, I rise today to commend the sentiments expressed in the following article by M.J. Rosenberg, the Director of Israel Policy Forum's Washington Policy Center, and a tireless advocate for peace in the Middle East. In the column, entitled "Blessed are the Peacemakers," he skillfully highlights the need to engage in aggressive diplomacy if we are to achieve peaceful results in the region. I applaud Mr. Rosenberg for his bold stance for peace and would encourage my colleagues to inform themselves of his valuable insights.

BLESSED ARE THE PEACEMAKERS

You know what they say: no good deed goes unpunished.

That is certainly the case with Speaker of the House Nancy Pelosi and her visit to Syria.

At a time (the Easter-Passover recess) when dozens of House members and Senators are visiting foreign capitals and discussing policy with foreign leaders, Pelosi is being skewered for, in the words of the Washington Post's editors, ''substituting her own foreign policy for that of a sitting Republican President.''

The Post accuses Pelosi of ''try[ing] to introduce a new U.S. diplomatic initiative in the Middle East.''

Heaven forefend! Things are going so swimmingly in the Middle East that the last thing anyone needs is for the 3rd highest official in the United States trying to resuscitate diplomacy.

The specific objection is to her meeting with the Syrian leader, Bashar Assad. Of course, few could object to what she told Assad—that he should stop trouble making in Iraq and Lebanon, that the Israeli government is ready for negotiations, that Israel has no bellicose intentions toward Syria and that Syria should use its influence to free Israeli prisoners.

In fact, David Hobson, a Republican from Ohio who accompanied Pelosi, said that the Speaker did not stray very far from Bush administration policy. Hobson said Pelosi ''did not engage in any Bush bashing she did not . . . bash [Bush] policies as they relate to Syria.''

Instead, Hobson said, Pelosi urged Assad to curb the number of suicide bombers who cross the Syrian border into Iraq to ''murder our troops and the Iraqi people.''

Republican House leader, John Boehner, admitted that there was nothing wrong with legislators in general visiting Syria. ''It's one thing for other members to go,'' Boehner said, ''but you have to ask yourself, 'Why is Pelosi going?''

The answer isn't that hard. She went for the same reasons as Tom Lantos (D–CA), Chairman of the House Committee on Foreign Affairs, as Henry Waxman (D–CA), the most senior Jewish Member of the House, as Keith Ellison (D–MN), the first Muslim-American in Congress, as Louise M. Slaughter (D–NY), Rules Committee Chair, as Nick J. Rahall II (D–WV), the senior Arab-American in Congress, and Senior Defense Appropriator David Hobson (R–OH). She went to advance US interests in the Middle East, believing that we can perhaps get more out of Syria by engaging it than by shunning it.

The critics are feigning outrage because they don't like Pelosi (CNN, in particular, seems to have a problem with a female Speaker) and because, by visiting Syria, Pelosi has revived one of the Baker-Hamilton Report's prescriptions for ending the Iraq war: engaging Iran and Syria.

Baker-Hamilton recognizes that Syria and Iran can do more to impede the extrication of our soldiers and marines from Iraq than any other countries on the planet (with the exception of Iraq itself).

On the other hand, if they choose to, they can ease our way out of Iraq and help prevent that country's further descent into chaos and civil war.

The Israeli government added to the Pelosi controversy by saying that Pelosi did not carry any private messages from Jerusalem to Damascus. But the Israelis have been using intermediaries to convey information to the Syrians for a long time. It is inconceivable that the highest ranking American in memory to visit Damascus would visit Israel, en route to Syria, and not be asked to convey a message to President Assad from Prime Minister Olmert.

One can only hope that she was carrying messages from Israel. Why wouldn't the Israelis seize that opportunity?

Pelosi's visit strengthened America's position in the region, and likely helped Israel on prisoners, on Hezbollah, and in its effort to avoid another war like last summer's. It was a gutsy move by the new Speaker and one that deserves commendation, not criticism from those who are committed to the whole litany of failed policies of recent years. One would think that some of these pundits would look at the sheer carnage they delivered in Iraq—the 3200 American dead and the hundreds of thousands of dead Iraqi civilians—and be shamed into shutting up. But no such luck.

In this context, and on this Good Friday, it is worth recalling Jesus' words in Matthew 5:9, ''Blessed are the peacemakers for they will be called the children of God.''

That is not exactly what the critics are calling Pelosi. But, the New Testament notwithstanding, peacemakers are rarely praised in their own time while the cheerleaders for unnecessary wars are never, held accountable for them.

Pelosi is too smart to expect plaudits for trying to deter war rather than simply standing firm behind a status quo that will inevitably produce the next one.

Readers of this column know that I like to hearken back to the great missed opportunity of 1971. That was when Prime Minister Golda Meir rebuffed Egyptian President Anwar Sadat's call on Israel to pull back from the Suez Canal. Sadat said that in exchange for a pullback of just a few miles—which would enable Egypt to re-open the canal—he would begin negotiating a peace agreement with Israel.

This week Yediot Achronot revealed new information about the missed opportunity. Zeev Tzahor reports that then-American Secretary of State, William Rogers, was so disturbed by Golda's rejection that he enlisted Israel's first Prime Minister, David Ben Gurion, to try to persuade her to, at least, seriously consider the offer.

Let the Yediot columnist, Zeev Tzahor, tell the rest of the story:

''The 85-year-old Ben-Gurion was retired . . . His relations with Golda were poor, and he was not particularly eager to speak with her. Rogers implored him. The Egyptian initiative is a one-time opportunity, he said, but Golda has taken a dismissive, supercilious view of it. She admires you, maybe she'll heed your advice. Ben-Gurion acquiesced, and asked his aides to put him in touch with Golda in Jerusalem.

''The brief conversation between them was acerbic. The people present in the room heard Ben-Gurion repeat why she ought to begin negotiations with Egypt . . . While the people present in the room could not hear what Golda was saying on the other side of the line, it was clear to them that she was not interested in promoting the Egyptian initiative.

''Ben-Gurion lost his patience, lambasted Golda and said she was leading Israel to catastrophe, and terminated the conversation. For some reason, he placed the receiver down on the table and not in its cradle. The people present in the room heard Golda calling, ''Ben-Gurion, Ben-Gurion,'' but he refused to pick up the telephone again. He just kept repeating, ''war is going to break out soon, war is coming.''

It did. Israel lost nearly 3,000 men. Ben Gurion died a few weeks later. Israel ended up relinquishing not just the west bank of the Suez Canal, as Sadat had demanded but every last inch of the Sinai peninsula.

Until this week, I had never heard that Secretary of State William Rogers tried so hard to help Israel avert catastrophe. All I recalled about him was that the pro-Israel community despised him because he was thought to have applied pressure on Israel.

Little did I know that the pressure was in the form of the wise counsel of David Ben-Gurion, the founder of the Jewish state.

I hope Pelosi is not daunted by the criticism emanating from all the usual suspects. Her delegation's visit to the Middle East advanced America's interests and Israel's too. As they like to say in that region: the dogs bark but the caravan moves on.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008

SPEECH OF

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise today in support of the Democratic Budget Resolution.

In the face of a burgeoning national debt, I want to commend Chairman JOHN SPRATT for drafting a budget that reflects the commitment of our new Democratic majority to restore fiscal integrity, and shift Federal budget priorities to reflect key American values.

This Budget Resolution will balance the Federal budget in 5 years by requiring that any new expenditure be offset. This is a fiscally responsible policy that turned deficits into surpluses in the 1990s.

The Democratic Budget Resolution also stands in contrast to Administration policies that have undermined long-term investments in areas that help to improve the quality of life of Americans. This Resolution addresses the shortfalls of past budgets, and reflects key American values by increasing funding levels to enhance health care for our Nation's children, and for our men and women returning from combat.

The budget resolution helps enhance and expand educational opportunities for millions of American students who have been left behind by the misguided policies of the Administration. The No Child Left Behind Act was enacted to ensure that every child, regardless of race, income, or background, receives a high quality education. Unfortunately, over the past 6 years, the Administration has never fully funded the program, forcing schools to comply with the Act's high standards without the resources needed to succeed. This budget resolution puts the education of our children first, by increasing funding for the implementation of No Child Left Behind. In addition, it increases funding for special education, the Head Start program, and student aid for higher education.

Madam Speaker, there are millions of children without health insurance, including over one million in my home state of California. This Democratic budget resolution also makes investments in the health of our Nation's children by increasing funding for the State Children's Health Insurance Program (SCHIP) by $50 billion. This increase will help parents who worry every day about their ability to care for their children in time of illness and injury.

Equally as important, this budget resolution upholds our Nation's sacred commitment to our servicemen and women by providing for the largest veterans funding increase in the history of our Nation. The $32 billion increase in veterans health care and services over the next 5 years is critically needed to improve existing VA healthcare facilities, and to ensure that disability claims for our returning servicemembers are quickly and accurately processed. This Democratic budget helps ensure that our veterans receive high quality and accessible care that is worthy of their sacrifice.

This fiscally responsible Democratic budget reflects the beginning of an important shift in which government truly works on behalf of the American people. I urge my colleagues to support America's future by voting for this fair and responsible Democratic Budget Resolution.

WIRELESS INNOVATION ACT, H.R. 1597

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. INSLEE. Madam Speaker, there will be under-utilized wireless spectrum in the gaps or ''white spaces'' between TV broadcast channels when the transition from analog to digital television is complete. These white spaces could provide broadband access to millions of Americans and enable a wide range of innovative wireless devices and services which cannot be utilized in other frequencies. White spaces spectrum must remain unlicensed because the availability of this ''Swiss cheese'' pattern of spectrum nationally makes licensing it impractical. An unlicensed regime would also lead to a more efficient use of the frequencies.

Unlicensed white spaces devices will avoid harmful interference with all incumbents. Cognitive radio uses spectrum sensing technology to identify and avoid occupied TV channels. This method has been approved by the Defense Department for unlicensed devices that share spectrum with military radar. This unlicensed spectrum can be used for wireless broadband, public safety communications, and numerous at-home and business devices.

For the reasons listed above I have introduced the Wireless Innovation Act, H.R. 1597, which mandates that white spaces be used nonexclusively for unlicensed fixed or portable devices while mandating that incumbent licensees be protected from harmful interference. This legislation would provide interference protection to full power television, low power television, wireless microphones, and all other incumbent users of this spectrum. The bill also requires that the FCC permit use of unlicensed devices not later than February 18, 2009.

COMMENDING THE ACHIEVEMENTS OF RUTGERS UNIVERSITY WOMEN'S BASKETBALL TEAM

SPEECH OF

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. PASCRELL. Madam Speaker, I would like to take this opportunity to convey my support of H. Res. 300, which commends the achievements of the Rutgers University Lady Scarlet Knights Basketball Team and applauds the character and integrity of their student-athletes.

This group often 10 extraordinary women, led by Coach C. Vivian Stringer, made the State of New Jersey proud by representing Rutgers University in the NCAA championship game. They were the first ever athletic team from Rutgers to play in any national championship.

Not only did the Lady Scarlet Knights finish their outstanding 2006–7 season with a 29–7 record, coming back after losing four of their first six games, but they also managed to maintain a combined B+ grade point average. They truly excelled both on and off the court.

I am especially proud to report that junior Essence Carson is a native of my hometown, Paterson, NJ. Essence attended two high schools, graduating from the Rosa Parks School for Fine and Performing Arts in 2004 where she studied piano, bass guitar, drums, and saxophone. She also competed athletically at Paterson Eastside High School in track and field where she won the 2004 state 400-meter title, volleyball where she was a three-time all-State selection, and basketball where she led her team to three straight county championships.

Named to the Parade All-America Second Team and the USA Today Super 25 All-America Team as a senior in high school, Essence shined in the McDonald's and Women's Basketball Coaches Association—WBCA—All-America Games. In 2003, she played for the USA Basketball Youth Development Festival East Team, which won a gold medal.

Now in her third year at Rutgers, Essence is a back-to-back Big East Defensive Player of the Year, a 2007 First Team All-Big East Honoree, a Region I All-American selection, and was named to the Big East and NCAA East Region All-Tournament teams. In only 3 years, she has managed to make more appearances in a Scarlet Knights uniform than any other player and averaged over 12 points and 6 rebounds per game this season.

Mr. Speaker, Essence Carson and her teammates on the Rutgers University Lady Scarlet Knights Basketball Team are truly the best that this Nation has to offer. They are more then just diligent students and talented athletes. They are exceptional roll models for young women throughout this country. I wish them the best of luck in their future endeavors, and I know we can expect great things from them in the years to come.

THE INTRODUCTION OF THE DEPARTMENT OF ENERGY CARBON CAPTURE AND STORAGE RESEARCH DEVELOPMENT, AND DEMONSTRATION ACT OF 2007

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. UDALL of Colorado. Madam Speaker, I am pleased to introduce the Department of Energy Carbon Capture and Storage Research, Development, and Demonstration Act of 2007. This bill will expand and enhance the Department of Energy's carbon capture research and development program to spur the creation of economically feasible and environmentally sound carbon sequestration technology. It is companion legislation to a bill introduced in the Senate by Senator BINGAMAN, chairman of the Energy and Natural Resources Committee.

Several events over the past year have helped clarify the agreement among scientists, the public, industry, and public officials that climate change is a challenge that our society must address.

Most recently, Working Groups I and II of the Intergovernmental Panel of Climate Change—IPCC—released reports as part of the panel's fourth assessment report. The first report highlighted the growing scientific consensus that human influence is causing the climate to change. The second report provides a powerful statement of the impacts of climate change around the world. The IPCC international process has government support from over 100 countries, including strong involvement from the United States. These reports document that the ''warming of the climate system is unequivocal'' and that sea temperatures are rising, glaciers are melting, and air temperatures worldwide are increasing, all of which will have major impacts on the world that we know.

The climate is changing and we as a society must begin addressing these changes before the economic and environmental consequences devastate our planet. And that will involve decreasing the amount of carbon dioxide, a known greenhouse gas, in the atmosphere.

Yet, it is important to come to terms with the fact that we cannot end our dependence on fossil fuels overnight. For example, coal is the most abundant energy source in the United States and one of the cheapest energy resources. My home State of Colorado is ranked sixth in coal production in the U.S. In Colorado, coal provides more than 70 percent of our electricity and employs more than 2,000 people.

Coal is a critical component of our economy and our energy supply, but unfortunately coal is also a major contributor to climate change. We must find a way to maintain our energy production while decreasing our carbon emissions. Carbon sequestration will be key to that effort.

Carbon sequestration refers to taking carbon dioxide out of the atmosphere and storing it so that the gas does not re-enter the atmosphere. Right now, companies and governments around the world are enhancing natural carbon storage sources by planting trees and advocating no-till agriculture, among many other activities. But we are still not even close to slowing the increase in greenhouse gases in our atmosphere.

Eventually, technology may allow us to remove carbon dioxide from the atmosphere and funnel it underground in long-term, airtight storage areas. But there are many obstacles to the development of technologies and methods that can significantly decrease CO_2 levels in our atmosphere. For example, we still don't know enough about the long-term stability, safety, and reliability of aquifers, coal seams, and other geological formations for CO_2 storage. Nor are we familiar with the technologies to accomplish this on the scale needed to truly decrease global carbon levels.

My legislation will build upon DOE's current carbon capture and storage program created in the Energy Policy Act of 2005. It will improve DOE's regional carbon sequestration partnerships and create seven test projects across the country to learn more about the economics and design of carbon capture and storage technology. It will also help ensure that DOE has the necessary funds to conduct this cutting-edge research.

Although it is already too late to stop the climate from changing, carbon capture and storage—in conjunction with smart energy policies—can help minimize the impact of climate change on future generations.

We must not view taking action against global warming as bringing doom and gloom to industry. Making the right choices about how to address climate change can lead to new technological innovations, a boom in American jobs, and a strengthened economy. But we must begin to make these choices now by investing in the research and development of carbon capture and storage technologies that can address the climate change challenge.

PERSONAL EXPLANATION

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mrs. MILLER of Michigan. Madam Speaker, had I been present on rollcall No. 226 and rollcall No. 227, I would have voted "yea" and "yea."

TRIBUTE TO SOUTH CAROLINA STATE UNIVERSITY'S ROTC PROGRAM

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a great source of pride for my alma mater, South Carolina State University, and our nation's military. The SC State Reserve Officers' Training Corps (ROTC) celebrates its 60th anniversary on April 20, 2007. This tremendous program, known as the Bulldog Battalion, has commissioned nearly 2,000 officers in the armed forces, and it has produced nine Army Generals, two Marine Corps Generals and one Air Force General, while contributing a significant number of highly qualified and dedicated soldiers to our nation's military.

Among SC State's notable ROTC graduates are Major General Abraham Turner, a 1976 graduate, who served as the Commanding Officer of Fort Jackson, the Army's largest training base in my hometown of Columbia, South Carolina. Second Lieutenant Jerrette Lee, class of 1983, was chosen during his senior year for the coveted Hughes Award, becoming the first African American and graduate of a Historically Black College or University to receive the honor granted to the top ROTC graduate of the year.

Another proud Bulldog Battalion graduate, Colonel Stephen Twitty, led an infantry battalion into Iraq during the early stages of the war on August 18, 2003. His leadership earned him the Silver Star medal for valor.

The remarkable record of the SC State ROTC is due in part to its rich history and tradition. The program was established in 1947 for the purpose of training infantry officers for the United States Army. In 1949, the program graduated its first class with five of the six graduates receiving Army commissions and the sixth joining the Army Reserves.

In 1954, the program expanded its mission beyond producing only infantry officers. Instead, the ROTC became a General Military Science Program, which enabled graduates to serve in any branch of the Anny for which they qualified. From 1947 until 1968, all freshman and sophomore male students were required to enroll in the ROTC program at SC State. Since I am a 1961 graduate, I had the privilege of being part of this tremendous Bulldog Battalion program.

In 1968, SC State partnered with Claflin University, Voorhees College, Orangeburg Technical College and Denmark Technical College to provide ROTC training through SC State's program. The program expanded again in 1972 to allow female cadets to enter for the first time. Today, a total of 254 women have graduated from SC State's ROTC.

Graduates of this prestigious program have participated in every military conflict from World War I to the current conflicts in Iraq and Afghanistan, representing America with great skill and honor. Today the Bulldog Battalion averages an enrollment of 100 cadets.

Madam Speaker, I ask you and my colleagues to join me in honoring South Carolina State University's ROTC program on the occasion of its 60th anniversary. It is my great privilege to have experienced this wonderful ROTC program firsthand and to congratulate the program and its graduates today for their extraordinary contributions to our country. America owes a debt of gratitude to South Carolina State for supporting this extraordinary tradition of military excellence and to its graduates for making their alma mater and their nation proud.

THE "KATRINA HOUSING TAX RELIEF ACT OF 2007" H.R. 1562

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. POMEROY. Mr. Speaker, I rise today in support of H.R. 1562, the "Katrina Housing Tax Relief Act of 2007," a bill to extend and enhanced credit available for building low income housing under the Gulf Opportunity Zone Act of 2005. For far too long the residents of the Gulf Coast have struggled to rebuild their homes, their lives and their communities. They continue to face construction delays that could cost them the Federal assistance promised in the 2005 legislation. I want to encourage my colleagues to support this legislation that will encourage the construction of low-income housing in the areas damaged by Hurricane Katrina while assuring accountability for the tax credits.

The Gulf Opportunity Zone Act of 2005 made the affected areas eligible for larger credits to encourage building low-income housing. "GO Zone" benefits are available if the project was built and placed in service before the end of calendar year 2008. H.R. 1562 recognizes the magnitude of the struggle to rebuild the housing stock and it extends the credits for two additional years—2009 and 2010.

As the Member of Congress from North Dakota where 10 years ago the City of Grand Forks was destroyed by a flood and a fire in its aftermath, I know that government can effectively provide Americans help to rebuild our communities when a disaster strikes. The 50,000 residents of Grand Forks were fortunate to have an effective Federal Emergency Management Association (FEMA) under the leadership of James Lee Witt there to assist them with the momentous task of starting from the ground up after the flood waters receded. Today Grand Forks is flourishing thanks to a well coordinated effort on the part of FEMA. The rebuilding effort drew upon Federal government resources such as Community Development Block Grants which served as a catalyst to encourage accelerated investments in Grand Forks.

This bill permits Community Development Block Grants (CDBG), available because of prior liberalizations, to be combined with all of these enhanced low-income housing credits for affected areas. Under the Katrina Housing Tax Relief Act, qualified projects will not be treated as having below market Federal loans solely by reason of assistance provided under the CDBG. Since many of the GO Zone communities have lost much, if not all, of their economic base, CDBG assistance is vital and will not restrict an otherwise qualifying building from utilizing the higher 9 percent credit. This will encourage builders to deliver more housing to the Gulf Coast communities in desperate need of homes for those who want to return and help rebuild their lives.

Finally, H.R. 1562 would require that the Government Accountability Office submit a report on the allocation and use of these tax incentives in the GO Zone to the Committee on Ways and Means and no later than one year after the date of enactment. I urge passage of H.R. 1562, a common sense bill that brings much relief to the Gulf Region.

PARTIAL BIRTH ABORTION BAN ACT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. KUCINICH. Madam Speaker, yesterday's decision by the Supreme Court to uphold the Partial Birth Abortion Ban Act threatens a woman's right to make her own choices about abortion and consequently choices pertaining to her own body. By upholding the first ever federal abortion ban the Supreme Court has brought us dangerously close to allowing politicians to make decisions regarding the control a woman is allowed over her own body.

The Court has, for the first time since its original ruling in 1973 establishing a woman's right to an abortion, showed no consideration for the health and safety of a woman. The decision is contrary to that of six other federal courts throughout the country. This decision disallows exceptions to be made in instances where a woman's health is at risk. In circumstances where the banned procedure is the safest for the health of the female patient, doctors will be powerless, except under threat of a two year criminal penalty, to do the right thing for their patient. The American College of Obstetricians and Gynecologists, representing ninety percent of these medical officials, agrees that the ban causes interference in medical decision making and is detrimental to women's health.

The Court's decision forces us to look at where our society really is in respect to the rights and equality of women. How can we, in good conscience, tell the young women of today that they are equal and able to accomplish their dreams if at the same time society is seeking to control their actions and make decisions with regard to their own bodies? I empathize with the frustration that women around the country are feeling today; I realize the greater restrictive implications implied by the Court's ruling.

I imagine that a woman's decision to have an abortion, under any circumstances, must be one of the most difficult she will make in her life. It is a very private, very personal decision that is to be made by her and may include the support of family, friends and medical professionals. It is not a decision that is made lightly or without consequence. Today's decision has perilously hindered a woman's privacy and safety by allowing politics to interfere in medical decisions.

We must end the divisiveness that surrounds the issue of abortion so that we may begin the long overdue healing process. We must work to limit the need for abortions while at the same time ensuring safety. Access to prenatal and postnatal care through expanded Medicare coverage will be an important component as well as a living wage. I will maintain my support for social programs, and maternal and child nutrition programs to strengthen vulnerable families. I will continue to stand behind programs that teach sex education, domestic family planning and promote the use of contraception.

SUPPORTING THE GOALS AND IDEALS OF FINANCIAL LITERACY MONTH

SPEECH OF

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Mr. HINOJOSA. Mr. Speaker, I submit the following letters regarding H. Res. 273, "Supporting the Goals and Ideals of Financial Literacy Month."

COUNTRYWIDE,
Calabasas, CA, April 12, 2007.

Hon. RUBÉN HINOJOSA,
House of Representatives, Rayburn House Office Building, Washington, DC.

Hon. JUDY BIGGERT,
House of Representatives, Longworth House Office Building, Washington, DC.

Re: Support for H. Res. 273.

DEAR CONGRESSMAN HINOJOSA AND CONGRESSWOMAN BIGGERT: On behalf of Countrywide Financial Corporation I want to commend you and your colleagues in the House Financial and Economic Literacy Caucus for the introduction of H. Res. 273, which supports the goals and ideals of Financial Literacy Month.

Founded in 1969 on the belief that all Americans should have the opportunity to own a home, Countrywide has become the largest home mortgage lender in the nation and a leader in providing home loans to first-time buyers, minorities and low- and moderate-income families. Today, Countrywide has grown to more than 54,000 employees with 900 retail offices nationwide. We at Countrywide share the sentiments and concerns expressed in H. Res. 273, and we strongly support the goal of improving the quality and reach of financial education in America, particularly to lower- and moderate-income individuals and families.

To that end, in conjunction with Financial Literacy Month Countrywide has launched its Home Ownership Mortgage Education (H.O.M.E.) program. The H.O.M.E. program is a comprehensive online reference tool, available at www.HomeBvCountrywide.com. providing consumers with information on all aspects of homeownership, from basic personal finance to life as a homeowner. By offering this financial and homebuyer education program, Countrywide supports consumers' ability to make well-informed financial decisions as they pursue the dream of homeownership.

The H.O.M.E. program is a further extension of Countrywide's founding mission and one of several education initiatives that Countrywide supports. In January 2005, Countrywide announced a $1 million, five-year commitment to the U.S. Conference of Mayors' DollarWi$e Campaign. As a founding sponsor of the campaign, Countrywide supports Capacity Grants, a component of the campaign that makes grants to cities that are developing or expanding local financial education strategies for consumers. More than 100 cities now conduct local DollarWi$e campaigns and Capacity Grants have been awarded to the following cities: Pleasanton (CA), Quincy (IL), Bowling Green (KY), Quad Cities (IL, IA), Detroit, Savannah and Miami.

Again, I want to express my personal support and that of our employees for H. Res. 273, and for the goals and ideals of the House Financial and Economic Literacy Caucus.

Sincerely,

ANGELO R. MOZILO,
Chairman and CEO.

STATE FARM INSURANCE COMPANIES,
Bloomington, IL, April 12, 2007.

Hon. RUBÉN HINOJOSA,
Rayburn House Office Building, House of Representatives, Washington, DC.

Hon. JUDY BIGGERT,
Longworth House Office Building, House of Representatives, Washington, DC.

DEAR REPRESENTATIVES HINOJOSA AND BIGGERT: As a leader in insurance and financial services, State Farm® strongly supports H Res. 273. This resolution in support of the goals and ideals of Financial Literacy Month clearly illustrates the need for increased efforts to build financial and economic literacy in the United States, especially among young people.

State Farm is committed to promoting financial literacy among Americans of all ages. In 2006, State Farm contributed more than $1.3 million dollars to financial literacy programs; and, in 2007, we will contribute nearly $2 million. Our contributions target the issue of financial literacy in many ways, from grassroots efforts that are led by youth, to training aimed at teacher education, to content designed for adults.

On behalf of State Farm, I congratulate you both on your continued leadership of the Financial and Economic Literacy Caucus. Your commitment to promoting the importance of financial literacy through events like the upcoming Financial Literacy Day on the Hill benefits not only your constituents, but thousands of other Americans seeking access to higher education, homeownership, retirement savings, and other fundamental financial goals.

We look forward to a continued relationship with you as we work to address this very important issue. If State Farm can serve as a resource to you or the Caucus, please feel free to contact me.

Sincerely,

MICHAEL A. FERNANDEZ,
Vice President, Public Affairs.

CONSUMER MORTGAGE COALITION,
Washington, DC, April 15, 2007.

Hon. RUBÉN HINOJOSA,
House of Representatives, Rayburn House Office Building, Washington, DC.

Hon. Judy Biggert,
House of Representatives,
Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVES HINOJOSA AND BIGGERT: The Consumer Mortgage Coalition, a trade association of national mortgage lenders, servicers, and service providers, strongly endorses the bi-partisan Congressional resolution, H.R. 273, supporting April as "Financial Literacy Month". We applaud and thank you and all of the cosponsors of this resolution for your efforts to both raise awareness about the critical need for financial education in the United States and encourage the government and the private sector to work towards our common goal on this issue.

Our nation's finance system offers access to capital and mortgage credit to consumers of almost every economic condition. This has contributed significantly to raising our nation's homeownership rate to the highest in history. Homeownership remains the fundamental first step towards an individual's ability to accumulate personal wealth, as

well as contributing to neighborhood and community stability, among many other attributes.

For most households, purchasing a home is the most significant financial transaction they will ever make. Therefore, it is very important that homebuyers understand and are able to choose the mortgage loan product that best fits their individual financial needs. In order for a consumer to make the right choice, however, they must be financially literate.

Moreover, a well-informed consumer is the first line of defense against mortgage fraud and predatory mortgage origination practices. If consumers are able to fully understand the options before them, they will be better able to defend themselves against those who hope to take advantage of them.

From a broader perspective, our member companies strongly believe that financial education has a direct impact on the economic health of our families, our communities, and our nation.

Again, we thank and applaud you for your leadership on this important initiative.

With best regards, I am

Sincerely,

ANNE C. CANFIELD,
Executive Director.

[From the Washington Post, Mar. 30, 2007]

MONEY'S ON THE LINE DURING THESE CLASSES: COLLEGES TEACH FINANCIAL BASICS

(By Susan Kinzie)

Heather O'Brien graduates from Georgetown University this spring with an education in biology, in English, in history. She leaves with a newfound conviction that she should work in the ministry. And with about $63,000 in debt.

''When I got here,'' she said, ''finances were the last thing on my mind. I was on my own for the first time, in a new place. It was very exciting—and it seemed like college would last forever.''

Now, she's taking one last set of classes. It's a sort of Real World 101, a crash course in money: Georgetown is offering a series of financial literacy workshops for seniors, covering such topics as loan repayment and consolidation, spending, credit cards, taxes and benefits.

The professors and other financial experts leading the classes all say the same thing: If only I'd known this when I was your age.

''These are lessons best learned young,'' said adjunct business professor Michael Ryan, ''when there's not a lot on the line.''

Students are leaving college with more debt than ever, now that more of them have to rely on loans, tuition keeps rising and credit cards are being pushed on many campuses. The median education loan debt is nearly $20,000 for full-time students at four-year colleges. And that's not including credit cards; more than half of students surveyed this winter by Sallie Mae had piled on more than $5,000 in debt in school. And one-third added more than $10,000 in credit-card debt.

Some students treat credit cards and student loans like found money, for spring break trips or betting on NCAA brackets. But many are struggling to afford college; nearly a quarter charge part of their tuition. And most need to get used to managing expenses, learning—often the hard way—as they go along.

Now some schools are adding courses on financial basics. Beginning this academic year in Virginia, for example, public universities are required to offer some financial literacy training, said Barry Simmons, Virginia Tech's director of scholarships and financial aid. The school designed an optional online class, covering budgeting, credit cards and other basics for freshmen. The University of Virginia has a pilot program, too.

Financial companies offer occasional courses on campus, and some have pitched in on the Georgetown classes. The added focus comes as scrutiny on universities' relationships with lenders increases and as Congress moves to ease the burden on students.

Some students arrive on campus used to managing credit, balancing budgets, maybe even trading stocks. But others—

''We get the sense that students don't really understand how money works,'' said Greg Pasqua, a senior at Georgetown who heads the student-run credit union and helped organize the seminars. ''People do things that aren't very intelligent with their money. Overdraw accounts six times on $2 purchases, and get hit with six fees for buying bubble gum. Or get reported to Equifax because you didn't pay your loan on time, and you're like, 'I'll get it next time.' ''

Ryan said, ''It's amazing what some students don't know—that 30 to 40 percent of their proceeds will be taxed away . . . Even basic things like 401(k)s,'' or whether they should put money into the pretax retirement savings accounts.

At two recent workshops at Georgetown, students interrupted to ask, ''What is a 401(k), anyway?''

So professors and other experts sorted through the unfamiliar names and the jargon, explained the types of benefit choices they'll be expected to make, how to figure out what their monthly loan payments and take-home pay will be, how to invest in their 20s.

It's not difficult stuff. It's just—who has time to think about credit scores and interest rates when there's so much else going on?

Until a car loan or a lease is turned down because of a bad credit score, or late fees pile up.

When O'Brien was a high school senior in Texas, she was offered a full scholarship to another school. But she loved Georgetown; when she visited, someone told her that everyone there has been given many gifts and that they should think about how to give back.

So she didn't pay too much attention to the details of the loans she was taking out. ''When I was a freshman, I was like, 'Loans, great! I don't have to pay them back 'til I stop going to school—cool.' ''

It's not just tuition (which is a hefty $33,000-plus this year, before housing, books and fees.) In Georgetown, with shops selling $200 jeans and bars mixing $15 cocktails, there are plenty of ways to bleed money within stumbling distance of campus.

O'Brien didn't make any big mistakes; she was careful. She knew she didn't want to drop a couple of weeks' paychecks from her on-campus job on a top from some little boutique nearby; she'd rather take a bus to shop somewhere cheaper. She's not a big drinker, so she doesn't wake up wondering what happened to her wallet. But she does like ordering music and books online, and she didn't realize how quickly it could add up.

''It wasn't until senior year, when I had to pay my own rent and pay utilities, that I really understood what $60,000 was,'' she said, referring to her tuition debt.

This year, too, she started setting rules for herself. ''I eat lunch on campus once a week and pack my lunch the other days.'' And she limits her online purchases to $20 a month. She opened a separate account for her rent money so she's not tempted to dip into it.

The classes have already changed her mind-set, she said. She learned about interest rates and credit scores. ''I have had a couple of late payments that dinged me. I just thought, 'Oh, one day late, not a big deal.' '' But in the class she learned that could cost major benefits. ''If you go three years [paying] on time, you could have a 3 percent decrease in the interest rate—which is amazing.''

She doesn't regret taking out the loans; she had so many great classes at Georgetown that she kept switching majors, from premed to English and so on. ''This is the place that made me who I am,'' she said, ''The ideals, the professors, the chaplains, the friends I made.''

She's excited to become a chaplain or a grief and crisis counselor at a hospital after graduate school. She knows she won't get paid much, but she's absolutely sure it's what she's meant to do.

''There are some things I look back and wish they were different,'' she said. She might have taken out smaller loans, with less money for expenses. ''I might have had more of a realization that all of that was [racking up] interest and would take a long time to pay back.''

Now she has a better idea of how to manage loans and evaluate benefits and salary. The classes reminded her to budget carefully and put money away for retirement when she can.

Then again, she's not sure that had she learned all this earlier it would have changed many of the decisions she made. ''Graduation,'' she said, ''was so far away.''

SUPPORTING THE GOALS AND IDEALS HIGHLIGHTED THROUGH NATIONAL VOLUNTEER WEEK

SPEECH OF

HON. PHIL HARE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. HARE. Madam Speaker, in celebration of National Volunteer Week, I rise today to honor the many volunteers in my Congressional District and throughout the country. In 1974, National Volunteer Week was established to encourage Americans to dedicate their time and energy to improving their communities and making a difference in the lives of others. We observe these goals this week and reaffirm our commitment to supporting our Nation's volunteers.

Throughout our country, volunteers make America better by reaching out to help their neighbors in need. These caring individuals give to people who have nothing, mentor children who lack love and attention, feed those who are hungry, and shelter those who are homeless. In the aftermath of hurricanes Katrina and Rita, people throughout the country came forward to help the Gulf Coast recover and rebuild—a true testament of the American spirit.

Since the original enactment of National Volunteer Week, the number of volunteers has increased at incredible rates. The resolution before us today rightfully acknowledges the diligent efforts of these millions of individuals who care deeply about the future of our country and their fellow citizens.

I am extremely proud to be a cosponsor of this legislation, and urge all my colleagues to vote for its passage.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Ms. CARSON. Madam Speaker, I regret that I was not able to cast votes on the evening of Tuesday, April 17, 2007 due to the cancellation of my scheduled flight from Indianapolis to Washington's Reagan National Airport and subsequent flight cancellations at Indianapolis. I understand that there was a backlog of eastbound travelers and limited flight options due to previous significant storm systems in the northeast.

Had I been available to vote, I would have voted yes on: roll No. 214; roll No. 215; roll No. 216; roll No. 217 and roll No. 218.

IN CELEBRATION OF THE OPENING OF THE ED AND RAE SCHOLLMAIER SCIENCE AND TECHNOLOGY CENTER

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. BURGESS. Madam Speaker, I rise today to congratulate Texas Wesleyan University on the completion of the new Ed and Rae Schollmaier Science and Technology Center.

This new learning center will facilitate access to genomic databases for use in biology, chemistry and computer science courses at Texas Wesleyan. The technology center will be a valued resource for students and faculty working in the disciplines of biology, chemistry, physics, computer science, and math. Texas Wesleyan science educators will be able to provide state-of-the-art learning opportunities to its diverse student body. Undergraduate students at Texas Wesleyan will be provided with scientific research opportunities that are typically available only to graduate students.

Founded in 1890 in Fort Worth, Texas, Wesleyan University is a United Methodist institution dedicated to the education of students in the region and beyond. The University offers a wide range of degrees for undergraduate and graduate students and educates international students from 28 countries

I congratulate Texas Wesleyan University as it continues to progress as a distinguished and diverse educational institution, and I am proud to represent them in Congress.

OFFERING HEARTFELT CONDOLENCES TO THE VICTIMS AND THEIR FAMILIES REGARDING THE HORRIFIC VIOLENCE AT VIRGINIA TECH AND TO STUDENTS, FACULTY, ADMINISTRATION AND STAFF AND THEIR FAMILIES WHO HAVE BEEN AFFECTED

SPEECH OF

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. SHAYS. Mr. Speaker, the thoughts and prayers of the entire Nation go out to the families and friends of those who lost loved ones.

What happened at Virginia Tech on Monday was a senseless tragedy and it is important for us to come together and find strength at such a sad time.

This is a time of profound mourning as there are few things more heart wrenching than the loss of so many young lives.

The sight of students and faculty coming together to comfort and support each other, however, is a stirring reminder of our Nation's resolve.

Mr. Speaker, this resolution has my support and the support of everyone who lives in the Fourth Congressional District.

INTRODUCTION OF THE MONTGOMERY G.I. BILL IMPROVEMENT ACT OF 2007

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. TERRY. Madam Speaker, I rise today to introduce the Montgomery G.I. Bill Improvement Act of 2007 to eliminate the burdensome enrollment fee that prevents more of our young soldiers, sailors, airmen and marines from gaining a college education.

Today's military members are consummate professionals meeting the difficult challenges of their service with courage, skill and expertise. Obtaining a college education is critical to expanding their expertise to better serve the United States and the cause of freedom. However, the current $100 monthly enrollment fee required for participation in the Montgomery G.I. Bill could prevent young enlisted military families from furthering their education.

More than half of the enlisted men and women in our armed forces have family responsibilities that limit their income choices. Currently, only 3.9 percent of enlisted active-duty members of the armed forces have a bachelor's degree, compared to 86.6 percent of the officers' corps. The $100 per month enrollment fee required for participation in the G.I. Bill sets up an unnecessary barrier to educational opportunities for enlisted military families trying to make ends meet and care for their children.

I have heard from current and former military members, public housing organizations, and groups advocating on behalf of military families that enlisted military members at pay grades E–5 and below would most benefit from the elimination of the $1,200 annual enrollment fee.

For these families who struggle to meet their basic needs and the needs of their children, an additional $1,200 each year will have a significant impact on the family budget. The legislation I am introducing today will allow servicemembers to utilize G.I. Bill education benefits to improve their family's circumstances and their future career opportunities.

This legislation would help improve military families' quality of life by ensuring the G.I. Bill continues to provide realistic and relevant educational opportunities to servicemembers defending our country.

The G.I. Bill Improvement Act of 2007 would accomplish two critical goals: Eliminate the $1,200 G.I. Bill enrollment fee for active duty servicemembers at pay grades E–5 and below, and allow all servicemen and women serving on active duty to opt into the G.I. Bill with no penalty or enrollment fee.

This is an issue of fundamental fairness. The men and women serving our country in wartime should not have to choose between the long-term benefits of the G.I. Bill and the short-term demands of their paycheck.

This legislation will provide tremendous benefits to our Nation. The G.I. Bill is one of the greatest investments ever made by the American people in our economy and the lives of young men and women who selflessly serve in the military. The ''Greatest Generation'' servicemembers who returned home from WWII and received a higher education under the G.I. Bill became our Nation's entrepreneurs, teachers, doctors and community leaders.

R.C. Thompson, a former Commanding Officer of Top Gun, and a former Commander of a carrier airwing in Afghanistan, said: ''This legislation would send a great signal to our young men and women in uniform that our Nation is unified behind them, and our sense of purpose remains strong. I was fortunate to receive my education through the G.I. Bill, and I know that $100 a month is a lot of money to a young married person serving overseas. This legislation will enable them to do a lot of good for their families when they return home.''

I urge my colleagues to join me in improving opportunities for our servicemembers and their families by cosponsoring the Montgomery G.I. Bill Improvement Act of 2007.

H.R. 1495, WATER RESOURCES DEVELOPMENT ACT OF 2007; VOTE 233: ON THE MOTION TO RECOMMIT WITH INSTRUCTIONS

HON. JOHN J. HALL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. HALL of New York. Madam Speaker, although I am a staunch advocate of increasing the use of hydroelectric power to meet America's energy needs, I voted against the motion to recommit H.R. 1495 because it does not constitute a good-faith effort to meet this important goal.

Under the guise of supporting renewable energy, the amending language contained in the motion to recommit would have directed the Secretary to undertake a boundless survey of America's waterways and wherever possible to augment existing hydroelectric dams

or build new ones. While supporters of the motion may attempt to portray it as advancing "green" solutions to our energy challenges, the reality is that the language only required economic considerations to be taken into account and provided no framework or guidance regarding the environmental suitability of potential hydroelectric sites or requirements to account for environmental impact mitigation or wildlife protection.

I am strongly supportive of exploring beneficial ways to increase the role that hydroelectricity plays in our energy mix, and look forward to working with my colleagues on pursuing environmentally responsible hydroelectric options such as installing low-head hydroelectric turbines in existing small dams. It is extremely important that we explore such alternatives, but we must do so in a way that is thoughtful, measured, and responsible. The language in the motion to recommit could have opened the door to reckless, counterproductive hydroelectric projects and so I chose to vote against it.

IN RECOGNITION OF THE 23RD STREET ASSOCIATION AND ITS 2007 DISTINGUISHED CITIZEN, MR. JOSEPH ROBERTO OF NORTH FORK BANK

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise to pay tribute to the 23rd Street Association, Inc., of New York City, its President, Sharon L. Ullman, and its honoree Joseph Roberto on the occasion of its annual Distinguished Citizen Award Luncheon. This year, the Association is bestowing its Distinguished Citizen Award upon Mr. Joseph Roberto, Divisional Senior Vice President of North Fork Bank, for his outstanding service to the community.

The 23rd Street Association was formed in 1929 by 22 local business leaders to improve environmental conditions and promote economic development in Manhattan. Since that time, the 23rd Street Association and its civic-minded members have devoted themselves to maintaining and improving the quality of life for both businesses and residents of the vital and thriving area of Lower Manhattan between 18th and 28th Streets. Today, the Association plays an active role in the development and growth of the 23rd Street area, including the Gramercy Park and Flatiron neighborhoods and the Stuyvesant Town and Peter Cooper Village middle-income housing developments.

The Association also addresses a broad range of citizen complaints and concerns by working closely with local community boards as well as city, state and federal government agencies. Whether forming a partnership with the New York City Department of Transportation to ameliorate traffic congestion in Lower Manhattan or purchasing and planting hundreds of trees in conjunction with the City Parks Department, the Association's commitment to improving the neighborhoods and communities it serves has been truly remarkable. In recent years, the 23rd Street Association worked to block a plant to substitute a nearby women's shelter with a facility for high-risk men, a proposal forcefully fought by many local businesses and residents.

This year, the 23rd Street Association is honoring Mr. Joseph Roberto of North Fork Bank with its Distinguished Citizen Award. A veteran of New York's business community, Joseph Roberto began his career by working in his family business, a chain of retail stores known as Pzaz, from 1979 through 1998. In 1998, Mr. Roberto joined North Fork Bank, where he currently serves as the Divisional Senior Vice President for Manhattan. Overseeing the bank's 45 Manhattan locations, Mr. Roberto has still found time and boundless energy to devote to his community and to countless worthy causes ranging from the American Cancer Society to United Cerebral Palsy to the Special Olympics.

The 23rd Street Association's president, Sharon L. Ullman, has compiled an exceptional record of service to the community. She spearheaded the establishment of the new Flatiron/23rd Street Partnership Business Improvement District, working tirelessly for 5 years planning the project, raising the funding needed to bring it to fruition, and inspiring the will and energy to make it such an outstanding success for local businesses and residents alike. She has also dedicated herself to the community by serving as the Warden of Madison Square Park and as a longtime board member of worthwhile organizations like the Associated Blind, Inc. Ms. Ullman was also named one of the top 100 New Yorkers by New York Resident magazine.

Madam Speaker, I request that my colleagues join me in paying tribute to the 23rd Street Association, its president, Sharon L. Ullman, and its honoree, Joseph Roberto, for their outstanding service and dedication to the civic life of our nation's greatest metropolis.

THE GLOBAL CLIMATE CHANGE SECURITY OVERSIGHT ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. MARKEY. Madam Speaker, I rise today to introduce the Global Climate Change Security Oversight Act.

The nexus between global warming and the national security of the United States is a crucial, yet long-ignored, issue. The adverse consequences of rising global temperatures present not only a potential environmental catastrophe but a national security emergency.

The security-related consequences of global warming will range from hampering U.S. military operations to worsening the scarcity of essential resources in already unstable regions—which can lead to the failed states that are a central breeding ground for terrorism, But because the U.S. intelligence community has never analyzed the potential for global warming to harm our national security, we lack a thorough understanding of what these threats are. This means that the Department of Defense and other security agencies cannot comprehensively plan for the security consequences of global warming the way that they plan for countless other serious contingencies.

Today, I am introducing the "Global Climate Change Security Oversight Act." This bill is cosponsored by the gentleman from Maryland (Mr. BARTLETT) the gentleman from Connecticut, Mr. LARSON, the gentlelady from California, Ms. ESHOO, the gentlelady from California, Ms. SOLIS, the gentlelady from New York, Mr. HALL, the gentleman from Washington, Mr. MCDERMOTT, and the gentleman from Massachusetts, Mr. OLVER. This legislation will jump-start U.S. defense planning for the security consequences of global warming by authorizing a National Intelligence Estimate (NIB) to assess the implications of global warming to United States security and military operations. Our bill, the House companion to legislation already introduced by Senator DURBIN and Senator HAGEL, will provide a crucial planning and risk-assessment tool as the Congress seeks innovative solutions to global warming. Developed to assess the most serious threats to the United States, NIBs are the most authoritative intelligence judgments on national security issues. This legislation will also fund research by the Defense Department into the consequences for U.S. military operations posed by global warming.

It seems clear that our geopolitical and national security posture will only grow worse if we do not act forcefully to curb our dangerous dependence on imported oil and reduce our emissions of global warming pollution. At the beginning of February, the world's top scientists, as part of the United Nations' Intergovernmental Panel on Climate Change (IPCC), provided a scientific smoking gun that human activities were unequivocally responsible for global warming. Two weeks ago, their second report told us what happens when the climatic bullet hits. The developing world will bear the brunt of the collateral damage from our historic global warming emissions, but the United States will experience its own self-inflicted wounds, including threats to our national security and military readiness.

The United States must act now to understand the security implications of global warming. The Global Climate Change Security Oversight Act will allow us to do so.

CONGRATULATIONS TO MR. WILLIE BEASLEY ON THE OCCASION OF HIS 94TH BIRTHDAY ON APRIL 28TH, 2007

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. DAVIS of Illinois. Madam Speaker, It is with great pleasure that I rise to congratulate Mr. Willie Beasley on the occasion of his 94th birthday which will take place on April 28, 2007. Madam Speaker, to live a long life is indeed desirable and many of us would find it most desirable. However, to live a long, healthy wholesome and productive life is awesome. Such has been the blessed fate of Mr. Willie Beasley who has been a great husband, wonderful father, tremendous churchman and a civic leader who has understood what it should mean to live in a free and democratic society. For many years, Mr. Beasley was an outstanding leader at the Carey Certentenary AME Church, he and his family were anchored in the community and to this day his children Ward and Carol continue in his and the family's tradition.

Therefore, Mr. Beasley, I congratulate you on a long productive and beneficial life, I also commend you and your family for your active civic and community involvement. It has been a pleasure to personally know you and your family and to have had you as part of my life.

I thank you Madam Speaker.

KURT VONNEGUT, JR.'S CONTRIBUTION TO AMERICAN LITERATURE

HON. DAVID LOEBSACK

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. LOEBSACK. Madam Speaker, I rise today to speak about Kurt Vonnegut Jr. and to extend my condolences to his family on his passing.

While teaching at the Iowa Writers' Workshop, which I am honored to represent in Iowa's Second District, Mr. Vonnegut received the Guggenheim Scholarship to return to Dresden, Germany and begin work on the novel that would eventually come to be known as Slaughterhouse Five. Mr. Vonnegut taught at the Workshop from 1965–1967, and Iowa mourns the loss of one of America's finest writers and one of the many fine writers who have helped to carry on the tradition of exceptional writing in Iowa.

Kurt Vonnegut was a writer capable of capturing the imagination of not only his generation, but of America's youth for generations to come. His works examine the moral compass of America, and his often hilarious satirization of the culture of our time has earned him the rightful reputation of America's most celebrated satirist since Mark Twain. Yet he was also a humanist who not only examined some of the most defining moments in our history—most famously World War II in Slaughterhouse Five—but also, and in spite of the violence he had seen as a prisoner of war, concluded that human kindness is alive and well. His contributions to American culture are immense and will not soon be forgotten.

Thank you, Mr. Vonnegut, for your contribution to American literature.

TRIBUTE TO ROBERT E. GUT

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the deeds of a person I am proud to represent, Mr. Robert E. Gut, who will be recognized on Thursday, April 19, 2007 on the occasion of his retirement, for his dedication to education and scholastic sports.

Bob was born in 1932 to Antonina and Frank Gut. He and siblings Nellie, Stanley and Eugene grew up in the City of Passaic until the family purchased a home and moved to Garfield. Bob attended Holy Rosary Elementary and Pope Pius XII High School in Passaic, where his talents began to shine. He earned varsity letters in three sports each year and was captain of the baseball and basketball teams and co-captain of the football team. Upon his retirement, coach and athletic director Paul Kelly called Bob, ''The greatest athlete he ever coached—bar none,'' and ''a natural.'' Bob was named to the All State teams in all three sports. His record has stood the test of time; in 2000 he was named a Passaic County ''Player of the Century'' in football by the Bergen Record and Herald News.

Bob caught the attention of some of our area's most legendary coaches, Al Yaskiw and Manlio Boverini of Passaic, Arthur Argauer of Garfield, and Paul Kelly of Pope Pius XII. They mentored him, and helped him earn numerous football scholarships. He accepted a full football scholarship to the University of Virginia, where he played offensive center and defensive linebacker. He continued to thrive, being part of a defense that in 1952 was number one in the Nation. In 1954, he returned to Passaic to coach football at Passaic High. Later that year, he completed R.O.T.C. and was commissioned a Second Lieutenant in the U.S. Army. He was sent to Fort Knox, KY for training in the Armor Division, and assigned to serve in Germany. Bob married his wife, Florence, on April 17, 1955, and they moved together to Wieseck, Germany. While there, their daughter, Karen, was born in Frankfurt, Germany.

In 1956, Bob returned from Germany and began his professional career teaching physical education at School 21 in Paterson. During his first year of teaching, he was transferred to Central High where he taught science and was the school's first track coach. In 1965, Central closed, and Bob moved to the new John F. Kennedy High School. While teaching at Kennedy, Bob coached many teams. He became the head coach of golf, track and tennis and was an assistant to many great football coaches like Nelson Graham, Aubrey Lewis, Joe Biscayan, Bob Smith, and Jim Bradshaw. In 1960–65, he was head football coach at Pope Pius XII while teaching at Kennedy. In 1966 he returned to the assistant coach role at Kennedy, and in 1974 became the Knights head coach. In 1974 the football team had its first undefeated season, going 9–0. Importantly, his team never lost a Thanksgiving game to Eastside, and shut the Ghosts out in four of the six games.

In 1979, Bob became the Athletic Director at Kennedy High, which under his leadership in the 1980s and 90s, became known as ''Championship High.'' The Boys Basketball team won four County titles in a row, and a sectional title; the Girls team won five straight county titles and the Tournament of Champions. Championships, League and Sectional titles were also won by the Track, Cross Country, Soccer, Baseball and Football teams. As Athletic Director, Mr. Gut has organized the annual John F. Kennedy All Sports Awards Dinner, and he was involved in the creation of the Central-Kennedy Athletic Hall of Fame.

Bob's professionalism has extended beyond Passaic County. He has long been a high school referee and umpire. He formerly served as President of the Tri-County Basketball Officials Association, which held tournaments for freshman and JV teams from 32 schools. He has served for the past 28 years as the Chairperson of Bowling in the Northern New Jersey Interscholastic League. He has served for 20 years on the Advisory Board and Eligibility Committee of the NJSIAA, the governing body of high school sports in New Jersey, and has been the chairperson of the Eligibility Committee for the past 10 years. He also volunteers his time as part of the Passaic County Coaches Association, the Old Timers Association of Greater Paterson, and The Do-Good House.

What Bob is proudest of is his strong moral and ethical standards, which led his coaches to nickname him ''The Monsignor.'' Sportsmanship has always been his first priority for his players, coaches, and the fans. This effort is shown by the many times the NJSIAA has given Kennedy its ''Sportsmanship Award,'' and the NNJIL Sportsmanship banners they have earned. Always important to Bob has been his family; he and Florence celebrated their 52nd anniversary this month. His daughter lives nearby with her husband Jim Giblin and their two children. His grandson James is a sophomore at The College of New Jersey and his granddaughter Kristen is a senior at Wayne Valley High School.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to working with and recognizing the efforts of dedicated public servants like Bob.

Madam Speaker, I ask that you join our colleagues, the students of the Paterson Schools, the City of Paterson, the State of New Jersey, Bob's family and friends, and me in recognizing Bob Gut's outstanding service to his community.

IN HONOR OF PETER SHUGERT

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. SIRES. Madam Speaker, I rise in honor of Peter Shugert, Chief Public Affairs Officer of the Army Corps of Engineers, who is about to retire after more than two decades of dedicated service. Mr. Shugert has worked tirelessly, not only to keep area residents informed of vital Corps operations, but he has also gone above and beyond the call of duty by becoming a treasured liaison during emergencies between government agencies and the people of the New York Metropolitan region.

Mr. Shugert, who earned a reputation as a highly credible spokesperson and media representative for the United States Army, began his professional career in the military. His service in the Vietnam War won him the National Defense Service Medal, the Army Commendation Medal, the Vietnam Service Medal and the Vietnam Campaign Medal.

In 1977, Mr. Shugert became Public Affairs Specialist for the Military Traffic Management Command in Virginia, and in 1982, made important contributions to the Office of the Chief of the Army Reserves, where he developed products to increase public awareness.

In his 20 years as Chief of Public Affairs for the U.S. Army Corps of Engineers District of New York Division, Mr. Shugert developed and maintained excellent media relations that ensured the best possible image for the Army Corps of Engineers. During his service, Mr. Shugert faced the tragedy of the 9/11 terror attacks and worked around the clock to keep the public informed. His dedication earned him the Locke L. Mouton Award for Excellence in Public Affairs, the Crisis Communications Award, the Superior Civilian Service Medal, and the Civilian Award for Humanitarian Service.

Mr. Shugert also acted as an important liaison between government officials and area residents during the floods that devastated parts of New Jersey in 2000. More recently, he was instrumental in disseminating information during the difficult removal of the Intrepid Museum from Pier 86 in New York, for its reconstruction in Bayonne, New Jersey.

In addition, Mr. Shugert has offered his unwavering support to the Elizabeth River Arthur Kill Watershed Association Earth Day Celebration. The event teaches hundreds of students about the importance of protecting our environment.

Please join me in recognizing Peter Shugert for being the most loyal of civil servants. I congratulate him and wish him continued success in future endeavors.

INTRODUCTION OF THE LEGAL EMPLOYEE VERIFICATION ACT

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. ELLSWORTH. Madam Speaker, I rise today to introduce the Legal Employee Verification Act and ask for its consideration and support. This bill overhauls the broken employment verification system we have today and replaces it with the mandatory, efficient, and transparent process our country needs.

Today, too many working men and women are denied the job opportunities they deserve because it is more convenient for some employers to go around the system and hire an illegal immigrant. Employers who break the law should be held accountable, and the Employment Eligibility Confirmation System created by this bill will make it more difficult to evade our employment regulations. At the same time, business owners who play by the rules every day can rest assured that they are competing on a level playing field.

Instead of dealing with a confusing process that often yields inconclusive results, if any, employers will quickly know the status of their prospective employees. Within as little as one day, an employer will know whether that person is eligible to work here in the United States. This efficient system will bring peace of mind to both employers and employees by giving definitive answers in reasonable periods of time.

In addition, the Legal Employee Verification Act makes use of the technology used in our nation's immigration documents.

This critical security upgrade currently helps fight identity fraud and gives security officials a new tool to protect our country from those who seek to do us harm. Now this upgrade will also discourage illegal immigrants from using falsified documents to secure jobs here, giving our law-abiding workforce a fair shot at every job available.

I don't fault people for wanting to come to live and work in America. It's a great place to live and raise a family. All I ask is that they do it legally.

Madam Speaker, it's time we get serious about enforcing our immigration and employment laws. The Legal Employee Verification Act will give us important new tools to do just that. It's common-sense policy, and I'm proud to introduce this bill for consideration.

HOMEGROWN TERRORISM PREVENTION ACT OF 2007

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Ms. HARMAN. Madam Speaker, as Chair of the Homeland Security Subcommittee on Intelligence, Information Sharing & Terrorism Risk Assessment, today I am introducing the bipartisan Homegrown Terrorism Prevention Act of 2007. Ranking Member DAVE REICHERT joins me as co-author of this bill.

April 19th marks the 12th anniversary of the Oklahoma City bombing, which claimed 168 lives and injured over 800. Only September 11, 2001, eclipses that dark day as the deadliest act of terrorism on U.S. soil.

My own district in California has not been spared from the threat of homegrown terrorism. An episode there offers a chilling illustration of the type of domestic threat we face. In the spring of 2005, four men—three U.S. citizens and one Pakistani national residing legally in this country—finalized plans for a series of gas station robberies intended to finance terrorist attacks around Los Angeles. Their kill targets were U.S. military bases and recruiting stations, the Israeli Consulate, synagogues filled with worshipers on Jewish holy days, and the El Al ticket counter at LAX.

The indictment alleges the men were pawns of an inmate at Folsom Prison who had embraced radical Islam after being incarcerated and founded the militant prison gang "Assembly of Authentic Islam." One of them was radicalized by the inmate while doing time at Folsom; his accomplices were recruited from a local mosque and had no criminal records.

The men engaged in a spree of 11 armed gas station robberies until their arrest by local police in July 2005. A subsequent search of their apartment uncovered jihadist literature, bulletproof vests and a list of potential targets. Local police promptly contacted the FBI, which led to a major investigation involving more than 200 agents, Los Angeles police detectives, and counterterrorism officials.

The suspects now await trail, and are charged with conspiring to wage war against the U.S. government through terrorism; kill members of the Armed Forces; and murder foreign officials.

Homeland Security Secretary Michael Chertoff has said that "radicalization is a global problem that must be addressed through focused efforts targeting its root causes." This legislation does just that. It would establish a grant program to provide funds to the States to foster badly needed vertical information sharing down to the local level. It would create a Center of Excellence for the Prevention of Radicalization and Home Grown Terrorism to examine the social, criminal, political, psychological, and economic roots of homegrown terrorism and to propose solutions. It would require Homeland Security officials to learn from other nations that have experienced their own Oklahoma City tragedies. And, perhaps most importantly, it would ensure that our cherished civil liberties, the protections and safeguards guaranteed by our Constitution, are protected.

We urge its enactment.

FREEDOM FOR ALFREDO MANUEL PULIDO LÓPEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak about Dr. Alfredo Manuel Pulido López, a political prisoner in totalitarian Cuba.

Dr. Pulido López is an independent journalist and a member of the Christian Liberation Movement. Before he became a human rights activist and a leader in the pro-democracy movement in a country oppressed by a totalitarian tyrant, he worked as a dentist. In 1998 he was forced from his job because of his support for democracy and the rule of law. In 2001, Dr. Pulido López joined the "El Mayor" news agency in Camagüey, Cuba to expose the despotism and corruption of the tyranny as an independent journalist. He wrote on all aspects of totalitarian Cuban society and contributed to numerous foreign press agencies because he wished to make known the true nature of the regime that enslaves Cuba.

On March 18, 2003, as part of the regime's deplorable island wide crackdown on peaceful prodemocracy activists, Dr. Pulido López was arrested because he wrote the truth about a ruthless and repressive tyranny. After a sham trial, where he was accused of "endangering independence and the state's territorial integrity" and of "writing tendentious articles on various aspects of national and provincial life," Dr. Pulido López was sentenced to 14 years in a totalitarian dungeon.

On April 18, 2006, Rebecca Rodriguez Souto, Dr. Pulido López's wife, visited her husband and was immediately alarmed by his condition and the severity his deterioration. According to a report she filed with the Committee to Protect Journalists (CJP), Dr. Pulido López is dangerously malnourished, deeply depressed, and having great difficulty breathing. Since his incarceration he has lost over 40 lbs and he finds it difficult to consume the grotesque food fed to the political prisoners. Despite his seriously declining health, Dr. Pulido Lopez continues to be caged in a totalitarian dungeon, sharing its squalor with at least 100 hardened common criminals. He has witnessed innumerable acts of violence and he must continually fear for his life.

Also fearing for her husband's life, Rebecca Rodriguez Souto has repeatedly requested that the tyranny release her husband on medical parole. She has yet to hear a response from the brutal tyrant's machinery. Dr. Pulido López himself has stated that he has no real reason to ask for medical parole since he is an innocent man to begin with, and that what the dictatorship's officials really have to give him is his freedom. To his wife he has explained that with every day he is firmer in his convictions, that he will not renounce them, and that "they (the tyranny) can do what they want."

Dr. Pulido López was arrested because of his belief in liberty. His commitment to freedom, in the face of his declining health and the regime's complete and utter disregard for human rights and dignity, is a testament to the heroism of the Cuban people. It is abominable that just 90 miles from our shores Castro's

subhuman gulags are full of men and women, like Dr. Pulido López, who represent the very best of the Cuban nation.

Madam Speaker, we must speak out against this unconscionable crime against humanity. My Colleagues, we must demand the immediate release of Alfredo Manuel Pulido López and every political prisoner in totalitarian Cuba.

HONORING THE LIFE OF KYLE ROBERT WILSON

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor the life of Kyle R. Wilson and to recognize his service to our community.

I come to the floor to speak of the bravery exhibited by Technician Wilson who served on the Prince William County Department of Fire and Rescue since January of 2006. Technician Wilson and his unit from Occoquan-Woodbridge-Lorton (OWL) Station 12 in Woodbridge responded to a three alarm house fire early on the morning on April 16th, 2007. Tragically, he was killed in the line of duty while heroically attempting to save the lives of others.

Kyle was a longtime resident of Prince William County and attended C.D. Hylton High School in Woodbridge, VA where he was a star baseball player for the Bulldogs. The bravery Kyle demonstrated Monday was typical of his personality. His former baseball coach described him to have all the qualities of a leader, specifically that he was fearless and willing to make sacrifices for others. Due to this strong character and devotion to community, it was no surprise to his coach that Kyle found his calling as a firefighter.

Upon graduation from Hylton, Kyle went on to study athletic training and earned his degree from George Mason University in 2005. He joined the fire department in January 2006, graduating from the recruit academy that June. Assistant Prince William County Fire Chief Kevin McGee described Kyle as an ''outstanding young man, who was one of the best of our best.'' Kyle is survived by his father Bob, mother Sue, brother Chris, sister Kelli, and his girlfriend Kristi Silor.

In my experiences with the department, I have seen its unwavering dedication to the Prince William County community. Kyle was an example of Prince William's finest. Every day firefighters selflessly put their lives on the line to save others, and Kyle made the ultimate sacrifice. Let us never forget the sacrifice he made.

Madam Speaker, in honoring Kyle I would like to take this opportunity to thank all the men and women that put their lives on the line and bravely serve on the Prince William County Department of Fire and Rescue. I extend my heartfelt condolences to Kyle's family, friends, and to his brothers and sisters on the department.

''EXPANDING THE PROMISE FOR INDIVIDUALS WITH AUTISM ACT OF 2007''

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. SMITH of New Jersey. Madam Speaker, I want to express my strongest support for the ''Expanding the Promise for Individuals with Autism Act of 2007,'' H.R. 1881, and I was very pleased to join my friend and colleague Rep. MIKE DOYLE of Pennsylvania this week in introducing this important legislation. H.R. 1881 addresses a very critical need—to provide assistance to the 1.5 million Americans with autism who are in desperate need of treatments and services throughout their lives.

From my first session in Congress in 1981, I have been a consistent advocate for individuals with developmental disorders, including autism. But autism came into a particularly strong focus in 1998, when two of my constituents, Bobbie and Billie Gallagher of Brick, NJ, contacted me with concerns about an elevated level of autism cases in the township of Brick. The concerns of the Gallaghers—parents of two autistic children themselves—led me to request that the Federal Agency for Toxic Substances and Disease Registry and the Centers for Disease Control and Prevention, CDC, conduct an investigation into a possible autism cluster in Brick.

The results of this investigation, one of the first federal studies on autism, were quite alarming. Higher rates of autistic disorder and autism spectrum disorders, ASDs, were found in Brick Township relative to rates from previously published studies. However, we have now come to learn that the high rate of autism found in Brick Township was not an isolated incident; it was the window to a nationwide phenomenon.

Earlier this year—on February 8, 2007, the CDC released groundbreaking data documenting the high prevalence of autism around the country. As a result of this landmark study, it is now believed that 1 out of every 150 children born in the United States suffers from a form of autism.

The numbers are even more shocking when you examine the results from New Jersey. Autism was shown to affect 1 in every 94 New Jersey children analyzed in the recent federally funded study. That same study, based on 2002 data, showed that 1 in every 60 boys in New Jersey is afflicted with a form of autism.

While the numbers are profound, it is the reality of the lives behind the numbers which call for our compassion, dedication, and legislative action. The physical, emotional, and financial impacts of autism on individuals, families, and society are staggering. Autism can overwhelm families, as their lives become consumed with the considerable challenges of identifying appropriate biomedical and psychosocial treatments, schooling and other needed support systems for their autistic child—and eventually for an autistic adult. Most of the parents of an autistic child whom I have met express a high level of fear and apprehension about services—such as housing and employment assistance—that will be available when their child becomes an adult.

That is why I joined forces with my friend Mike Doyle to launch in January 2001 the Congressional Coalition for Autism Research & Education, C.A.R.E., which currently includes over 160 Members of Congress. The goals of the bipartisan Coalition for Autism Research and Education are straightforward, to: increase general awareness of autism and autism spectrum disorders among Members of Congress and policy analysts in Federal government; educate Members of Congress on current and future initiatives and developments regarding autism; serve as a forum where autism-related policy issues can be exchanged, debated, and discussed; bring together public, private, and government entities to pursue legislative initiatives that will help improve the lives of individuals with autism and their families; and promote all means to assist with the challenges of families and loved ones affected by autism.

Although it is still not sufficient, we have had significant success in advocating for increased funding for autism programs—funding that has increased by nearly 10 times the amount it was in the mid-1990s. In 1995, NIH invested about $10.5 million into autism research. The estimated budget for autism research in fiscal year 06 is nearly 10 times that amount—$108 million. At the CDC, autism funding has increased from $287,000 in 1995 to an estimated $15.1 million in 2006.

By introducing the ''Expanding the Promise for Individuals with Autism Act,'' EPIAA, we are building on our progress over the past decade and particularly on some legislative accomplishments during the last Congress. Many members of the C.A.R.E. caucus joined in supporting and passing last December the ''Combating Autism Act,'' important legislation which focused on improving autism-related research funded through the National Institutes of Health, autism surveillance, and early screening and diagnosis. Also last year, the caucus was successful in securing in the Fiscal Year 2007 Department of Defense Appropriations bill $7.5 million in an Army research account for the purpose of improving treatment of individuals with autism.

Notably, these successful efforts to date have focused primarily on surveillance and biomedical research. While these efforts are absolutely critical, the reality is that we have approximately 1.5 million individuals in the U.S. with autism, and they and their families are in desperate need of services to assist them in their daily lives and to help individuals with autism to realize their full potential as members of our communities. Today, we are focusing our efforts on providing services to aid families facing the challenges of providing lifetime care for their autistic children from first diagnosis through adulthood.

The ''Expanding the Promise for Individuals with Autism Act of 2007,'' which was earlier introduced in the Senate and which we introduced this week in the House, is comprehensive legislation which authorizes approximately $350 million over 5 years to provide treatments and services across the lifespan. It is incumbent upon us to act now to pass this legislation that will facilitate the provision of treatments and services for autistic individuals throughout their lives. As provided for in this legislation, assistance needs to be largely community-based and needs to address early intervention, education, employment, transportation, housing, health, and recreation.

Also, very importantly, the mechanisms authorized in this legislation are designed to provide treatments and services effectively and

efficiently. Those mechanisms include a broad-based Task Force to evaluate evidence-based treatments and services, demonstration grants to enable states to provide evidence-based treatments and services, one-time planning grants and follow-on demonstration grants for states to provide services to adults, and supplemental grants to University Centers of Excellence in Developmental Disabilities Research, Education, and Services to allow the centers to train professionals who treat or serve individuals with autism, as well as the creation of four new University Centers of Excellence. To complement and further enhance the grant programs established under this Act, this legislation also provides assistance to a national nonprofit organization for establishment of a national technical assistance center and provides assistance for protection and advocacy systems.

Additionally, to fill an information gap important to almost all affected families, service providers, and government organizations, the legislation calls for the Government Accountability Office to conduct a study and release a report on the ways in which autism treatments and services are currently financed, including policies for public and private health insurance.

This is truly bipartisan, bicameral legislation, and I am gratified that Representatives ELIOT ENGEL of New York and CHIP PICKERING of Mississippi joined Representative DOYLE and myself in introducing this legislation. We are all most appreciative that critically acclaimed actor and star of the ''West Wing'' Bradley Whitford, co-founder of Cure Autism Now and board member of Autism Speaks Jonathan Shestack, and President of the Autism Society of America Lee Grossman joined us this week in announcing the introduction of the EPIAA. Their support, along with that of other advocates for individuals with autism, will be critical as this legislation advances in the House and Senate.

OFFERING HEARTFELT CONDOLENCES TO THE VICTIMS AND THEIR FAMILIES REGARDING THE HORRIFIC VIOLENCE AT VIRGINIA TECH AND TO STUDENTS, FACULTY, ADMINISTRATION AND STAFF AND THEIR FAMILIES WHO HAVE BEEN AFFECTED

SPEECH OF

HON. MARY FALLIN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Ms. FALLIN. Mr. Speaker, today I would like to discuss something that is neither Democrat nor Republican in nature, but simply American. That, Mr. Speaker, is the greatness of this nation and of the American community, the extraordinary ability of American men and women to overcome tragedy and to be stronger for it.

Twelve years ago today, the Alfred P. Murrah Federal Building was destroyed by an explosion that claimed the lives of 168 men, women and children, and that left over 800 injured. At the time, it was the deadliest terror attack ever carried out on American soil.

Like everyone else in Oklahoma, I can remember exactly where I was when I heard the news. I remember seeing the carnage on television, and later that day, in person, and thinking ''How can this have happened? What kind of person would do this?'' And I saw the acts of one deranged mad man bring our city to a standstill, while the nation watched and grieved.

But even before the smoke and rubble had been cleared, I saw something wonderful. I saw complete strangers coming together, praying, and comforting each other. I saw a state and then an entire nation rally behind the families who had lost their loved ones. And rather than a group of victims, the men and women of Oklahoma became a group of heroes, facing down terrorists and rebuilding both their city and their lives.

Twelve years later, we still bare the scars of that awful day. We will never forget. And today, the Oklahoma City Bombing Memorial stands as a reminder of our pain and our heartbreak in the days and months after that attack.

But the memorial stands for more than that. It reminds us of the strength of our community. It reminds us of a city and a state that came together after a devastating attack to heal itself and to rebuild. And finally, it reminds us of the greatness of this country and of the power of American hope, even in the face of the most heartbreaking of tragedies.

Our memorial is a monument to our sadness. But it is also a monument to our hope and ultimately to our strength. Today we are a thriving city. We have a new federal building which is stronger and safer than the one that was destroyed. And after facing tremendous adversity, we became a stronger people.

On Monday, the nation and the state of Virginia suffered another terrible tragedy, when a crazed gunman shot and killed 33 men and women on the Virginia Tech campus. It is yet another tragedy of almost unimaginable proportions—innocent students living in what they thought was a peaceful sanctuary, only to have their lives cut short by a mad man.

In a time of sadness, I believe that the story of the Oklahoma City Bombing can deliver a message of hope to the families and friends of the victims, and indeed to the nation.

Twelve years ago today we saw tragedy and death. But we also witnessed the healing power of prayer and the strength of friendship and community. We found God in the most trying of times and we found ourselves stronger for it.

My message to the students and faculty of Virginia Tech is this: your community and your faith are more powerful than the destructive urges of one crazed gunman. Again and again the people of this great nation are faced with adversity and tragedy, and again and again we overcome that tragedy and grow stronger. So will you.

And while you struggle to find meaning in this calamity and to deal with the pain and sadness of that terrible event, you should know that all of America stands with you, and prays with you, and will ultimately heal with you.

PERSONAL EXPLANATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. POE. Madam Speaker, due to other Congressional business, I unfortunately missed a recorded vote on the House floor on Tuesday, April 17, 2007.

Had I been able to vote that day, I would have voted ''yes'' on rollcall vote No. 214.

ON THE INTRODUCTION OF ''THE NORTHWESTERN NEW MEXICO RURAL WATER PROJECTS ACT''

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. UDALL of New Mexico. Madam Speaker, I rise today to re-introduce The Northwestern New Mexico Rural Water Projects Act. This legislation, which was also introduced today in the Senate by my colleagues from New Mexico, Senators BINGAMAN and DOMENICI, will ratify the historic San Juan River Settlement Agreement. This agreement, signed by the Navajo Nation and the State of New Mexico, will provide for the development of a rural water system to address the water needs of numerous New Mexicans, many of them members of the Navajo Nation.

Once ratified, the settlement agreement will resolve the Navajo Nation's water rights. It will also provide a water supply for Gallup, New Mexico, and recognize authorized and existing uses of San Juan River basin water. In exchange for relinquishing some of their claims to water from the San Juan River basin, the Navajo Nation will benefit from water development projects which include the Navajo-Gallup project and the Navajo Nation Municipal pipeline. Incredibly, even now in 21st-century America, more than 70,000 Navajos must still haul water daily for residential use. These water projects will go a long way toward rectifying that grievous situation.

The Navajo Nation, the State of New Mexico and many other residents of northwestern New Mexico put a tremendous amount of effort into reaching an agreement that will provide a more secure future for many vulnerable communities. I am proud to be able to contribute today to their hard work and diligent commitment by introducing the legislation in the House. I look forward to working with my colleagues to pass this legislation and move these important water projects forward.

RECOGNIZING THE CONTRIBUTIONS OF MR. ROSS P. MARINE, HONORARY CONSUL FOR THE SLOVAK REPUBLIC

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. CLEAVER. Madam Speaker, I rise today to recognize one of my constituents, the Honorary Consul for the Slovak Republic, Mr.

Ross P. Marine, for his tireless efforts to bring an important exhibition, focused on the fate of Slovak Jews during World War II, to the Kansas City area. Mr. Marine is a dynamic member of the Consular Corps of Greater Kansas City. And for this reason, the Greater Kansas City Metropolitan Area is very fortunate to have the vital and active Consular Corps of Greater Kansas City, which has been instrumental in fostering cultural exchanges while building economic partnerships between our area and other countries. Time and time again, Mr. Ross P. Marine has proven himself to be one of our most active and dedicated Honorary Consuls in our region.

Years ago, while working for the Truman Medical Center East, Ross became involved in a health partnership program in the Republic of Slovakia, whose mission was to work with abused women and people addicted to drugs and alcohol. In the 3 years that followed, Ross became acquainted with the people and culture. He made many friends and in February 2001, he was honored with the title of Honorary Consul, for the four-state region of Missouri, Kansas, Nebraska, and Iowa. Currently, Ross Marine continues to be one of our metropolitan area's most important links to Eastern Europe. He has brought exhibits, business opportunities and international relationships with the Embassy of the Slovak Republic to the people of Missouri's Fifth District. At Ross Marine's request, the Slovak Ambassador to the United States made an official visit to Kansas City for the re-dedication of the Liberty Memorial in 2006, the only national World War I monument in the United States.

Ross's latest endeavor was to spearhead efforts to bring the exhibition ''The Tragedy of Slovak Jews'' to Kansas City. This important exhibit is the first exhibition to illustrate the betrayal and atrocities committed towards Slovak Jews during World War II. Prepared and presented in cooperation with the National Czech and Slovak Museum and Library in Cedar Rapids, Iowa, this important exhibit was brought to the Kansas City area with the further assistance of the Czech and Slovak Club of Kansas City, the Jewish Community Center of Greater Kansas City, and the Midwest Center for Holocaust Education.

Madam Speaker, please join me in expressing our heartfelt gratitude to Mr. Ross P. Marine for his relentless efforts in extending goodwill, not only within the areas surrounding the Fifth Congressional District of Missouri, but to the global community. I urge my colleagues to please join me in expressing our appreciation to Mr. Marine and his endless commitment to the Slovak community. He is a true role model, not just to the Slovak-American community in Missouri, but to our entire society.

IN RECOGNITION OF HOUR CHILDREN AND ITS 2007 HONOREES, ABIGAIL DISNEY, KIRK GOODRICH, AND XIOMARA GUTIERREZ

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise to pay tribute to Hour Children, a not-for-profit social service agency in Long Island City, New York dedicated to supporting mothers currently or previously incarcerated in prison and to providing a stable and nurturing environment for their children. This month, Hour Children is celebrating its 12th anniversary at its Annual Awards Benefit, where the organization is honoring 3 outstanding individuals: Abigail Disney, Kirk Goodrich and Xiomara Gutierrez.

Originally founded in 1995 by Sister Teresa Fitzgerald, CSJ, for children rendered homeless by their mothers' incarceration, Hour Children has grown into a full-service, multifaceted social service provider to countless families in need. Sister Teresa, familiarly know as ''Sister Tesa,'' secured housing at the Roman Catholic Convent of St. Rita's in Long Island City as a home for these children, and joined with 4 other Sisters to become foster parents. They went on to establish parent support programs at New York State's Bedford Hills and Taconic Correctional Institutions, facilitating visit schedules so that female inmates and their children were able to reunite for a few hours on a regular basis.

Although nearly one third of prisoners in New York State are reincarcerated, Hour Children's rate of recidivism is less than 10 percent because its clients are afforded ample time to make a successful transition to assuming responsibilities for family and work. Hour Children's unique approach begins by forging relationships with its adult clients while they are still in prison, bringing their children to visit regularly, and providing advocacy and mentoring on parenting, domestic violence, and employment counseling, thus easing their transition to reunification with their children. In forging long-term relationships with its clients built on trust, Hour Children helps them to attain independence and self-sufficiency at a pace suited to their needs.

Today, Hour Children is a community of 5 multi-family residences, serving families with children from infancy to 21 years of age. More than 200 ''graduates'' of its housing program have successfully made the transition to independent living, returning for monthly support group meetings and special events. In addition, Hour Children was officially recognized as a work release site, opening a Community Outreach Center and 3 thrift shops.

Hour Children's success would not have been possible without the extraordinary contributions of its 3 honorees this year. As Co-Founder and President of the Daphne Foundation, Abigail E. Disney, Ph.D., has devoted herself tirelessly to confronting the causes and consequences of poverty in our Nation's greatest city. She was indispensable in securing and providing the first funding for Hour Children's Early Learning program for children ranging from infants to 3-year-olds.

Hour Children is also honoring Kirk Goodrich, Vice President of the Enterprise Social Investment Corporation, one of the Nation's leading providers of community development capital, tax credit equity investments, and development services for affordable housing, mixed-use, and commercial development. His leadership helped secure the financing to enable Hour Children to open a new residence under construction at 35–54 11th Street in Long Island City, where 8 apartment units will be available to Hour Children's client families.

In addition, Hour Children is honoring Xiomara Gutierrez with its First Annual Jean Harris Award. A mother, child care worker, and trusted confidante to countless families, Xiomara Harris has touched and inspired the Hour Children community with her compassion and dedication.

Madam Speaker, I ask my distinguished colleagues to join me in recognizing the remarkable successes enjoyed by Hour Children in helping countless individuals transcend their circumstances and realize their full potential.

A TRIBUTE TO THE CENTENNIAL CELEBRATION OF PLAINVIEW, TEXAS

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. NEUGEBAUER. Madam Speaker, I rise today to celebrate Plainview, Texas' centennial birthday. For it was in 1907 that the city's founders took the pivotal step from frontier community to an incorporated city.

One hundred years ago, the Santa Fe Railroad decided to put down tracks through Plainview. This helped spur economic growth and attract new residents to the budding community.

Today, Plainview's location along the Ports-to-Plains Trade Corridor is having the same effect as its population grows and new businesses come to the area.

During the past century, Plainview's citizens have witnessed the mode of transportation change from rail to road, and local agriculture evolve from being merely a source of food and fiber to also a source of energy.

However, despite these changes, the core values present at Plainview's founding are still alive and well 100 years later. A strong sense of community and a vibrant civic pride continue to make Plainview, Texas a welcome place for businesses and families.

It is indeed an honor and a privilege to represent the great people of Plainview in the United States Congress, and I wish the city well as it embarks on its second hundred years.

INTRODUCTION OF LEGISLATION TO EXTEND ELIGIBILITY FOR DEPARTMENT OF VETERANS AFFAIRS PENSION BENEFITS

HON. NICK J. RAHALL, II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Mr. RAHALL. Madam Speaker, this week, with the support of the American Legion and West Virginia veteran John Peters, I am again introducing two bills that will honor those who have served our country so bravely in times of conflict. Both pieces of legislation will achieve this by extending benefits to veterans who have served in harms way, though not in a time of declared war.

Throughout the history of the United States, our country has seen the personal courage and sacrifice by millions of Americans who have served in various wars and conflicts protecting our freedoms and our way of life. Madam Speaker, we have honored many of these fine men and women, but not all. Our

current law only awards full pension benefits to those who have served in a designated ''period of war'' and excludes those who have fought valiantly in other parts of the world.

Tom Hayes of American Legion Post 93 in Kenova, West Virginia recently acknowledged this mockery of our benefits system in an article from the Huntington Herald Dispatch in Huntington, West Virginia dated April 11, 2007. In this article, Mr. Hayes stated ''On Oct. 23, 1983, 241 of our finest died in Beirut, Lebanon. By the time the hostility ended on Feb. 8, 1984, 270 Americans had died. Some 20,000 Americans fought on or around Grenada between Oct. 23 and Nov. 21, 1983. Nineteen were killed and 116 were wounded. In Panama, 23 were killed in action and 322 wounded between Dec. 20, 1989 and Jan. 31, 1990. Public Law 101–478 expanded eligibility for membership in the American Legion to Veterans of Lebanon, Grenada, and Panama.'' In addition, Mr. Hayes wrote, ''Subsequent to Jan. 31, 1955, the Vietnam and Gulf War periods (Aug. 5, 1964 to May 7, 1975, and Aug. 2, 1990, to present) have made Korean Veterans eligible for disability pension, leaving approximately half who served between those periods not eligible along with veterans of Lebanon, Grenada, and Panama who answered the call to fight and who may now need financial help and are not eligible for a penny from the VA.''

My legislation will end this injustice. My first bill will extend eligibility for veterans' pension benefits to those who served in the areas of the Korean Peninsula, Lebanon, Grenada, and other areas of armed conflict, where their service involved hostile fire or aggression. The second piece of legislation will extend benefits to veterans who have received the expeditionary medal, which is earned by those with whom the Joint Chiefs of Staff have determined were engaged where hostile action by foreign armed forces was imminent.

The United States has sent service personnel to all corners of the globe and in every capacity they have made us proud. Unfortunately, when they return we do not always treat their honor with the respect that it deserves. We don't fund veterans' healthcare adequately and continue to let our veterans get caught in a never-ending bureaucracy denying them access to basic medical care. I am proud that this Congress has passed substantial Veterans benefits legislation in the past month and I hope that it is signs of more to come.

Madam Speaker, I will end with this, we put these men and women in harm's way because we trusted them and their ability, and they ought to be able to trust our ability. These pieces of legislation would align the sacrifice made with the compensation awarded. I say that these veterans deserve the same benefits afforded their brothers and sisters in arms who participated in declared wars and especially those that are civilian employees and eligible for the same benefits. I urge the Congress to pass this legislation in a swift manner so that we may begin to respect and honor all of our veterans who have served.

IN RECOGNITION OF THE 160TH ANNIVERSARY OF THE HANSON PLACE CENTRAL METHODIST CHURCH

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2007

Ms. CLARKE. Madam Speaker, it is with great pleasure that I rise today to pay tribute to a Brooklyn landmark, the Hanson Place Central United Methodist Church, on the occasion of their 160th Anniversary.

The first Hanson Place Methodist Church building was erected in 1847 at the corner of Hanson Place and St. Felix Street in Brooklyn. There, the history of ecumenical cooperation and community service began with a vibrant, Christ-centered congregation. Seventeen years later, to accommodate phenomenal congregational growth, a second and larger building was constructed, and dedicated on January 4, 1874. Then, on February 23, 1927, the Central Methodist Episcopal Church came into being by merging the Summerfield Methodist Church with the Hanson Place Methodist Church.

The church rose above challenges when its building purchased in 1874 was considered unsafe and had to be vacated leaving 1650 members belonging to a Church Without a Home as it was reported in the press.

By the end of 1930, sufficient investment had been committed in the Hanson Place Central Methodist Church that the church owned property that covered the entire corner on which to build its new cathedral. A lot on Hanson Place and on St. Felix Street was marked off for the structure, and today stands the Hanson Place Central United Methodist Church at 144 St. Felix Street.

The church's commitment to the community has been shown through their various ministries. Their Campaign Against Hunger has been a valuable resource for more than 15 years. This food pantry provides meals to over 110,000 individuals annually. It utilizes a customer choice approach and adopts a supermarket style of shopping with a nutritional education component.

For the past nine years, their Partnership for the Homeless ministry has provided a safe haven for men. This ministry serves as a resource for the Drop-In Center for the Bond Street Salvation Army. The shelter is open year round including public holidays.

The people who once belonged to a Church Without a Home, serves as a home for so many within a changing and rapidly developing neighborhood within and throughout Brooklyn.

I am honored that the Hanson Place Central Methodist Church has provided countless services to constituents within my district. I ask my colleagues to join me in commending this fine institution for their many years of service and commitment to the people of Brooklyn.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S4723–S4788

Measures Introduced: Nineteen bills were introduced, as follows: S. 1157–1175. **Pages S4750–51**

Measures Passed:

Court Security Improvement Act: By a unanimous vote of 97 yeas (Vote No. 135), Senate passed S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members. **Pages S4729–44**

During consideration of this measure today, Senate also took the following action:

Chair sustained a point of order against Ensign Amendment No. 897, to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into 2 circuits, as being in violation of section 505(a) of H. Con. Res. 95, Congressional Budget Resolution, 108th Congress, which imposes pay-as-you-go discipline on direct spending and revenue legislation, and the amendment thus fell. **Pages S4738–39**

Judicial Disclosure Responsibility Act: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 1130, to amend the Ethics in Government Act of 1978 to extend the authority to withhold from public availability a financial disclosure report filed by an individual who is a judicial officer or judicial employee, to the extent necessary to protect the safety of that individual or a family member of that individual, and the bill was then passed, clearing the measure for the President. **Page S4788**

America Competes Act—Agreement: A unanimous-consent agreement was reached providing that at 10:30 a.m., on Friday, April 20, 2007, Senate begin consideration of S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy, for debate only and that no amendments be in order to the bill; provided further that on Tuesday, April 24, 2007, during consideration of the bill, Senator Coburn be recognized to speak for one hour. **Page S4788**

Appointments:

Congressional-Executive Commission on the People's Republic of China: The Chair, on behalf of the President of the Senate, and after consultation with the Republican Leader, pursuant to Public Law 106–286, appointed the following Members to serve on the Congressional-Executive Commission on the People's Republic of China: Senators Hagel, Brownback, Smith, and Martinez. **Page S4788**

Messages From the House: **Page S4749**

Enrolled Bills Presented: **Page S4749**

Executive Communications: **Pages S4749–50**

Additional Cosponsors: **Pages S4751–52**

Statements on Introduced Bills/Resolutions: **Pages S4752–82**

Additional Statements: **Pages S4748–49**

Amendments Submitted: **Pages S4782–87**

Authorities for Committees to Meet: **Page S4787**

Record Votes: One record vote was taken today. (Total—135) **Pages S4741–42**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 4:45 p.m., until 10 a.m. on Friday, April 20, 2007. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4788.)

Committee Meetings

(Committees not listed did not meet)

RISING HIGHWAY FATALITIES

Committee on Appropriations: Subcommittee on Transportation, Housing, and Urban Development, and Related Agencies concluded a hearing to examine rising highway fatalities, after receiving testimony from Nicole R. Nason, Administrator, National Highway Traffic Safety Administration, John H. Hill, Administrator, Federal Motor Carrier Safety Administration, both of the United States Department of Transportation; and Mark V. Rosenker, Chairman, National Transportation Safety Board.

APPROPRIATIONS: DEPARTMENT OF JUSTICE

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2008 for the Department of Justice, after receiving testimony from John F. Clark, Director, United States Marshals Service, Karen P. Tandy, Administrator, United States Drug Enforcement Administration, and Michael J. Sullivan, Acting Director, Bureau of Alcohol, Tobacco, Firearms and Explosives, all of the Department of Justice.

APPROPRIATIONS: MILITARY CONSTRUCTION

Committee on Appropriations: Subcommittee on Military Construction, Veterans Affairs, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2008 for military construction for the Army, Navy, and Marine Corps, after receiving testimony from Keith E. Eastin, Assistant Secretary of the Army for Installations and Environment; Lieutenant General Robert Wilson, USA, Assistant Chief of Staff for Installation Management and Commanding General, Installation Management Command; Major General David P. Burford, Assistant to the Director of the Army National Guard; Brigadier General Richard J. Sherlock, Deputy Chief, Army Reserve and Deputy Commander for Management, Resources, and Support, U.S. Army Reserve Command; B.J. Penn, Assistant Secretary of the Navy for Installations and Environment; Major General James F. Flock, Assistant Deputy Commandant for Installations and Logistics (Facilities); and Rear Admiral Mark A. Handley, Navy Director of Ashore Readiness.

LOGCAP

Committee on Armed Services: Committee concluded a hearing to examine the Department of Defense's management of costs under the Logistics Civil Augmentation Program (LOGCAP) contract in Iraq, after receiving testimony from Senator Dorgan; and Claude M. Bolton, Jr., Assistant Secretary of the Army for Acquisition, Logistics and Technology, William H. Reed, Director, Defense Contract Audit Agency, Keith D. Ernst, Acting Director, Defense Contract Management Agency, Patrick J. Fitzgerald, Auditor General Department of the Army, and Major General Jerome Johnson, USA, Commanding General, United States Army Sustainment Command, all of the Department of Defense.

BUDGET: MILITARY SPACE PROGRAMS

Committee on Armed Services: Subcommittee on Strategic Forces Committee concluded open and closed hearings to examine proposed budget estimates for fiscal year 2008 for the military space programs in review of the Defense Authorization Request and the Future Years Defense Program, after receiving testimony from Ronald M. Sega, Under Secretary of Air Force, General Kevin P. Chilton, USAF, Commander, Air Force Space Command, Major General William L. Shelton, USAF, Commander, Joint Functional Component Command for Space, United States Strategic Command, Vice Admiral James D. McArthur, Jr., USN, Commander, Naval Network Warfare Command, all of the Department of Defense; and Christina T. Chaplain, Director, Acquisition and Sourcing Management, Government Accountability Office.

U.S. COMPETITIVENESS

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Innovation concluded a hearing to examine United States competitiveness through basic research, after receiving testimony John Marburger III, Director, Office of Science and Technology Policy; Arden L. Bement, Jr., Director, National Science Foundation; and William A. Jeffrey, Director, National Institute of Standards and Technology, Department of Commerce.

ALTERNATIVE FUELS AND VEHICLES TAX INCENTIVES

Committee on Finance: Committee concluded a hearing to examine grains, cane, and automobiles relating to tax incentives for alternative fuels and vehicles, after receiving testimony from Robert Farrington, Manager and Principal Researcher, Advance Vehicle Systems Group, National Renewable Energy Laboratory, Department of Energy; R. James Woolsey, National Commission on Energy Policy, former Director of Central Intelligence; Vinod Khosla, Khosla Ventures, Menlo Park, California; Bruce E. Dale, Michigan State University Department of Chemical Engineering and Materials Science, East Lansing; and Jay D. Debertin, CHS Inc., Inver Grove Heights, Minnesota.

GLOBAL WARMING

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the impact of global warming on private and federal insurance, focusing on financial risks to federal and private insurers in coming decades for damages caused by weather-related events in the United States, after receiving testimony from John B. Stephenson, Director, Natural Resources and Environment, Government Accountability Office; Eldon Gould, Administrator, Risk Management Agency, Department of Agriculture; Michael Buckley, Deputy Assistant Administrator for Mitigation, Federal

Emergency Management Agency, Department of Homeland Security; and Andrew Castaldi, Swiss Reinsurance America Corporation, Wilton, Connecticut.

IMPLEMENTING POSTAL REFORM

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded an oversight hearing to examine the current state of the Postal Service along with the efforts underway to implement the Postal Accountability and Enhancement Act (Public Law 109–435), including the Postal Service's financial condition in fiscal year 2007, the opportunities and challenges facing the Service, and major issues and areas for Congressional oversight, after receiving testimony from John E. Potter, Postmaster General and Chief Executive Officer, United States Postal Service; Dan G. Blair, Chairman, Postal Regulatory Commission; and Katherine Siggerud, Director, Physical Infrastructure Issues, Government Accountability Office.

DEPARTMENT OF JUSTICE

Committee on the Judiciary: Committee concluded an oversight hearing to examine the Department of Justice, after receiving testimony from Alberto R. Gonzales, Attorney General, Department of Justice.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

BIODENTICAL HORMONES

Special Committee on Aging: Committee concluded a hearing to examine bioidentical hormones, focusing on menopausal hormone therapy using conjugated equine estrogens and other forms of estrogen therapy, after receiving testimony from Jacques Rossouw, Chief, Women's Health Initiative Branch, National Heart, Lung, and Blood Institute, National Institutes of Health, and Steven K. Galson, Director, Center for Drug Evaluation and Research, Food and Drug Administration, both of the Department of Health and Human Services; Eileen Harrington, Deputy Director, Bureau of Consumer Protection, Federal Trade Commission; JoAnn E. Manson, Harvard Medical School, Boston, Massachusetts; Leonard Wartofsky, Endocrine Society, Chevy Chase, Maryland; Loyd V. Allen, Jr., International Journal of Pharmaceutical Compounding, Sugar Land, Texas; T. S. Wiley, Santa Barbara, California.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 38 public bills, H.R. 1937–1974; and 6 resolutions, H. Con. Res. 120–121; and H. Res. 322–325 were introduced. **Pages H3693–95**

Additional Cosponsors: **Pages H3695–96**

Report Filed: A report was filed today as follows: Supplemental report on H.R. 493, to prohibit discrimination on the basis of genetic information with respect to health insurance and employment (H. Rept. 110–28, Pt. 4). **Page H3693**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow, April 20th. **Page H3563**

Providing for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives: The House passed H.R. 1905, to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, by a recorded vote of 241 ayes to 177 noes, with 1 voting "present", Roll No. 231. **Pages H3568, H3593–94**

Rejected the Smith (TX) motion to recommit the bill to the Committee on the Judiciary with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 193 yeas to 227 nays, Roll No. 230. **Pages H3591–93**

H. Res. 317, the rule providing for consideration of H.R. 1905 and H.R. 1906, was agreed to by a yea-and-nay vote of 219 yeas to 196 nays, Roll No. 229, after agreeing to order the previous question by a yea-and-nay vote of 219 yeas to 196 nays, Roll No. 228. **Pages H3568, H3576–77**

Amending the Internal Revenue Code of 1986 to adjust the estimated tax payment safe harbor based on income for the preceding year in the case of individuals with adjusted gross income greater than $5 million: The House passed H.R. 1906, to amend the Internal Revenue Code of 1986

to adjust the estimated tax payment safe harbor based on income for the preceding year in the case of individuals with adjusted gross income greater than $5 million, by a yea-and-nay vote of 216 yeas to 203 nays, Roll No. 232. **Pages H3594–H3600**

H. Res. 317, the rule providing for consideration of H.R. 1905 and H.R. 1906, was agreed to by a yea-and-nay vote of 219 yeas to 196 nays, Roll No. 229, after agreeing to order the previous question by a yea-and-nay vote of 219 yeas to 196 nays, Roll No. 228. **Pages H3568, H3576–77**

Water Resources Development Act of 2007: The House passed H.R. 1495, to provide for the conservation and development of water and related resources and to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, by a yea-and-nay vote of 394 yeas to 25 nays, Roll No. 234. **Pages H3566–68, H3600–65**

Rejected the Walden (OR) motion to recommit the bill to the Committee on Transportation and Infrastructure with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 194 yeas to 226 nays, Roll No. 233. **Pages H3663–64**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill shall be considered as the original bill for the purpose of amendment. **Pages H3609–50**

Agreed to:

Oberstar modified manager's amendment (No. 1 printed in H. Rept. 110–100) that authorizes and modifies several Corps of Engineers' projects and studies for flood control, navigation, and environmental restoration; **Pages H3650–57**

Boswell amendment (No. 2 printed in H. Rept. 110–100) that provides the Rathbun Regional Water Association with a right of first refusal to purchase water supply storage from the Corps of Engineers at Rathbun Lake, Iowa; **Page H3657**

Stupak amendment (No. 4 printed in H. Rept. 110–100) that ensures that all harbor maintenance is funded based on FY2004 standards, regardless of the amount of tonnage a harbor handles; **Pages H3657–59**

Blumenauer amendment (No. 5 printed in H. Rept. 110–100) that strikes section 2036 of the legislation and replace it with language directing the Secretary of the Army to update the principles and guidelines that the Army Corps of Engineers uses in the formulation, evaluation, and implementation of water resources projects, and requires the Secretary to consult with other agencies and the public in developing the new principles and guidelines; and **Pages H3659–61**

Kirk modified amendment (No. 6 printed in H. Rept. 110–100) that adds a new paragraph relating to an aquatic ecosystem restoration project in Lake County, Illinois. **Pages H3661–63**

H. Res. 319, the rule providing for consideration of H.R. 1495, was agreed to by voice vote, after agreeing to order the previous question.

U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007—Motion to go to Conference: The House disagreed to the Senate amendment to H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and agreed to a conference. **Pages H3665–72**

Agreed to the Lewis (CA) motion to instruct conferees on the bill by a yea-and-nay vote of 215 yeas to 199 nays, with 1 voting "present", Roll No. 235. **Pages H3665–72**

Appointed as conferees: Representatives Obey, DeLauro, Murtha, Visclosky, Lowey, Price (NC), Dicks, Edwards, Mollohan, Olver, Serrano, Wasserman Schultz, Clyburn, Lewis (CA), Young (FL), Rogers (KY), Wolf, Walsh, Hobson, Knollenberg, Kingston, Frelinghuysen, and Wicker. **Page H3672**

Supplemental Report: Agreed that the Committee on Energy and Commerce be permitted to file a supplemental report on H.R. 493, to prohibit discrimination on the basis of genetic information with respect to health insurance and employment. **Page H3672**

Committee Election: The House agreed to H. Res. 323, electing the following Members of the House of Representatives to serve on the Committee on Foreign Affairs: Representative Gene Green (TX), to rank immediately after Representative Tanner, and Representative Crowley, to rank immediately after Representative Hinojosa. **Page H3673**

Senate Message: Message received from the Senate today appears on page H3563.

Senate Referral: S. Con. Res. 28 was referred to the Committee on Foreign Affairs. **Page H3691**

Quorum Calls—Votes: Seven yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H3576, H3576–77, H3592–93, H3593, H3599–H3600, H3664, H3665, H3671–72. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:35 p.m.

Committee Meetings

FARM BILL CONSERVATION PROGRAMS

Committee on Agriculture: Subcommittee on Conservation, Credit, Energy and Research held a hearing to review USDA Farm Bill conservation programs. Testimony was heard from public witnesses.

AGRICULTURE, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies continued hearings on Food Safety and Inspection Service. Testimony was heard from the following officials of the USDA: Richard Raymond, Under Secretary, Food Safety; David Goldman, Acting Administrator, Food Safety and Inspection Service; and W. Scott Steele, Budget Officer.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense met in executive session to hold a hearing on U.S. Special Operations—Command. Testimony was heard from GEN Doug Brown, Combatant Commander, Department of Defense.

INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies continued appropriation hearings. Testimony was heard from Members of Congress and public witnesses.

LEGISLATIVE BRANCH APPROPRIATIONS

Committee on Appropriations: Subcommittee on Legislative Branch held a hearing on the GAO. Testimony was heard from the following officials of the GAO: David Walker, Comptroller General; Gene Dodaro, Chief Operating Officer; and Sallyanne Harper, Chief Administrative Officer.

STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS

Committee on Appropriations: Subcommittee on State, Foreign Operations, and Related Programs held a hearing on Public Diplomacy and Broadcasting Programs. Testimony was heard from Karen Hughes, Under Secretary, Public Diplomacy and Public Affairs, Department of State.

INTELLIGENCE/RECONNAISSANCE BUDGET

Committee on Armed Services: Subcommittee on Air and Land Forces held a hearing on Fiscal Year 2008 National Defense Authorization Budget Request, Unmanned Aerial Vehicles and Intelligence, Surveillance, and Reconnaissance capabilities. Testimony was heard from the following officials of the GAO: Davi M. D'Agostino, and Sharon L. Pickup, both Directors, Defense Capabilities and Management Issues; and Michael J. Sullivan, Director, Acquisition and Sourcing Management Issues; and the following officials of the Department of Defense: Joe Landon, Deputy Assistant Secretary, Command, Control, Communication, Intelligence, Surveillance and Reconnaissance; BG Walt Davis, USA, Commander, Joint Unmanned Aircraft Systems Center of Excellence; LTG David A. Deptula, USAF, Deputy Chief of Staff, Intelligence, Surveillance, and Reconnaissance, U.S. Air Force; MG Jeffrey A. Sorenson, USA, Deputy, Acquisition and Systems Management, Office of the Secretary of the Army (Acquisition, Logistics, and Technology); RADM Bruce W. Clingan, USN, Deputy Chief of Naval Operations, Deputy Director, Air Warfare; and BG Randolph Alles, USMC, Commanding General, Marine Corps Warfighting Lab.

NATIONAL AND COMMUNITY SERVICE—RENEWING THE SPIRIT

Committee on Education and Labor: Subcommittee on Healthy Families and Communities held a hearing on Renewing the Spirit of National and Community Service. Testimony was heard from public witnesses.

SPY ACT

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection approved for full Committee action, as amended, H.R. 964, Securely Protect Yourself Against Cyber Trespass Act.

DIGITAL COMMUNICATIONS OUTLOOK

Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet, continued hearings entitled "Digital Future of the United States: Part III: Spectrum Opportunities and the Future of Wireless." Testimony was heard from public witnesses.

FHA REFORM

Committee on Financial Services: Subcommittee on Housing and Community Opportunity held a hearing entitled "The Expanding American Homeownership Act of 2007: H.R. 1852, to modernize and update the National Housing Act and enable the Federal Housing Administration to use risk-based pricing to more effectively reach underserved borrowers; and related FHA Modernization Issues. Testimony was heard from Brian D. Montgomery, Assistant Secretary, Housing—Federal Housing Commissioner, Department of Housing and Urban Development; and public witnesses.

MISCELLANEOUS MEASURES; DARFUR CRISIS

Committee on Foreign Affairs: Favorably considered and adopted a motion urging the Chairman to request that the following resolutions, as amended, be considered on the Suspension Calendar: H. Res. 243, Calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Nguyen Van Ly, Nguyen Van Dai, Le Thi Cong Nhan, and other political prisoners and prisoners of conscience; H. Res. 272, Commemorating the 200th anniversary of the abolition of the transatlantic slave trade; and H. Con. Res. 7, Calling on the League of Arab States to acknowledge the genocide in the Darfur region of Sudan and to step up their efforts to stop the genocide in Darfur.

The Committee also held a hearing on the Current Situation in Darfur. Testimony was heard from Mia Farrow, Goodwill Ambassador, UNICEF; and public witnesses.

FEDERAL SYSTEMS CYBER SECURITY

Committee on Homeland Security: Subcommittee on Emerging Threats, Cybersecurity, and Science Technology held a hearing entitled ''Cyber Insecurity: Hackers are Penetrating Federal Systems and Critical Infrastructure.'' Testimony was heard from Dave Jarrell, Manager, Critical Infrastructure Protection Program, Department of Commerce; Donald Reid, Senior Coordinator, Security Infrastructure, Bureau of Diplomatic Security, Department of State; Jerry Dixon, Director, National Cyber Security Division, Department of Homeland Security; Greg Wilshusen, Director, Information Security Issues, GAO; and public witnesses

HOMELAND SECURITY DEPARTMENT MORALE

Committee on Homeland Security: Subcommittee on Management, Investigations, and Oversight held a hearing entitled ''Addressing the Department of Homeland Security's Morale Crisis.'' Testimony was heard from Marta Brito Perez, Chief Human Capital Officer, Department of Homeland Security; and public witnesses.

AIRPORT SECURITY IMPROVEMENTS

Committee on Homeland Security: Subcommittee on Transportation and Infrastructure Protection held a hearing entitled ''Airport Security: The Necessary Improvements to Secure America's Airports.'' Testimony was heard from Kip Hawley, Assistant Secretary, Transportation Security Administration, Department of Homeland Security; and public witnesses.

FEDERAL JUDICIAL COMPENSATION

Committee on the Judiciary: Sucommittee on Courts, the Internet and Intellectual Property held an oversight hearing on Federal Judicial Compensation. Testimony was heard from the following Presiding Justices of the U.S. Supreme Court: Stephen G. Breyer; and Samuel A. Alito.

IMMIGRATION REFORM

Committee on the Judiciary: Subcommittee on Immigration, Citizenship, Refugees, Border Security and International Law held a hearing on Shortfalls of 1986 Immigration Reform Legislation. Testimony was heard from public witnesses.

Hearings continue tomorrow.

FEDERAL LANDS ENERGY OPPORTUNITIES

Committee on Natural Resources: Subcommittee on Energy and Mineral Resources held an oversight hearing on Renewable Energy Opportunities and Issues on Federal Lands: Review of Title II, Subtitle B–Geothermal Energy of EPAct; and other renewable programs and proposals for public resources. Testimony was heard from Jim Hughes, Director, Bureau of Land Management, Department of the Interior; and public witnesses.

NORTHERN MARIANA ISLANDS

Committee on Natural Resources: Subcommittee on Insular Affairs held an oversight hearing on Current Economic, Social and Security Conditions of the Commonwealth of the Northern Mariana Islands. Testimony was heard from Pedro A. Tenorio, Resident Representative, Commonwealth of the Northern Mariana Islands; David B. Cohen, Deputy Assistant Secretary, Insular Affairs, Department of the Interior; and Jeanette Franzel, Director, Financial Management and Assurance, GAO.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Subcommittee on Natural Parks, Forests and Public Lands approved for full Committee action the following measures: H.R. 359, amended, Cesar Estrada Chavez Study Act; H.R. 713, amended, Niagara Falls National Heritage Area Act; H.R. 986, Eightmile Wild and Scenic River Act, H.R. 1080, Grand Teton National Park Extension Act of 2007; H.R. 1100, amended, Carl Sandburg Home National Historic Site Boundary Revision Act of 2007; and H. Con. Res. 116, Expressing the sense of Congress that the National Museum of Wildlife Art, located in Jackson, Wyoming, shall be designated as the ''National Museum of Wildlife Art of the United States.''

MISCELLANEOUS MEASURES

Committee on Natural Resources: Subcommittee on Water and Power approved for full Committee action the following bills: H.R. 487, Cheyenne River Sioux Tribe Equitable Compensation Amendments Act of 2007; H.R. 1114, Alaska Water Resources Act of 2007; H.R. 1140, South Orange County Recycled Water Enhancement Act; H.R. 1337, to provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District; and H.R. 1662, to amend the Reclamation Safety of Dams Act of 1978 to authorize improvements for the security of dams and other facilities.

CONTRACTOR TAX ENFORCEMENT

Committee on Oversight and Government Reform: Subcommittee on Government Management, Organization and Procurement held a hearing on the following measures: H.R. 1870, Contractor Tax Enforcement Act; and H.R. 1865, To amend title 31, United States Code, to allow certain local tax debt to be collected through the reduction of Federal tax funds. Testimony was heard from Paul A. Denett, Administrator, Office of Federal Procurement Policy, OMB; J. Russell George, Inspector General, Tax Administration, Department of the Treasury; Gregory D. Kutz, Managing Director, Forensic Audits and Special Investigations, GAO; and public witnesses.

NSF AUTHORIZATION

Committee on Science and Technology: Subcommittee on Research and Science approved for full Committee, as amended, H.R. 1867, National Science Foundation Authorization Act of 2007.

TECHNOLOGY INNOVATION AND MANUFACTURING STIMULATION ACT OF 2007

Committee on Science and Technology: Subcommittee on Technology and Innovation approved for full Committee action, as amended, H.R. 1868, Technology Innovation and Manufacturing Stimulation Act of 2007.

SMALL BUSINESSES' FEDERAL CONTRACTS

Committee on Small Business:, Held a hearing entitled ''Expanding Small Businesses' Access to Federal Contracts.'' Testimony was heard from Paul Hsu, Associate Administrator, Government Contracting and Business Development, SBA; and public witnesses.

HIGH-SPEED RAIL SYSTEMS

Committee on Transportation and Infrastructure, Subcommittee on Railroads, Pipelines, and Hazardous Materials held a hearing on High-Speed Rail Systems. Testimony was heard from public witnesses.

AGRICULTURE'S IMPACT ON WATER QUALITY

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on Nonpoint Source Pollution: The Impact of Agriculture on Water Quality. Testimony was heard from Richard Coombe, Regional Assistant Chief, Natural Resources Conservation Service, USDA; Craig Hooks, Director, Office of Wetlands, Oceans and Watersheds, Office of Water, EPA; and public witnesses.

VETERANS EDUCATION/TRAINING PROGRAMS

Committee on Veterans' Affairs: Subcommittee on Economic Opportunity held a hearing on State Approving Agencies. Testimony was heard from George Scott, Acting Director, Education, Workforce, and Income Security Issues, GAO; John McWilliam, Deputy Assistant Secretary, Veterans' Employment and Training Service, Department of Labor; Carol Griffiths, Chief, Accrediting Agency Evaluation Unit, Accreditation and State Liaison Staff, Department of Education; Keith M. Wilson, Director of Education Service, Department of Veterans Affairs.

SALISBURY VA MEDICAL CENTER INVESTIGATIONS

Committee on Veterans' Affairs: Subcommittee on Oversight and Investigations held a hearing on Surgical Services at the W.G. (Bill) Hefner VA Medical Center in Salisbury, North Carolina. Testimony was heard from John D. Daigh, M.D., Assistant Inspector General, Healthcare Inspections, Office of the Inspector General; and the following officials of the Department of Veterans Affairs: Sidney Steinberg, M.D., Chief of Staff, W.G. (Bill) Hefner VA Medical Center; and William F. Feeley, Deputy Under Secretary, Health, for Operations and Management.

ENERGY AND TAX POLICY

Committee on Ways and Means: Subcommittee on Select Revenue Measures held a hearing on Energy and Tax Policy. Testimony was heard from public witnesses.

NATIONAL CLANDESTINE SERVICE/ HUMAN INTELLIGENCE

Permanent Select Committee on Intelligence: Meet in executive session to hold a hearing on National Clandestine Service/Human Intelligence. Testimony was heard from departmental witnesses.

COMMITTEE MEETINGS FOR FRIDAY, APRIL 20, 2007

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2008 for the National Institutes of Health, focusing on the burden of chronic diseases, 9:30 a.m., SD–116.

House

Committee on Appropriations, Subcommittee on Defense, on Guard and Reserve-Oversight, 10 a.m., H–140 Capitol.

Subcommittee on Financial Services and General Government, on District of Columbia, 10 a.m., 2359 Rayburn.

Committee on Education and Labor, hearing on Mismanagement and Conflicts of Interest in the Reading First Program, 9 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, hearing entitled ''Department of Energy's Response to Ongoing Mismanagement at the Los Alamos National Labs,'' 9:30 a.m., 2123 Rayburn.

Committee on Homeland Security, hearing entitled ''Responsibility in Federal Homeland Security Contracting,'' 10 a.m., 2118 Rayburn.

Committee on the Judiciary, Subcommittee on Immigration, Citizenship, Refugees, Border Security and International Law, to continue hearings on Shortfalls of 1986 Immigration Reform Legislation, 10 a.m., 2141 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, hearing on Aviation Consumer Issues, 10 a.m., 2167 Rayburn.

Subcommittee on Economic Development, Public Buildings, and Emergency Management, hearing on FEMA's Emergency Food Supply System, 9 a.m., 2253 Rayburn.

Next Meeting of the SENATE

10 a.m., Friday, April 20

Senate Chamber

Program for Friday: After the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will begin consideration of S. 761, America Competes Act, for debate only.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, April 20

House Chamber

Program for Friday: Complete consideration of H.R. 1257—Shareholder Vote on Executive Compensation Act and consideration of H.R. 363—Sowing the Seeds Through Science and Engineering Research Act.

Extensions of Remarks, as inserted in this issue

HOUSE

Baldwin, Tammy, Wisc., E789
Bonner, Jo, Ala., E788, E791, E794
Brown-Waite, Ginny, Fla., E792
Burgess, Michael C., Tex., E800
Capps, Lois, Calif., E795
Carson, Julia, Ind., E800
Clarke, Yvette D., N.Y., E807
Cleaver, Emanuel, Mo., E805
Clyburn, James E., S.C., E797
Davis, Danny K., Ill., E801
Davis, Tom, Va., E804
Diaz-Balart, Lincoln, Fla., E803
Drake, Thelma D., Va., E794
Ellsworth, Brad, Ind., E803
Fallin, Mary, Okla., E805
Garrett, Scott, N.J., E793
Hall, John J., N.Y., E800
Hare, Phil, Ill., E799
Harman, Jane, Calif., E803
Hinojosa, Rubén, Tex., E798
Inslee, Jay, Wash., E796
Johnson, Henry C. ''Hank'', Jr., Ga., E787, E790
Kucinich, Dennis J., Ohio, E798
Levin, Sander M., Mich., E787, E790
Lewis, Ron, Ky., E788, E791, E794
Loebsack, David, Iowa, E802
Maloney, Carolyn B., N.Y., E801, E806
Marchant, Kenny, Tex., E793
Markey, Edward J., Mass., E801
Meek, Kendrick B., Fla., E789
Miller, Candice S., Mich., E797
Murphy, Christopher S., Conn., E800
Neugebauer, Randy, Tex., E806
Pascrell, Bill, Jr., N.J., E796, E802
Pence, Mike, Ind., E793
Poe, Ted, Tex., E805
Pomeroy, Earl, N.D., E797
Rahall, Nick J., II, W.Va., E806
Reyes, Silvestre, Tex., E789
Reynolds, Thomas M., N.Y., E792
Rodriguez, Ciro D., Tex., E789
Roybal-Allard, Lucille, Calif., E795
Schakowsky, Janice D., Ill., E788, E791
Sires, Albio, N.J., E802
Smith, Christopher H., N.J., E804
Tauscher, Ellen O., Calif., E793
Terry, Lee, Nebr., E800
Towns, Edolphus, N.Y., E787, E790
Udall, Mark, Colo., E796
Udall, Tom, N.M., E805
Van Hollen, Chris, Md., E787, E790
Wasserman Schultz, Debbie, Fla., E794
Wolf, Frank R., Va., E792

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